FEDERAL REGISTER

Vol. 85 Friday,

No. 138 July 17, 2020

Pages 43413–43680

OFFICE OF THE FEDERAL REGISTER

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Presidential Documents

Title 3—

The President

Executive Order 13936 of July 14, 2020

The President's Executive Order on Hong Kong Normalization

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the United States-Hong Kong Policy Act of 1992 (Public Law 102–393), the Hong Kong Human Rights and Democracy Act of 2019 (Public Law 116–76), the Hong Kong Autonomy Act of 2020, signed into law July 14, 2020, the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA), section 212(f) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1182(f)), and section 301 of title 3, United States Code,

I, DONALD J. TRUMP, President of the United States of America, determine, pursuant to section 202 of the United States-Hong Kong Policy Act of 1992, that the Special Administrative Region of Hong Kong (Hong Kong) is no longer sufficiently autonomous to justify differential treatment in relation to the People's Republic of China (PRC or China) under the particular United States laws and provisions thereof set out in this order. In late May 2020, the National People's Congress of China announced its intention to unilaterally and arbitrarily impose national security legislation on Hong Kong. This announcement was merely China's latest salvo in a series of actions that have increasingly denied autonomy and freedoms that China promised to the people of Hong Kong under the 1984 Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong (Joint Declaration). As a result, on May 27, 2020, the Secretary of State announced that the PRC had fundamentally undermined Hong Kong's autonomy and certified and reported to the Congress, pursuant to sections 205 and 301 of the United States-Hong Kong Policy Act of 1992, as amended, respectively, that Hong Kong no longer warrants treatment under United States law in the same manner as United States laws were applied to Hong Kong before July 1, 1997. On May 29, 2020, I directed the heads of executive departments and agencies (agencies) to begin the process of eliminating policy exemptions under United States law that give Hong Kong differential treatment in relation to China.

China has since followed through on its threat to impose national security legislation on Hong Kong. Under this law, the people of Hong Kong may face life in prison for what China considers to be acts of secession or subversion of state power—which may include acts like last year's widespread anti-government protests. The right to trial by jury may be suspended. Proceedings may be conducted in secret. China has given itself broad power to initiate and control the prosecutions of the people of Hong Kong through the new Office for Safeguarding National Security. At the same time, the law allows foreigners to be expelled if China merely suspects them of violating the law, potentially making it harder for journalists, human rights organizations, and other outside groups to hold the PRC accountable for its treatment of the people of Hong Kong.

I therefore determine that the situation with respect to Hong Kong, including recent actions taken by the PRC to fundamentally undermine Hong Kong's autonomy, constitutes an unusual and extraordinary threat, which has its source in substantial part outside the United States, to the national security,

foreign policy, and economy of the United States. I hereby declare a national emergency with respect to that threat.

In light of the foregoing, I hereby determine and order:

Section 1. It shall be the policy of the United States to suspend or eliminate different and preferential treatment for Hong Kong to the extent permitted by law and in the national security, foreign policy, and economic interest of the United States.

Sec. 2. Pursuant to section 202 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5722), I hereby suspend the application of section 201(a) of the United States-Hong Kong Policy Act of 1992, as amended (22 U.S.C. 5721(a)), to the following statutes:

(a) section 103 of the Immigration Act of 1990 (8 U.S.C. 1152 note);

(b) sections 203(c), 212(l), and 221(c) of the Immigration and Nationality Act of 1952, as amended (8 U.S.C. 1153(c), 1182(l), and 1201(c), respectively);

(c) the Arms Export Control Act (22 U.S.C. 2751 *et seq.*);

(d) section 721(m) of the Defense Production Act of 1950, as amended (50 U.S.C. 4565(m));

(e) the Export Control Reform Act of 2018 (50 U.S.C. 4801 *et seq.*); and

(f) section 1304 of title 19, United States Code.

Sec. 3. Within 15 days of the date of this order, the heads of agencies shall commence all appropriate actions to further the purposes of this order, consistent with applicable law, including, to:

(a) amend any regulations implementing those provisions specified in section 2 of this order, and, consistent with applicable law and executive orders, under IEEPA, which provide different treatment for Hong Kong as compared to China;

(b) amend the regulation at 8 CFR 212.4(i) to eliminate the preference for Hong Kong passport holders as compared to PRC passport holders;

(c) revoke license exceptions for exports to Hong Kong, reexports to Hong Kong, and transfers (in-country) within Hong Kong of items subject to the Export Administration Regulations, 15 CFR Parts 730–774, that provide differential treatment compared to those license exceptions applicable to exports to China, reexports to China, and transfers (in-country) within China;

(d) consistent with section 902(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246), terminate the export licensing suspensions under section 902(a)(3) of such Act insofar as such suspensions apply to exports of defense articles to Hong Kong persons who are physically located outside of Hong Kong and the PRC and who were authorized to receive defense articles prior to the date of this order;

(e) give notice of intent to suspend the Agreement Between the Government of the United States of America and the Government of Hong Kong for the Surrender of Fugitive Offenders (TIAS 98–121);

(f) give notice of intent to terminate the Agreement Between the Government of the United States of America and the Government of Hong Kong for the Transfer of Sentenced Persons (TIAS 99–418);

(g) take steps to end the provision of training to members of the Hong Kong Police Force or other Hong Kong security services at the Department of State's International Law Enforcement Academies;

(h) suspend continued cooperation undertaken consistent with the now-expired Protocol Between the U.S. Geological Survey of the Department of the Interior of the United States of America and Institute of Space and Earth Information Science of the Chinese University of Hong Kong Concerning Scientific and Technical Cooperation in Earth Sciences (TIAS 09–1109);

(i) take steps to terminate the Fulbright exchange program with regard to China and Hong Kong with respect to future exchanges for participants traveling both from and to China or Hong Kong;

(j) give notice of intent to terminate the agreement for the reciprocal exemption with respect to taxes on income from the international operation of ships effected by the Exchange of Notes Between the Government of the United States of America and the Government of Hong Kong (TIAS 11892);

(k) reallocate admissions within the refugee ceiling set by the annual Presidential Determination to residents of Hong Kong based on humanitarian concerns, to the extent feasible and consistent with applicable law; and

(l) propose for my consideration any further actions deemed necessary and prudent to end special conditions and preferential treatment for Hong Kong.

Sec. 4. All property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person, of the following persons are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

(a) Any foreign person determined by the Secretary of State, in consultation with the Secretary of the Treasury, or the Secretary of the Treasury, in consultation with the Secretary of State:

(i) to be or have been involved, directly or indirectly, in the coercing, arresting, detaining, or imprisoning of individuals under the authority of, or to be or have been responsible for or involved in developing, adopting, or implementing, the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Administrative Region;

(ii) to be responsible for or complicit in, or to have engaged in, directly or indirectly, any of the following:

(A) actions or policies that undermine democratic processes or institutions in Hong Kong;

(B) actions or policies that threaten the peace, security, stability, or autonomy of Hong Kong;

(C) censorship or other activities with respect to Hong Kong that prohibit, limit, or penalize the exercise of freedom of expression or assembly by citizens of Hong Kong, or that limit access to free and independent print, online or broadcast media; or

(D) the extrajudicial rendition, arbitrary detention, or torture of any person in Hong Kong or other gross violations of internationally recognized human rights or serious human rights abuse in Hong Kong;

(iii) to be or have been a leader or official of:

(A) an entity, including any government entity, that has engaged in, or whose members have engaged in, any of the activities described in subsections (a)(i), (a)(ii)(A), (a)(ii)(B), or (a)(ii)(C) of this section; or

(B) an entity whose property and interests in property are blocked pursuant to this order.

(iv) to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, any person whose property and interests in property are blocked pursuant to this section;

(v) to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to this section; or

(vi) to be a member of the board of directors or a senior executive officer of any person whose property and interests in property are blocked pursuant to this section.

(b) The prohibitions in subsection (a) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted before the date of this order.

Sec. 5. I hereby determine that the making of donations of the types of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to section 4 of this order would seriously impair my ability to deal with the national emergency declared in this order, and I hereby prohibit such donations as provided by section 4 of this order.

Sec. 6. The prohibitions in section 4(a) of this order include:

(a) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to section 4(a) of this order; and

(b) the receipt of any contribution or provision of funds, goods, or services from any such person.

Sec. 7. The unrestricted immigrant and nonimmigrant entry into the United States of aliens determined to meet one or more of the criteria in section 4(a) of this order, as well as immediate family members of such aliens, or aliens determined by the Secretary of State to be employed by, or acting as an agent of, such aliens, would be detrimental to the interest of the United States, and the entry of such persons into the United States, as immigrants and nonimmigrants, is hereby suspended. Such persons shall be treated as persons covered by section 1 of Proclamation 8693 of July 24, 2011 (Suspension of Entry of Aliens Subject to United Nations Security Council Travel Bans and International Emergency Economic Powers Act Sanctions). The Secretary of State shall have the responsibility of implementing this section pursuant to such conditions and procedures as the Secretary has established or may establish pursuant to Proclamation 8693.

Sec. 8. (a) Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 9. Nothing in this order shall prohibit transactions for the conduct of the official business of the Federal Government by employees, grantees, or contractors thereof.

Sec. 10. For the purposes of this order:

(a) the term ''person'' means an individual or entity;

(b) the term ''entity'' means a government or instrumentality of such government, partnership, association, trust, joint venture, corporation, group, subgroup, or other organization, including an international organization;

(c) the term ''United States person'' means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States; and

(d) The term ''immediate family member'' means spouses and children of any age.

Sec. 11. For those persons whose property and interests in property are blocked pursuant to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to section 4 of this order would render those measures

ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in this order, there need be no prior notice of a listing or determination made pursuant to section 4 of this order.

Sec. 12. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including adopting rules and regulations, and to employ all powers granted to me by IEEPA as may be necessary to implement this order. The Secretary of the Treasury may, consistent with applicable law, redelegate any of these functions within the Department of the Treasury. All departments and agencies of the United States shall take all appropriate measures within their authority to implement this order.

Sec. 13. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to submit recurring and final reports to the Congress on the national emergency declared in this order, consistent with section 401(c) of the NEA (50 U.S.C. 1641(c)) and section 204(c) of IEEPA (50 U.S.C. 1703(c)).

Sec. 14. (a) Nothing in this order shall be construed to impair or otherwise affect:

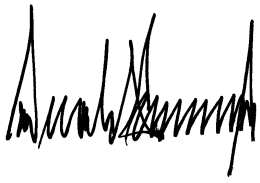
(i) the authority granted by law to an executive department or agency; or

(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.

Sec. 15. If, based on consideration of the terms, obligations, and expectations expressed in the Joint Declaration, I determine that changes in China's actions ensure that Hong Kong is sufficiently autonomous to justify differential treatment in relation to the PRC under United States law, I will reconsider the determinations made and actions taken and directed under this order.



THE WHITE HOUSE,
July 14, 2020.

[FR Doc. 2020–15646
Filed 7–16–20; 8:45 am]
Billing code 3295–F0–P

Rules and Regulations

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

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2019–0202]

RIN 3150–AK39

List of Approved Spent Fuel Storage Casks: TN Americas LLC, Standardized NUHOMS® Horizontal Modular Storage System, Certificate of Compliance No. 1004, Renewed Amendment No. 16; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule; correction.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is correcting a notice that was published in the **Federal Register** on June 30, 2020, revising the TN Americas LLC, Standardized NUHOMS® Horizontal Modular Storage System listing within the ''List of approved spent fuel storage casks'' to include Renewed Amendment No. 16 to Certificate of Compliance No. 1004. This action is necessary to provide ADAMS accession numbers in the Availability of Documents table listing that were inadvertently omitted.

DATES: The correction is effective on September 14, 2020, if no significant adverse comments are received by July 30, 2020.

ADDRESSES: Please refer to Docket ID NRC–2019–0202 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–2019–0202. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individuals 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.*
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FOR FURTHER INFORMATION CONTACT: Norma Garcia Santos, Office of Nuclear Material Safety and Safeguards; telephone: 301–415–6999; email: *Norma.GarciaSantos@nrc.gov* or Torre Taylor, Office of Nuclear Material Safety and Safeguards; telephone: 301–415–7900; email: *Torre.Taylor@nrc.gov*. Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION: In the **Federal Register** (FR) on June 30, 2020, in FR Doc. 2020–13730, on page 39054, in the Availability of Documents table listing for ''Technical Specifications for TN Americas LLC Amendment No. 16 to Certificate of Compliance No. 1004,'' add the ADAMS accession numbers ML19262E157, ML19262E159, and ML19262E153.

Dated July 9, 2020.

For the Nuclear Regulatory Commission.

Pamela J. Shepherd-Vladimir,

Acting Chief, Regulatory Analysis and Rulemaking Support Branch, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2020–15244 Filed 7–16–20; 8:45 am]

BILLING CODE 7950–01–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2019–0250]

RIN 3150–AK41

List of Approved Spent Fuel Storage Casks: Holtec International HI–STORM Flood/Wind Multipurpose Canister Storage System, Certificate of Compliance No. 1032, Amendment No. 4

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is confirming the effective date of July 14, 2020, for the direct final rule that was published in the **Federal Register** on April 30, 2020. The direct final rule amends the NRC's spent fuel storage regulations by revising the Holtec International HI–STORM Flood/Wind Multipurpose Canister Storage System listing within the ''List of approved spent fuel storage casks'' to include Amendment No. 4 to Certificate of Compliance No. 1032. Amendment No. 4 revises the certificate of compliance to: Add multipurpose canister (MPC)–32ML for storage and allow the fuel assembly class 16X16D as content for MPC–32ML; add the fuel assembly class 16X16E as content for MPC–37; and make changes to the final safety analysis report.

DATES: The effective date of July 14, 2020, for the direct final rule published April 30, 2020 (85 FR 23904), is confirmed.

DATES: Please refer to Docket ID NRC–2019–0250 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–2019–0250. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@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 proposed amendment to the certificate of compliance, the proposed changes to the technical specifications, and the preliminary safety evaluation report are available in ADAMS under Accession No. ML19158A271. The final amendment to the certificate of compliance, final changes to the technical specifications, and final safety evaluation report can also be viewed in ADAMS under Accession No. ML20155K740.

• *Attention:* The Public Document Room (PDR), where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Vanessa Cox, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–8342 or email: *Vanessa.Cox@nrc.gov.*

SUPPLEMENTARY INFORMATION: On April 30, 2020 (85 FR 23904), the NRC published a direct final rule amending its regulations in part 72 of title 10 of the *Code of Federal Regulations* to revise the Holtec International HI–STORM Flood/Wind Multipurpose Canister Storage System listing within the ''List of approved spent fuel storage casks'' to include Amendment No. 4 to Certificate of Compliance No. 1032. Amendment No. 4 revises the certificate of compliance to: add multipurpose canister (MPC)–32ML for storage and allow the fuel assembly class 16X16D as content for MPC–32ML; add the fuel assembly class 16X16E as content for MPC–37; and make changes to the final safety analysis report to separate the design pressure for the short-term operation from the off-normal condition (to provide clarity in Table 2.2.1), add cautionary notes to Sections 9.2.1 and 9.2.3, update a definition, and replace a test program.

In the direct final rule published on April 30, 2020, the NRC stated that if no significant adverse comments were received, the direct final rule would become effective on July 14, 2020. The NRC received and docketed one comment on the companion proposed rule (85 FR 23923; April 30, 2020). The comment can be obtained from the Federal Rulemaking website *https://www.regulations.gov* under Docket ID NRC–2019–0250, and from ADAMS under Accession No. ML20154K577.

The NRC evaluated the comment against the criteria described in the direct final rule and determined that the comment was not significant and adverse. Specifically, the comment was outside the scope of this rulemaking, did not oppose the rule, or did not propose a change to the rule, such that the rule would be ineffective or unacceptable without incorporation of the change. Therefore, the direct final rule will become effective as scheduled.

Dated June 25, 2020.

For the Nuclear Regulatory Commission.

Cindy K. Bladey,

Chief, Regulatory Analysis and Rulemaking Support Branch, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2020–14076 Filed 7–16–20; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TREASURY

Office of the Comptroller of the Currency

12 CFR Part 34

[Docket ID OCC–2019–0004]

RIN 1557–AE91

Other Real Estate Owned and Technical Amendments

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule; correction.

SUMMARY: On October 22, 2019, the Office of the Comptroller of the Currency (OCC) published in the **Federal Register** a final rule to revise provisions on other real estate owned and make related technical amendments. Due to a technical error in the amendatory text, certain revisions in the final rule were not incorporated in the Code of Federal Regulations. This final rule corrects those omissions.

DATES: The final rule is effective on July 17, 2020.

FOR FURTHER INFORMATION CONTACT: Kevin Korzeniewski, Counsel, or Anthony Borzaro, Attorney, Chief Counsel's Office, (202) 649–5490; or for persons who are hearing impaired, TTY, (202) 649–5597.

SUPPLEMENTARY INFORMATION:

I. Background

On October 22, 2019, the OCC published in the **Federal Register** a final rule to revise its rule on other real estate owned (OREO) at 12 CFR part 34, subpart E, and make related technical amendments (OREO final rule).[1] The OREO final rule was intended to apply to national banks and federal savings associations, and the rule text printed in the OREO final rule did incorporate both types of institutions in all relevant sections. However, due to a technical error in the amendatory instructions, the phrase ''federal savings associations'' was not included in two places in the introductory text to 12 CFR 34.83(a)(3)(i). This final rule corrects the amendatory instructions to add the phrase ''federal savings associations'' in those two locations. This final rule does not make any substantive changes to the OREO final rule or any requirements of 12 CFR part 34, subpart E.

II. Administrative Law Statements

A. Administrative Procedure Act

The OCC is issuing the final rule without prior notice and the opportunity for public comment and the delayed effective date ordinarily prescribed by the Administrative Procedure Act (APA).[2] Pursuant to section 553(b)(B) of the APA, general notice and the opportunity for public comment are not required with respect to a rulemaking when an ''agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' [3]

The OCC believes that the final rule should be effective immediately upon publication in the **Federal Register**. The final rule merely implements a technical correction to the amendatory text to reflect the text of the OREO final rule for purposes of accurate printing in the Code of Federal Regulations and has no substantive effect. The OCC previously requested comment on the revision, adopted the revision in a final rule, and believes requesting further comment or delaying the correction would be unnecessary.

For these reasons, the OCC finds that there is good cause to issue the rule without notice and comment.[4]

The APA also requires a 30-day delayed effective date, except for (1) substantive rules which grant or

[1] 84 FR 56369 (Oct. 22, 2019).

[2] 5 U.S.C. 553.

[3] 5 U.S.C. 553(b)(3)(A).

[4] 5 U.S.C. 553(b)(B); 553(d)(3).

recognize an exemption or relieve a restriction; (2) interpretative rules and statements of policy; or (3) as otherwise provided by the agency for good cause.[5] The final rule merely implements a technical correction to the amendatory text to reflect the text of the OREO final rule for purposes of accurate printing in the Code of Federal Regulations and has no substantive effect.[6] Therefore, the OCC similarly finds good cause to dispense with the 30-day delayed effective date.

B. Congressional Review Act

For purposes of Congressional Review Act, the OMB makes a determination as to whether a final rule constitutes a ''major'' rule.[7] If a rule is deemed a ''major rule'' by the Office of Management and Budget (OMB), the Congressional Review Act generally provides that the rule may not take effect until at least 60 days following its publication.[8]

The Congressional Review Act defines a ''major rule'' as any rule that the Administrator of the Office of Information and Regulatory Affairs of the OMB finds has resulted in or is likely to result in (A) an annual effect on the economy of $100,000,000 or more; (B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions, or (C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.[9]

For the same reasons set forth above, the OCC is adopting the final rule without the delayed effective date generally prescribed under the Congressional Review Act. The delayed effective date required by the Congressional Review Act does not apply to any rule for which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.[10] In light of the fact that the final rule has no substantive effect and merely implements a technical correction to the amendatory text to reflect the text of the OREO final rule for purposes of accurate printing in the Code of Federal Regulations, the OCC believes that delaying the effective date of the rule is unnecessary.

As required by the Congressional Review Act, the OCC will submit the final rule and other appropriate reports to Congress and the Government Accountability Office for review.

C. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) (PRA) states that no agency may conduct or sponsor, nor is the respondent required to respond to, an information collection unless it displays a currently valid OMB control number. The final rule does not affect any current information collections for 12 CFR part 34.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA)[11] requires an agency to consider whether the rules it proposes will have a significant economic impact on a substantial number of small entities.[12] The RFA applies only to rules for which an agency publishes a general notice of proposed rulemaking pursuant to 5 U.S.C. 553(b). As discussed previously, consistent with section 553(b)(B) of the APA, the OCC has determined for good cause that general notice and opportunity for public comment is unnecessary, and therefore the OCC has not issued a notice of proposed rulemaking. Accordingly, the OCC has concluded that the RFA's requirements relating to initial and final regulatory flexibility analysis do not apply.

E. Riegle Community Development and Regulatory Improvement Act of 1994

Pursuant to section 302(a) of the Riegle Community Development and Regulatory Improvement Act (RCDRIA),[13] in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on insured depository institutions (IDIs), each Federal banking agency must consider, consistent with the principle of safety and soundness and the public interest, any administrative burdens that such regulations would place on depository institutions, including small depository institutions, and customers of depository institutions, as well as the benefits of such regulations. In addition, section 302(b) of RCDRIA requires new regulations and amendments to regulations that impose additional reporting, disclosures, or other new requirements on IDIs generally to take effect on the first day of a calendar quarter that begins on or after the date on which the regulations are published in final form, with certain exceptions, including for good cause.[14] For the reasons described above, the OCC finds good cause exists under section 302 of RCDRIA to publish this final rule with an immediate effective date.

As such, the final rule will be effective on July 17, 2020.

F. Use of Plain Language

Section 722 of the Gramm-Leach-Bliley Act[15] requires the Federal banking agencies to use plain language in all proposed and final rules published after January 1, 2000. The OCC has sought to present the final rule in a simple and straightforward manner.

G. Unfunded Mandates

As a general matter, the Unfunded Mandates Act of 1995 (UMRA), 2 U.S.C. 1531 *et seq.,* requires the preparation of a budgetary impact statement before promulgating a rule that includes a Federal mandate 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 in any one year. However, the UMRA does not apply to final rules for which a general notice of proposed rulemaking was not published. *See* 2 U.S.C. 1532(a). Therefore, because the OCC has found good cause to dispense with notice and comment for this final rule, the OCC has not prepared a budgetary impact statement for the rule under the UMRA.

List of Subjects in 12 CFR Part 34

Appraisal, Appraiser, Banks, Banking, Consumer protection, Credit, Mortgages, National banks, Reporting and recordkeeping requirements, Savings associations, Truth in lending.

For the reasons stated in the preamble, the Office of the Comptroller of the Currency amends 12 CFR part 34 as follows:

PART 34—REAL ESTATE LENDING AND APPRAISALS

■ 1. The authority citation for part 34 continues to read as follows:

Authority: 12 U.S.C. 1 *et seq.,* 25b, 29, 93a, 371, 1462a, 1463, 1464, 1465, 1701j–3, 1828(o), 3331 *et seq.,* 5101 *et seq.,* and 5412(b)(2)(B) and 15 U.S.C. 1639h.

[5] 5 U.S.C. 553(d).

[6] 5 U.S.C. 553(d)(1).

[7] 5 U.S.C. 801 *et seq.*

[8] 5 U.S.C. 801(a)(3).

[9] 5 U.S.C. 804(2).

[10] 5 U.S.C. 808.

[11] 5 U.S.C. 601 *et seq.*

[12] Under regulations issued by the Small Business Administration, a small entity includes a depository institution, bank holding company, or savings and loan holding company with total assets of $600 million or less and trust companies with total assets of $41.5 million or less. See 13 CFR 121.201.

[13] 12 U.S.C. 4802(a).

[14] 12 U.S.C. 4802.

[15] 12 U.S.C. 4809.

Subpart E—Other Real Estate Owned

§ 34.83 [Amended]

■ 2. In § 34.83 amend paragraph (a)(3)(i) introductory text by adding ''or Federal savings association'' after ''national bank'' wherever it occurs.

Brian P. Brooks,

Acting Comptroller of the Currency.

[FR Doc. 2020–14108 Filed 7–16–20; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2020–0285; Special Conditions No. 25–771–SC]

Special Conditions: Avidyne Corporation, Textron Aviation Inc. Model 550, 560, and 560XL Airplanes; Electronic-System Security Protection From Unauthorized External Access

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for Textron Aviation Inc. (Textron) Model 550, 560, and 560XL airplanes. These airplanes, as modified by Avidyne Corporation, will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. This design feature is Avidyne Corporation avionics that allow external connection to previously isolated data networks, which are connected to systems that perform functions required for the safe operation of the airplane. This feature creates a potential for unauthorized persons to access the aircraft-control domain and airline information-services domain, and presents security vulnerabilities related to the introduction of computer viruses and worms, user errors, and intentional sabotage of airplane electronic assets (networks, systems, and databases). The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Avidyne Corporation on July 17, 2020. Send comments on or before August 31, 2020.

ADDRESSES: Send comments identified by Docket No. FAA–2020–0285 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/ http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket website, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478).

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Varun Khanna, Airplane and Flightcrew Interface Section, AIR–671, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206–231–3159; email *varun.khanna@faa.gov.*

SUPPLEMENTARY INFORMATION: The substance of these special conditions has been published in the **Federal Register** for public comment in several prior instances with no substantive comments received. Therefore, the FAA has determined that prior public notice and comment are unnecessary, and finds that, for the same reason, good cause exists for adopting these special conditions upon publication in the **Federal Register**.

Comments Invited

The FAA invites interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

The FAA will consider all comments received by the closing date for comments. The FAA may change these special conditions based on the comments received.

Background

On February 1, 2019, Avidyne Corporation applied for a supplemental type certificate for Avidyne Corporation avionics connected to the aircraft-control domain and airline information-services domain in Textron Model 550, 560, and 560XL airplanes.

The Model 550 is a twin-engine, transport-category airplane with a maximum takeoff weight of 14,800 pounds, and seating for up to 11 passengers, depending upon configuration.

The Model 560 is a twin-engine, transport-category airplane with a maximum takeoff weight of 16,630 pounds, and seating for up to 11 passengers, depending upon configuration.

The Model 560XL is a twin-engine, transport-category airplane with a maximum takeoff weight of 20,200 pounds, and seating for up to 12 passengers, depending upon configuration.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, Avidyne Corporation must show that the Textron Model 550, 560, and 560XL airplanes, as changed, continue to meet the applicable provisions of the regulations listed in Type Certificate No. A22CE or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for Textron Model 550, 560, and 560XL airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, Textron Model 550, 560, and 560XL airplanes must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Features

The Textron Model 550, 560, and 560XL airplanes, as modified by Avidyne Corporation, will incorporate the following novel or unusual design features:

Avidyne Corporation avionics that allow external connection to previously isolated data networks, which are connected to systems that perform functions required for the safe operation of the airplane.

Discussion

The Textron Model 550, 560, and 560XL airplanes' architecture and network configuration is novel or unusual for commercial transport airplanes because it may allow increased connectivity to and access from external network sources and airline operations and maintenance networks to the airplane control domain and airline information services domain. The airplane control domain and airline information-services domain perform functions required for the safe operation and maintenance of the airplane. Previously, these domains had very limited connectivity with external network sources. This data network and design integration creates a potential for unauthorized persons to access the aircraft-control domain and airline information-services domain, and presents security vulnerabilities related to the introduction of computer viruses and worms, user errors, and intentional sabotage of airplane electronic assets (networks, systems, and databases) critical to the safety and maintenance of the airplane.

The existing regulations and guidance material did not anticipate these types of airplane system architectures. Furthermore, 14 CFR regulations and the current system safety assessment policy and techniques do not address potential security vulnerabilities, which could be exploited by unauthorized access to airplane networks, data buses, and servers. Therefore, these special conditions ensure that the security (*i.e.,* confidentiality, integrity, and availability) of airplane systems is not compromised by unauthorized wired or wireless electronic connections.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to Textron Model 550, 560, and 560XL airplanes. Should Avidyne Corporation apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A22CE to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model of airplane. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of the features on the airplane.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Textron Model 550, 560, and 560XL airplanes, as modified by Avidyne Corporation, for airplane electronic-system security protection from unauthorized external access.

1. The applicant must ensure airplane electronic-system security protection from access by unauthorized sources external to the airplane, including those possibly caused by maintenance activity.

2. The applicant must ensure that electronic-system security threats are identified and assessed, and that effective electronic-system security protection strategies are implemented to protect the airplane from all adverse impacts on safety, functionality, and continued airworthiness.

3. The applicant must establish appropriate procedures to allow the operator to ensure that continued airworthiness of the airplane is maintained, including all post-type-certification modifications that may have an impact on the approved electronic-system security safeguards.

Issued in Des Moines, Washington, on July 7, 2020.

James E. Wilborn,

Acting Manager, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2020–14992 Filed 7–16–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2020–0286; Special Conditions No. 25–772–SC]

Special Conditions: Avidyne Corporation, Textron Aviation Inc. Model 550, 560, and 560XL Airplanes; Electronic-System Security Protection From Unauthorized Internal Access

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for Textron Aviation Inc. (Textron) Model 550, 560, and 560XL airplanes. These airplanes, as modified by Avidyne Corporation, will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. This design feature is Avidyne Corporation avionics that allow internal connection to previously isolated data networks, which are connected to systems that perform functions required for the safe operation of the airplane. This feature creates a potential for unauthorized persons to access the aircraft-control domain and airline information-services domain, and presents security vulnerabilities related to the introduction of computer viruses and worms, user errors, and intentional sabotage of airplane electronic assets (networks, systems, and databases). The applicable airworthiness regulations do not contain adequate or appropriate safety standards

for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Avidyne Corporation on July 17, 2020. Send comments on or before August 31, 2020.

ADDRESSES: Send comments identified by Docket No. FAA–2020–0286 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/ http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket website, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478).

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Varun Khanna, Airplane and Flightcrew Interface Section, AIR–671, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206–231–3159; email *varun.khanna@faa.gov.*

SUPPLEMENTARY INFORMATION: The substance of these special conditions has been published in the **Federal Register** for public comment in several prior instances with no substantive comments received. Therefore, the FAA has determined that prior public notice and comment are unnecessary, and finds that, for the same reason, good cause exists for adopting these special conditions upon publication in the **Federal Register**.

Comments Invited

The FAA invites interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

The FAA will consider all comments received by the closing date for comments. The FAA may change these special conditions based on the comments received.

Background

On February 1, 2019, Avidyne Corporation applied for a supplemental type certificate for Avidyne Corporation avionics connected to the aircraft-control domain and airline information-services domain in Textron Model 550, 560, and 560XL airplanes.

The Model 550 is a twin-engine, transport-category airplane with a maximum takeoff weight of 14,800 pounds, and seating for up to 11 passengers, depending upon configuration.

The Model 560 is a twin-engine, transport-category airplane with a maximum takeoff weight of 16,630 pounds, and seating for up to 11 passengers, depending upon configuration.

The Model 560XL is a twin-engine, transport-category airplane with a maximum takeoff weight of 20,200 pounds, and seating for up to 12 passengers, depending upon configuration.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, Avidyne Corporation must show that the Textron Model 550, 560, and 560XL airplanes, as changed, continue to meet the applicable provisions of the regulations listed in Type Certificate No. A22CE or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for Textron Model 550, 560, and 560XL airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, Textron Model 550, 560, and 560XL airplanes must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Features

The Textron Model 550, 560, and 560XL airplanes, as modified by Avidyne Corporation, will incorporate the following novel or unusual design features:

Avidyne Corporation avionics that allow internal connection to previously isolated data networks, which are connected to systems that perform functions required for the safe operation of the airplane.

Discussion

The Textron Model 550, 560, and 560XL airplanes' architecture is novel or unusual for commercial transport airplanes because it allows connection to previously isolated data networks connected to systems that perform functions required for the safe operation of the airplane. This data network and design integration creates a potential for unauthorized persons to access the aircraft-control domain and airline information-services domain, and presents security vulnerabilities related to the introduction of computer viruses and worms, user errors, and intentional sabotage of airplane electronic assets (networks, systems, and databases) critical to the safety and maintenance of the airplane.

The existing regulations and guidance material did not anticipate this type of system architecture or electronic access to airplane systems. Furthermore, 14 CFR regulations and the current system-safety assessment policy and techniques

do not address potential security vulnerabilities, which could be exploited by unauthorized access to airplane networks and servers. Therefore, these special conditions ensure that the security of airplane systems and networks is not compromised by unauthorized wired or wireless internal access.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to Textron Model 550, 560, and 560XL airplanes. Should Avidyne Corporation apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A22CE to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model of airplane. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of the features on the airplane.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Textron Model 550, 560, and 560XL airplanes, as modified by Avidyne Corporation, for airplane electronic-system security protection from unauthorized internal access.

1. The applicant must ensure that the design provides isolation from, or airplane electronic-system security protection against, access by unauthorized sources internal to the airplane. The design must prevent inadvertent and malicious changes to, and all adverse impacts upon, airplane equipment, systems, networks, or other assets required for safe flight and operations.

2. The applicant must establish appropriate procedures to allow the operator to ensure that continued airworthiness of the airplane is maintained, including all post-type-certification modifications that may have an impact on the approved electronic-system security safeguards.

Issued in Des Moines, Washington, on July 7, 2020.

James E. Wilborn,

Acting Manager, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2020–14990 Filed 7–16–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0321; Airspace Docket No. 20–AGL–17]

RIN 2120–AA66

Amendment of Class D and E Airspace and Establishment of Class E Airspace; Alton/St. Louis, IL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class D airspace and Class E airspace area designated as an extension to a Class D surface area and establishes Class E airspace extending upward from 700 feet above the surface at St. Louis Regional Airport, Alton/St. Louis, IL. This action is the result of an airspace review caused by the decommissioning of the outer marker to runway 29 at St. Louis Regional Airport. The geographic coordinates of the airport are also being updated to coincide with the FAA's aeronautical database.

DATES: Effective 0901 UTC, November 5, 2020. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the Class D airspace and Class E airspace area designated as an extension to a Class D surface area and establishes Class E airspace extending upward from 700 feet above the surface at St. Louis Regional Airport, Alton/St. Louis, IL, to support instrument flight rule operations at this airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (85 FR 27188; May 7, 2020) for Docket No. FAA–2020–0321 to amend the Class D airspace and Class E airspace area designated as an extension to a Class D surface area and establish Class E airspace extending upward from 700 feet above the surface at St. Louis Regional Airport, Alton/St. Louis, IL. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class D and E airspace designations are published in paragraph 5000, 6004, and 6005, respectively, of FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71:

Amends the Class D airspace at St. Louis Regional Airport, Alton/St. Louis, IL, to within a 4.4-mile (increased from 4.2-mile) radius of the airport; updates the header of the airspace legal description to Alton/St. Louis, IL (previously Alton, IL) to coincide with the FAA's aeronautical database; removes the city associated with the airport in the airspace legal description to comply with changes to FAA Order 7400.2M, Procedures for Handling Airspace Matters; updates the geographic coordinates of the airport to coincide with the FAA's aeronautical database; updates the name of the St. Louis, MO, Class B (previously Lambert-St. Louis International Airport, MO, Class B) to coincide with FAA Order 7400.11D, Airspace Designations and Reporting Points; and replaces the outdated term ''Airport/Facility Directory'' with ''Chart Supplement'';

Amends the Class E airspace area designated as an extension to a Class D surface area at St. Louis Regional Airport to within 2.5 miles (decreased from 2.6 miles) each side of the 008° (previously 012°) bearing from the Civic Memorial NDB (previously St. Louis Regional Airport) extending from the 4.4-mile (increased from 4.2-mile) radius of St. Louis Regional Airport to 7 miles (increased from 6.1 miles) north of the Civic Memorial NDB (previously the airport); updates the header of the airspace legal description to Alton/St. Louis, IL (previously Alton, IL) to coincide with the FAA's aeronautical database; removes the city associated with the airport in the airspace legal description to comply with changes to FAA Order 7400.2M; updates the geographic coordinates of the airport to coincide with the FAA's aeronautical database; and replaces the outdated term ''Airport/Facility Directory'' with ''Chart Supplement'';

And establishes Class E airspace extending upward from 700 feet above the surface within a 6.9-mile radius St. Louis Regional Airport; and within 2.5 miles each side of the 008° bearing from the Civic Memorial NDB extending from the 6.9-mile radius of the airport to 7 miles north of the Civic Memorial NDB. (This airspace was previously contained within the St. Louis, MO, Class E airspace extending upward from 700 feet above the surface airspace legal description; however, with this amendment, the airspace no longer adjoins, and a separate airspace legal description is being established by this action.)

This action is the result of an airspace review caused by the decommissioning of the outer marker to runway 29 at St. Louis Regional Airport which provided navigational information to this airport.

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

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

AGL IL D Alton/St. Louis, IL [Amended]

St. Louis Regional Airport, IL
(Lat. 38°53′24″ N, long. 90°02′46″ W)

That airspace extending upward from the surface to and including 3,000 feet MSL within a 4.4-mile radius of the St. Louis Regional Airport, excluding that airspace within the St. Louis, MO, Class B airspace area. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

* * * * *

AGL IL E4 Alton/St. Louis, IL [Amended]

St. Louis Regional Airport, IL
(Lat. 38°53′24″ N, long. 90°02′46″ W)
Civic Memorial NDB
(Lat. 38°53′32″ N, long. 90°03′23″ W)

That airspace extending upward from the surface within 2.5 miles each side of the 008° bearing from the Civic Memorial NDB extending from the 4.4-mile radius of the St. Louis Regional Airport to 7 miles north of the Civic Memorial NDB. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL IL E5 Alton/St. Louis, IL [Establish]

St. Louis Regional Airport, IL
(Lat. 38°53′24″ N, long. 90°02′46″ W)
Civic Memorial NDB
(Lat. 38°53′32″ N, long. 90°03′23″ W)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of St. Louis Regional Airport, and within 2.5 miles each side of the 008° bearing from the Civic Memorial NDB extending from the 6.9-mile radius of the airport to 7 miles north of the Civic Memorial NDB.

Issued in Fort Worth, Texas, on July 13, 2020.

Martin A. Skinner,

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

[FR Doc. 2020–15360 Filed 7–16–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0398; Airspace Docket No. 20–ACE–8]

RIN 2120–AA66

Amendment of Class E Airspace; Webster City, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace extending upward from 700 feet above the surface at Webster City Municipal Airport, Webster City, IA. This action is the result of an airspace review due to the decommissioning of the Webster City non-directional beacon (NDB). The geographic coordinates of the airport are also being updated to coincide with the FAA's aeronautic database.

DATES: Effective 0901 UTC, November 5, 2020. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (85 FR 27333; May 8, 2020) for Docket No. FAA–2020–0398 to amend the Class E airspace extending upward from 700 feet above the surface at Webster City Municipal Airport, Webster City, IA. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 amends the Class E airspace extending upward from 700 feet above the surface of Webster City Municipal Airport, Webster City, IA, by removing the Webster City NDB and associated extension from the airspace legal description; and updates the geographic coordinates of the airport to coincide with the FAA's aeronautical database.

This action is due to an airspace review due to the decommissioning of the Webster City NDB which provided navigation information to the instrument procedures at this airport.

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

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ACE IA E5 Webster City, IA [Amended]

Webster City Municipal Airport, IA
(Lat. 42°26′11″ N, long. 93°52′08″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Webster City Municipal Airport.

Issued in Fort Worth, Texas, on July 13, 2020.

Martin A. Skinner,

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

[FR Doc. 2020–15362 Filed 7–16–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0376; Airspace Docket No. 20–ACE–7]

RIN 2120–AA66

Amendment of Class E Airspace; Decorah, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace extending upward from 700 feet above the surface at Decorah Municipal Airport, Decorah, IA. This action is the result of an airspace review caused by the decommissioning of the Waukon VHF omnidirectional range (VOR) navigation aids as part of the VOR Minimum Operational Network (MON) Program. The name of the Winneshiek Medical Center, Decorah, IA, is also being updated to coincide with the FAA's aeronautical database.

DATES: Effective 0901 UTC, November 5, 2020. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (85 FR 27183; May 7, 2020) for Docket No. FAA–2020–0376 to amend the Class E airspace extending upward from 700 feet above the surface at Decorah Municipal Airport, Decorah, IA. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 amends the Class E airspace extending upward from 700 feet above the surface by removing the Waukon VORTAC and associated extension from the airspace legal description of Decorah Municipal Airport, Decorah, IA; and updates the name of Winneshiek Medical Center (previously Winneshiek County Memorial Hospital), Decorah, IA, to coincide with the FAA's aeronautical database.

Subsequent to publication of the NPRM the FAA discovered that the name of Winneshiek Medical Center was not updated within the Decorah, IA, airspace legal description. That error is corrected in this action.

This action is necessary due to an airspace review caused by the decommissioning of the Waukon VHF omnidirectional range (VOR) navigation aids, which provided navigation information for the instrument procedures this airport, as part of the VOR MON Program.

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

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a

''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ACE IA E5 Decorah, IA [Amended]

Decorah Municipal Airport, IA
(Lat. 43°16′32″ N, long. 91°44′22″ W)
Winneshiek Medical Center, IA Point in Space Coordinates
(Lat. 43°16′57″ N, long. 91°45′56″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Decorah Municipal Airport, and within a 6-mile radius of the Point in Space serving Winneshiek Medical Center.

Issued in Fort Worth, Texas, on July 13, 2020.

Martin A. Skinner,

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

[FR Doc. 2020–15361 Filed 7–16–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0319; Airspace Docket No. 20–ACE–5]

RIN 2120–AA66

Amendment of Class D and E Airspace; St. Louis, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class D airspace and Class E surface airspace at Spirit of St. Louis Airport, St. Louis, MO, and the Class E airspace extending upward from 700 feet above the surface at St. Louis Lambert International Airport, St. Louis, MO, Spirit of St. Louis Airport, and St. Charles County Smartt Airport, St. Charles, MO, and removes St. Louis Regional Airport, Alton/St. Louis, IL. This action is the result of airspace reviews caused by the decommissioning of the Cardinal VHF omnidirectional range (VOR) navigation aid as part of the VOR Minimum Operational Network (MON) Program; and the decommissioning of the outer markers for runways 12R, 24, and 30L at St. Louis Lambert International Airport. Airport and navigational aid names are also being updated to coincide with the FAA's aeronautical database.

DATES: Effective 0901 UTC, November 5, 2020. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the Class D airspace and the Class E surface airspace at Spirit of St. Louis Airport, St. Louis, MO, and the Class E airspace extending upward from 700 feet above the surface at St. Louis Lambert International Airport, St. Louis, MO, Spirit of St. Louis Airport, and St. Charles County Smartt Airport, St. Charles, MO, which is contained within the St. Louis, MO, airspace legal description, and removing St. Louis Regional Airport, Alton/St. Louis, IL, which is contained within the St. Louis, MO, airspace legal description, to support IFR operations at these airports. (FAA Docket No. FAA–2020–0321/Airspace Docket 20–AGL–17 will create an independent Class E airspace extending upward from 700 feet above the surface airspace legal description for Alton/St. Louis, IL, and will become effective coincidentally with this action.)

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (85 FR 26898; May 6, 2020) for Docket No. FAA–2020–0319 to amend the Class D airspace and the Class E surface airspace at Spirit of St. Louis Airport, St. Louis, MO, and the Class E airspace extending upward from 700 feet above the surface at St. Louis

Lambert International Airport, St. Louis, MO, Spirit of St. Louis Airport, and St. Charles County Smartt Airport, St. Charles, MO, which is contained within the St. Louis, MO, airspace legal description, and removing St. Louis Regional Airport, Alton/St. Louis, IL, which is contained within the St. Louis, MO, airspace legal description. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class D and E airspace designations are published in paragraph 5000, 6002, and 6005 of FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71:

Amends the Class D airspace at Spirit of St. Louis Airport, St. Louis, MO, by updating the bearing of the east extension to 078° (previously 079°); and updating the bearing of the west extension to 258° (previously 259°);

Amends the Class E surface area at Spirit of St. Louis Airport by updating the bearing of the east extension to 078° (previously 079°); and updating the bearing of the west extension to 258° (previously 259°);

Amends the Class E airspace extending upward from 700 feet above the surface at St. Louis Lambert International Airport, St. Louis, MO, to within an 8.5-mile (increased from 7.1-mile) radius of the airport; removes the St. Louis Lambert International Runway 24 Localizer and the associated extension from the airspace legal description, as it is no longer needed; removes the St. Louis Lambert International Runway 12R Localizer and the associated extension from the airspace legal description, as it is no longer needed; removes the St. Louis Lambert International Runway 30L Localizer and the associated extension from the airspace legal description, as it is no longer needed; removes the ZUMAY LOM and the associated extension from the airspace legal description, as it is no longer needed; removes the OBLIO LOM and the associated extension from the airspace legal description, as it is no longer needed; updates the name of the St. Louis Lambert International Airport (previously Lambert-St. Louis International Airport) to coincide with the FAA's aeronautical database; updates the bearing of the east extension of Spirit of St. Louis Airport to 078° (previously 079°); updating the name of the Spirit of St. Louis: RWY 26L–LOC (previously Spirit of St. Louis Runway 26L Localizer) to coincide with the FAA's aeronautical database; updates the extension east of the Spirit of St. Louis: RWY 26L–LOC to within 3.8 miles (decreased from 4.1 miles) north and 5.7 miles (decreased from 6.4 miles) south of the 078° (previously 079°) bearing from the Spirit of St. Louis: RWY 26L–LOC extending from the 6.9-mile radius of the Spirit of St. Louis Airport to 10.6 miles (decreased from 11.3 miles) east of the Spirit of St. Louis: RWY 26L–LOC; updates the bearing of the west extension of Spirit of St. Louis Airport to 258° (previously 259°); adds an extension at St. Charles County Smartt Airport, St. Charles, MO, within 3.3 miles each side of the 028° radial from the St. Louis VORTAC extending from the 6.4-mile radius of St. Charles County Smartt Airport to 12.4 miles northeast of St. Charles County Smartt Airport; and removes St. Louis Regional Airport, Alton/St. Louis, IL, which is contained within the St. Louis, MO, airspace legal description, and the Civic Memorial NDB and the associated north and south extensions from St. Louis Regional Airport. (A separate airspace review of St. Louis Regional Airport resulted in the Class E airspace extending upward from 700 feet above the surface at St. Louis Regional Airport no longer adjoining the St. Louis, MO, Class E airspace extending upward from 700 feet above the surface. As a result, a separate Class E airspace extending upward from 700 feet above the surface airspace legal description will be created for Alton/St. Louis, IL, under FAA Docket No. FAA–2020–0321/Airspace Docket 20–AGL–17 and will be become effective coincidentally with this action.)

Subsequent to publication of the NPRM, the FAA discovered that the Class E surface airspace at Spirit of St. Louis Airport, St. Louis, MO, incorrectly stated ''Class D airspace area'' vice ''Class E airspace area.'' That error is corrected in this action.

This action is the result of airspace reviews caused by the decommissioning of the Cardinal VHF omnidirectional range (VOR) navigation aid, which provided navigation information for the instrument procedures at these airports, as part of the VOR MON Program; and the decommissioning of the outer markers for runways 12R, 24, and 30L at St. Louis Lambert International Airport.

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

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ACE MO D St. Louis, MO [Amended]

Spirit of St. Louis Airport, MO
(Lat. 38°39′44″ N, long. 90°39′07″ W)

That airspace extending upward from the surface to and including 3,000 feet within a 4.4-mile radius of Spirit of St. Louis Airport, and within 1 mile each side of the 078° bearing from the airport extending from the 4.4-mile radius to 4.6 miles east of the airport, and within 1 mile each side of the 258° bearing from the airport extending from the 4.4-mile radius to 4.6 miles west of the airport, excluding that airspace within the St. Louis, MO Class B airspace area. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Airspace Areas Designated as Surface Areas.

* * * * *

ACE MO E2 St. Louis, MO [Amended]

Spirit of St. Louis Airport, MO
(Lat. 38°39′44″ N, long. 90°39′07″ W)

That airspace extending upward from the surface to and including 3,000 feet within a 4.4-mile radius of Spirit of St. Louis Airport, and within 1 mile each side of the 078° bearing from the airport extending from the 4.4-mile radius to 4.6 miles east of the airport, and within 1 mile each side of the 258° bearing from the airport extending from the 4.4-mile radius to 4.6 miles west of the airport, excluding that airspace within the St. Louis, MO Class B airspace area. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ACE MO E5 St. Louis, MO [Amended]

St. Louis Lambert International Airport, MO
(Lat. 38°44′55″ N, long. 90°22′12″ W)
Spirit of St. Louis Airport, MO
(Lat. 38°39′44″ N, long. 90°39′07″ W)
St. Charles County Smartt Airport, MO
(Lat. 38°55′47″ N, long. 90°25′48″ W)
St. Louis VORTAC
(Lat. 38°51′38″ N, long. 90°28′57″ W)
Spirit of St. Louis: RWY 26L–LOC
(Lat. 38°39′26″ N, long. 90°39′48″ W)

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of St. Louis Lambert International Airport, and within a 6.9-mile radius of Spirit of St. Louis Airport, and within 2.5 miles each side of the 078° bearing from the Spirit of St. Louis Airport extending from the 6.9-mile radius of the airport to 8.1 miles east of the airport, and within 3.8 miles north and 5.7 miles south of the 078° bearing from the Spirit of St. Louis: RWY 26L–LOC extending from the 6.9-mile radius of the Spirit of St. Louis Airport to 10.6 miles east of the Spirit of St. Louis: RWY 26L–LOC, and within 3.9 miles each side of the 258° bearing from the Spirit of St. Louis Airport extending from the 6.9-mile radius of the airport to 10.6 miles west of the airport, and within a 6.4-mile radius of St. Charles County Smartt Airport, and within 3.3 miles each side of the 028° radial from the St. Louis VORTAC extending from the 6.4-mile radius of St. Charles County Smartt Airport to 12.4 miles northeast of the airport.

Issued in Fort Worth, Texas, on July 13, 2020.

Martin A. Skinner,

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

[FR Doc. 2020–15359 Filed 7–16–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0377; Airspace Docket No. 20–AGL–20]

RIN 2120–AA66

Amendment of Class E Airspace; Winner, SD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace extending upward from 700 feet above the surface at Winner Regional Airport, Winner, SD. This action as the result of an airspace review caused by the decommissioning of the Winner VHF omnidirectional range (VOR) navigation aid as part of the VOR Minimum Operational Network (MON) Program. The name and geographic coordinates of the airport are also being updated to coincide with the FAA's aeronautical database.

DATES: Effective 0901 UTC, November 5, 2020. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (85 FR 27339; May 8, 2020) for Docket No. FAA–2020–0377 to amend the Class E airspace extending upward from 700 feet above the surface at Winner Regional Airport, Winner, SD. Interested parties were invited to participate in this rulemaking effort by

submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 amends the Class E airspace extending upward from 700 feet above the surface by removing the Winner VOR and all associated extensions associated with the Winner Regional Airport, Winner, SD, from the airspace legal description; removes the city associated with the airport to comply with changes to FAA Order 7400.2M, Procedures for Handling Airspace Matters; and updates the name and geographic coordinates of the Winner Regional Airport (previously Bob Wiley Field) to coincide with the FAA's aeronautical database.

This action is the result of an airspace review caused by the decommissioning of the Winner VOR, which provided navigation information for the instrument procedures this airport, as part of the VOR MON Program.

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

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL SD E5 Winner, SD [Amended]

Winner Regional Airport, SD
(Lat. 43°23′22″ N, long. 99°50′28″ W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of the Winner Regional Airport.

Issued in Fort Worth, Texas, on July 13, 2020.

Martin A. Skinner,

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

[FR Doc. 2020–15364 Filed 7–16–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0362; Airspace Docket No. 20–AGL–19]

RIN 2120–AA66

Amendment of Class E Airspace; Baudette, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace extending upward from 700 feet above the surface at Baudette International Airport, Baudette, MN. This action is the result of an airspace review caused by the decommissioning of the Baudette VHF omnidirectional range (VOR) navigation aid as part of the VOR Minimum Operational Network (MON) Program. The geographic coordinates of the airport are also being updated to coincide with the FAA's aeronautical database.

DATES: Effective 0901 UTC, November 5, 2020. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the

authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the Class E airspace extending upward from 700 feet above the surface at Baudette International Airport, Baudette, MN, to support instrument flight rule operations at this airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (85 FR 27337; May 8, 2020) for Docket No. FAA–2020–0362 to amend the Class E airspace extending upward from 700 feet above the surface at Baudette International Airport, Baudette, MN. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 amends the Class E airspace extending upward from 700 feet above the surface within a 6.6-mile (decreased from a 7.4-mile) radius of Baudette International Airport, Baudette, MN; and updates the geographic coordinates of the airport to coincide with the FAA's aeronautical database.

This action is the result of an airspace review caused by the decommissioning of the Baudette VOR, which provided navigation information for the instrument procedures this airport, as part of the VOR MON Program.

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

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL MN E5 Baudette, MN [Amended]

Baudette International Airport, MN
(Lat. 48°43′49″ N, long. 94°36′40″ W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of the Baudette International Airport, excluding that airspace outside of the United States.

Issued in Fort Worth, Texas, on July 13, 2020.

Martin A. Skinner,

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

[FR Doc. 2020–15363 Filed 7–16–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 300

[TD 9903]

RIN 1545–BP43

Preparer Tax Identification Number (PTIN) User Fee Update

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: These final regulations amend existing regulations relating to the imposition of certain user fees on tax return preparers. The final regulations reduce the amount of the user fee to apply for or renew a preparer tax identification number (PTIN) and affect individuals who apply for or renew a PTIN. The Independent Offices Appropriations Act of 1952 authorizes the charging of user fees.

DATES:

Effective date: These regulations are effective August 17, 2020.

Applicability date: For the date of applicability, see § 300.13(d).

FOR FURTHER INFORMATION CONTACT: Michael Franklin at (202) 317–6844 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains amendments to 26 CFR part 300 regarding user fees. On April 16, 2020, a notice of proposed rulemaking (REG–117138–17) proposing to amend the regulations relating to

imposing a user fee to apply for or renew a PTIN was published in the **Federal Register** (85 FR 21126). The notice proposed decreasing the amount of the user fee to apply for or renew a PTIN from $33, plus $17 payable to a third-party contractor, to $21, plus $14.95 payable to a third-party contractor. The notice contains a detailed explanation regarding the amendments to these regulations.

Eighteen comments responding to the notice and two requests for a public hearing were received. A public hearing on the notice was held on May 26, 2020. Two commenters testified at the public hearing. After consideration of the written comments and testimony, the Department of the Treasury (Treasury Department) and the IRS have decided to adopt without modification the regulations proposed by the notice.

Summary of Comments

The eighteen comments submitted in response to the notice of proposed rulemaking are available at *www.regulations.gov* or upon request.

Some of the comments that were submitted did not seek modification or clarification of the user fee as set forth in the proposed regulations. Two made no reference to the proposed regulations and their content was unrelated to a PTIN user fee. Another comment supported a fee but encouraged the IRS to take enforcement actions against return preparers who do not comply with PTIN requirements. The summary of comments below addresses those comments that seek modification or clarification of the user fee as set forth in the proposed regulations.

A. Charging a User Fee and the Amount of the User Fee

Some commenters objected to the IRS imposing a user fee at all or in the amount charged by the IRS. Some supported the imposition of a fee, while others stated that the user fee was too high or too low. The IRS also received comments that requested lower user fees for certain classes of return preparers. Two comments stated that individuals with credentials should pay a reduced fee for obtaining or renewing a PTIN and two comments stated that low-volume return preparers should pay a reduced fee or no fee for obtaining or renewing a PTIN. Similarly, some commenters requested the renewal fee be lower than the amount of the initial application fee or that the IRS adopt a longer renewal period. One commenter suggested that certain return preparers with existing PTINs should not be charged for PTIN renewal.

The United States Court of Appeals for the District of Columbia Circuit has ruled that the IRS is authorized to charge a PTIN user fee because providing a PTIN (and the ''associated functions'') is a service that provides a specific benefit to identifiable recipients. *Montrois* v. *United States,* 916 F.3d 1056 (D.C. Cir. 2019).

Under Office of Management and Budget (OMB) Circular A–25, 58 FR 38142 (July 15, 1993) (OMB Circular A–25), Federal agencies that provide services that confer benefits on identifiable recipients are to establish user fees that recover for the government the full cost of providing the service. An agency that seeks to impose a user fee for government-provided services must calculate the full cost of providing those services. Under OMB Circular A–25, a user fee should be set at an amount that recovers the full cost of providing a service, unless the OMB grants an exception. The full cost of providing a service includes both the direct and indirect costs of providing the service.

As required by OMB Circular A–25, the IRS conducted a biennial review of the PTIN user fee and determined that the full cost to the IRS to administer the PTIN program going forward was reduced to $21 per application or renewal. These costs include all costs related to administering the PTIN program, including costs relating to PTIN misuse and maintaining the integrity of the PTIN program. A description of the categories of activities included in the PTIN user fee and specific examples of the activities included within those categories is discussed below in section *E. Costing Methodology.* The user fee to apply for or renew a PTIN does not recover costs associated with other programs.

The IRS does not incur lower costs to provide PTINs to credentialed preparers or low-volume preparers than it incurs to provide PTINs to uncredentialed preparers or high-volume preparers. Similarly, the costs to the IRS to renew a PTIN are the same as the costs to issue a new PTIN. Accordingly, the amount of the user fee should be the same regardless of the return preparer's status and regardless of whether the application is an original or a renewal. The Treasury Department and the IRS have determined that the annual renewal of a PTIN is the most effective renewal period. An annual renewal period ensures the IRS has up-to-date identifying information about each return preparer, which benefits return preparers, their clients, and the IRS in ensuring the timely communication of important information. Further, the annual renewal period allows the IRS to better administer the PTIN program, effectively identify and contact return preparers, and prevent the unauthorized use of PTINs, thereby benefiting return preparers and protecting taxpayers.

B. Use of a Third-Party Contractor

Several commenters objected to paying a separate fee to the third-party contractor, and some objected to the amount of the fee paid to the third-party contractor.

The third-party contractor was chosen through a competitive bidding process, and the amount of the third-party contractor's fee is reviewed and approved by the IRS. The third-party contractor's costs include more than the discrete costs of generating a number and are separate from the costs to the IRS for administering the PTIN application and renewal program. The two portions of the fee pay for different aspects of administering the PTIN program, each of which is essential to providing PTINs to tax return preparers. As discussed in the preamble to the proposed regulations, the third-party contractor performs a number of valuable functions, including processing applications to obtain or renew a PTIN and operating a call center. The IRS has determined that it is appropriate to use a third-party contractor to perform these functions.

C. Re-Instituting User Fee During Steele Litigation

Three commenters objected to re-instituting the PTIN user fee during the pendency of the *Steele* v. *United States* litigation in the United States District Court for the District of Columbia.

In *Steele* v. *United States,* 260 F. Supp. 3d 52 (D.D.C. 2017), the United States District Court for the District of Columbia concluded that the Treasury Department and the IRS lacked the statutory authority to charge a PTIN user fee and enjoined the IRS from charging a PTIN user fee. On March 1, 2019, the United States Court of Appeals for the District of Columbia Circuit reversed the district court's decision and lifted the injunction against charging the PTIN user fee. *See Montrois* v. *United States,* 916 F.3d 1056 (D.C. Cir. 2019) (holding that a PTIN provides tax return preparers a specific benefit by allowing them to provide an identifying number that is not a social security number on returns they prepare and stating that the permissible amount of the fee would be the same regardless of whether the specific benefit was instead the ability to prepare tax returns for compensation). In accordance with the opinion of the United States Court of

Appeals for the District of Columbia Circuit, the IRS is authorized to charge a PTIN user fee for the service of providing return preparers a PTIN. Despite the ongoing litigation with respect to the amount of the user fee, the IRS is authorized to resume charging a fee because the district court's injunction was vacated. After the injunction was lifted, and in accordance with the biennial review requirement in OMB Circular A–25, the IRS has re-determined costs that the government continues to incur for providing PTINs and administering the PTIN program and re-calculated the amount of the user fee. OMB Circular A–25 states that user fees should be collected in advance of or simultaneously with the provision of a service. The PTIN user fee is collected when return preparers apply for or renew their PTINs during the application season, which begins annually in October.

D. COVID–19 Pandemic

Two commenters objected to re-instituting the fee during the COVID–19 pandemic. The demand and need for tax return preparation services should continue despite the pandemic. As return preparers continue to prepare returns, they must continue to use current PTINs to do so, and the government continues to incur costs for providing PTINs and administering the PTIN program, which should be recovered by charging a fee. In the absence of charging a fee to return preparers, taxpayers would bear the costs the IRS incurs of providing PTINs and associated functions.

E. Costing Methodology

One commenter made a number of other objections broadly relating to the IRS's costing methodology detailed in the proposed regulations. The same commenter and one other commenter questioned the direct costs incurred by the IRS in administering the PTIN program. The IRS properly follows generally accepted accounting principles (GAAP) in calculating the full cost of administering the PTIN program in accordance with *Statement of Federal Financial Accounting Standards* (*SFFAS*) *No. 4,* which establishes internal costing standards to accurately measure and manage the full cost of Federal programs. The preamble to the proposed regulations provides the methodology by which the IRS determined the full cost of the PTIN program. It details the use of cost centers, which are the lowest organizational unit in the IRS's cost-accounting system, the implementation of various cost-measurement techniques to estimate the direct costs attributable to the PTIN program, and overhead allocation.

As described in the preamble to the proposed regulations, the IRS uses various cost-measurement techniques to estimate the direct costs attributable to the program. These techniques include using various timekeeping systems to measure the time required to accomplish activities, or using information provided by subject-matter experts on the time devoted to a program. To determine the labor and benefits cost incurred to administer the PTIN program, the IRS estimated the number of full-time employees required to conduct activities related to the PTIN program. The number of full-time employees is based on both current employment numbers and future hiring estimates. Other direct costs associated with administering the PTIN program include contract costs and travel, training, supplies, printing, and other miscellaneous costs.

The preamble to the proposed regulations also describes the staffing and other costs incurred in administering the PTIN program. Staffing costs are incurred by the Return Preparer Office (RPO) in the IRS and relate to conducting certain suitability checks, foreign preparer processing, handling compliance and complaint activities, information technology and contract-related support, communications, budgeting and finance, and program oversight and support. Examples of the specific activities that are included within those categories include, but are not limited to, the following activities. Suitability checks include work involving specially designated nationals,[1] incarcerated return preparers, enjoined return preparers, and professional designation checks on certain individuals. Foreign preparer processing includes the IRS processing of PTIN applications for foreign persons who are not eligible to obtain a social security number and have a permanent non-U.S. address. Compliance and complaint activities include work involving compromised and misused PTINs and identity theft related PTINs, expired PTINs, legacy PTINs, ghost return preparers (returns prepared without a PTIN), processing complaints, and penalty referrals. Information technology and contract-related support activities include contract oversight, background investigations and training for contractor personnel, contractor performance reviews, records management, peak season planning and implementation, off-season system enhancements, program metrics reporting and data extracts, managing system changes, addressing system defects and data anomalies, system training materials, cloud service provider hosting, customer contact center hosting, system capacity monitoring and performance, IT coordination and remote server platform issues for e-authentication, registration system and database refinements, enterprise life cycle documentation, site visits and contractor assessments, specialized IT security training, identity theft protection, and work related to the PTIN call center. Communications activities include correspondence with return preparers, including renewal notifications, development of system generated messaging, website messaging, FOIA posting of PTIN holder list, and stakeholder communications. Budget and finance activities include user fee review and cost modeling, payment tracking and accountability, requisitions and obligations of funds, operational budgeting and funding based on actual and projected PTIN user fee receipts, third-party contacts related to PTIN matters (requests from Congress, Treasury Inspector General for Tax Administration, and Government Accountability Office), developing and updating Internal Revenue Manual content, and certain human resources activities. Program oversight and support includes oversight and support in the RPO over these PTIN functions.

OMB Circular A–25 does not require the IRS to account for and describe activities unrelated to providing PTINs and administering the PTIN program that are not included in the costs recovered in the PTIN user fee. The IRS has accounted for all activities properly included in the PTIN user fee.

The preamble to the proposed regulations also describes how the IRS calculated the overhead rate and overhead costs. Overhead is an indirect cost of operating an organization that is not specifically identifiable with an activity. Overhead includes costs of resources that are jointly or commonly consumed by one or more organizational unit's activities but are not specifically identifiable to a single activity.

Accordingly, the proposed regulations are adopted without change.

Special Analyses

The OMB's Office of Information and Regulatory Analysis has determined that these regulations are significant and subject to review under section 6(b) of Executive Order 12866.

[1] *https://www.treasury.gov/resource-center/sanctions/SDN-List/Pages/default.aspx.*

Pursuant to the Regulatory Flexibility Act (5 U.S.C. chapter 6), it is hereby certified that these final regulations will not have a significant economic impact on a substantial number of small entities. The final regulations affect all individuals who prepare or assist in preparing all or substantially all of a tax return or claim for refund for compensation. Only individuals, not businesses, can have a PTIN. Thus, the economic impact of these regulations on any small entity generally will be a result of an individual tax return preparer who is required to have a PTIN owning a small business or a small business otherwise employing an individual tax return preparer who is required to have a PTIN. The Treasury Department and the IRS estimate that approximately 800,000 individuals will apply annually for an initial or renewal PTIN. Although the final regulations will likely affect a substantial number of small entities, the economic impact on those entities is not significant. The final regulations will establish a $21 fee per application or renewal (plus $14.95 payable to the contractor), which is a reduction from the previously established fee of $33 (plus $17 payable to the contractor) per application or renewal and will not have a significant economic impact on a small entity. Accordingly, the Secretary certifies that the rule will not have a significant economic impact on a substantial number of small entities.

Pursuant to section 7805(f), the notice of proposed rulemaking was submitted to the Chief Counsel for the Office of Advocacy of the Small Business Administration for comment on its impact on small business (85 FR 21126). No comments on the notice were received from the Chief Counsel for the Office of Advocacy of the Small Business Administration.

Drafting Information

The principal author of these regulations is Michael A. Franklin, Office of the Associate Chief Counsel (Procedure and Administration). Other personnel from the Treasury Department and the IRS participated in the development of the regulations.

List of Subjects in 26 CFR Part 300

Reporting and recordkeeping requirements, User fees.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 300 is amended as follows:

PART 300—USER FEES

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

Authority: 31 U.S.C. 9701.

Par. 2. Section 300.12 is amended by revising paragraphs (b) and (d) to read as follows:

§ 300.13 Fee for obtaining a preparer tax identification number.

* * * * *

(b) *Fee.* The fee to apply for or renew a preparer tax identification number is $21 per year and is in addition to the fee charged by the contractor.

* * * * *

(d) *Applicability date.* This section applies to applications for or renewal of a preparer tax identification number filed on or after August 17, 2020.

Sunita Lough,

Deputy Commissioner for Services and Enforcement.

Approved:

David J. Kautter,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2020–15446 Filed 7–15–20; 4:15 pm]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 582

Nicaragua Sanctions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is amending the Nicaragua Sanctions Regulations to incorporate the Nicaragua Human Rights and Anticorruption Act of 2018 by updating the authority citation and the prohibited transactions and delegation sections. OFAC is also adding a general license authorizing certain United States government activities.

DATES: This rule is effective July 17, 2020.

FOR FURTHER INFORMATION CONTACT: OFAC: Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

This document and additional information concerning OFAC are available on OFAC's website (*www.treasury.gov/ofac*).

Background

On September 4, 2019, OFAC issued the Nicaragua Sanctions Regulations, 31 CFR part 582 (84 FR 46440, September 4, 2019) (the ''Regulations'') to implement Executive Order 13851 of November 27, 2018 (''Blocking Property of Certain Persons Contributing to the Situation in Nicaragua'') (E.O. 13851). The regulations were published in abbreviated form for the purpose of providing immediate guidance to the public.

On December 20, 2018, the President signed the Nicaragua Human Rights and Anticorruption Act of 2018 (Pub. L. 115–335; 50 U.S.C. 1701 note) (NHRAA) into law. The NHRAA requires the President to impose targeted sanctions on certain persons, including those that he determines to be responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, or to have knowingly participated in, directly or indirectly, in or in relation to Nicaragua on or after April 18, 2018: (i) Significant acts of violence or conduct that constitutes a serious abuse or violation of human rights against persons associated with the protests in Nicaragua that began on April 18, 2018; (ii) significant actions or policies that undermine democratic processes or institutions; (iii) acts of significant corruption by or on behalf of the Government of Nicaragua or a current or former official of the Government of Nicaragua; or (iv) the arrest or prosecution of a person primarily because of the person's legitimate exercise of freedom of speech, assembly, or the press.

This rule amends the authority citation of the Regulations and the delegation section of the Regulations at § 582.802 to add the delegation of certain functions with respect to the NHRAA. OFAC is also making certain technical edits to the authority citation of the Regulations to shorten citations to conform with **Federal Register** guidance.

In subpart B of the Regulations, OFAC is expanding existing § 582.201, which relates to prohibited transactions, to specify that the prohibitions in that section include all transactions prohibited pursuant to E.O. 13851, or any further Executive orders issued pursuant to the national emergency declared in E.O. 13851, and any transactions prohibited pursuant to the

NHRAA. OFAC is also making a number of technical and conforming edits in Notes 1 and 2 to § 582.201 related to this change.

Finally, OFAC is incorporating a general license into subpart E that was previously posted only on OFAC's website. This general license, which is being added as new § 582.509, authorizes the U.S. government to engage in certain activities related to Nicaragua.

Public Participation

Because the Regulations involve a foreign affairs function, the provisions of Executive Order 12866 and the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, as well as the provisions of Executive Order 13771, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

Paperwork Reduction Act

The collections of information related to the Regulations are contained in 31 CFR part 501 (the ''Reporting, Procedures and Penalties Regulations''). Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), those collections of information have been approved by the Office of Management and Budget under control number 1505–0164. 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 control number.

List of Subjects in 31 CFR Part 582

Administrative practice and procedure, Banks, banking, Blocking of assets, Nicaragua, Penalties, Reporting and recordkeeping requirements, Sanctions.

For the reasons set forth in the preamble, the Department of the Treasury's Office of Foreign Assets Control amends 31 CFR part 582 as follows:

PART 582—NICARAGUA SANCTIONS REGULATIONS

■ 1. The authority citation for part 582 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; 28 U.S.C. 2461 note; 50 U.S.C. 1705 note; 50 U.S.C. 1701 note; E.O. 13851, 83 FR 61505, 3 CFR, 2018 Comp., p. 884.

Subpart B—Prohibitions

■ 2. Revise § 582.201 to read as follows:

§ 582.201 Prohibited transactions.

All transactions prohibited pursuant to Executive Order 13851 of November 27, 2018 (E.O. 13851), or any further Executive orders issued pursuant to the national emergency declared in E.O. 13851, and any transactions prohibited pursuant to the Nicaragua Human Rights and Anticorruption Act of 2018 (Pub. L. 115–335; 50 U.S.C. 1701 note) (NHRAA), are also prohibited pursuant to this part.

Note 1 to § 582.201: The names of persons designated pursuant to E.O. 13851, or listed in or designated or identified pursuant to any further Executive orders issued pursuant to the national emergency declared in E.O. 13851, whose property and interests in property therefore are blocked pursuant to this section, are published in the **Federal Register** and incorporated into OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) using the following identifiers: For E.O. 13851: ''[NICARAGUA]'' and for any further Executive orders issued pursuant to the national emergency declared in E.O. 13851: Using the identifier formulation ''[NICARAGUA–E.O. [E.O. number pursuant to which the person's property and interests in property are blocked]]''. The names of persons designated or identified pursuant to NHRAA will be incorporated into the SDN list with the identifier ''[NICARAGUA–NHRAA]''. The SDN List is accessible through the following page on OFAC's website: *www.treasury.gov/sdn.* Additional information pertaining to the SDN List can be found in appendix A to this chapter. See § 582.406 concerning entities that may not be listed on the SDN List but whose property and interests in property are nevertheless blocked pursuant to this section.

Note 2 to § 582.201: The International Emergency Economic Powers Act (50 U.S.C. 1701–1706), in Section 203 (50 U.S.C. 1702), and the NHRAA, in section 5(d)(1), authorize the blocking of property and interests in property of a person during the pendency of an investigation. The names of persons whose property and interests in property are blocked pending investigation pursuant to this section also are published in the **Federal Register** and incorporated into the SDN List using the following identifiers: For E.O. 13851: ''[BPI–NICARAGUA]''; for any further Executive orders issued pursuant to the national emergency declared in E.O. 13851: Using the identifier formulation ''[BPI–NICARAGUA–E.O.[E.O. number pursuant to which the person's property and interests in property are blocked pending investigation]]''; for the NHRAA: ''[BPI–NHRAA]''.

Note 3 to § 582.201: Sections 501.806 and 501.807 of this chapter describe the procedures to be followed by persons seeking, respectively, the unblocking of funds that they believe were blocked due to mistaken identity, and administrative reconsideration of their status as persons whose property and interests in property are blocked pursuant to this section.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 3. Add § 582.509 to read as follows:

§ 582.509 Official Business of the United States Government

All transactions that are for the conduct of the official business of the United States Government by employees, grantees, or contractors thereof are authorized.

Subpart H—Procedures

■ 4. Revise § 582.802 to read as follows:

§ 582.802 Delegation of certain authorities by the Secretary of the Treasury.

Any action that the Secretary of the Treasury is authorized to take pursuant to Executive Order 13851 of November 27, 2018, and any further Executive orders relating to the national emergency declared therein, and any action that the Secretary of the Treasury is authorized to take pursuant to Memorandum of May 24, 2019: Delegation of Functions and Authorities under the Nicaragua Human Rights and Anticorruption Act of 2018, May 24, 2019 (published June 13, 2019), may be taken by the Director of OFAC or by any other person to whom the Secretary of the Treasury has delegated authority so to act.

Dated: July 13, 2020.

Andrea Gacki,

Director, Office of Foreign Assets Control.

[FR Doc. 2020–15401 Filed 7–16–20; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0785]

RIN 1625–AA11

Regulated Navigation Areas; Harbor Entrances Along the Coast of Northern California

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing Regulated Navigation Areas (RNAs) at the harbor bar entrances to Crescent City Harbor, Humboldt Bay, Noyo River, and Morro Bay. This regulation creates additional safety requirements for recreational and small commercial vessels operating in these areas during periods of hazardous conditions, such as high wind or

breaking surf, and establishes clear procedures for restricting and closing these harbor bar entrances in the event of unsafe conditions. This regulation is necessary to enhance mariner and vessel safety when bar conditions exceed certain parameters, typically when breaking seas are projected to be 20-foot or greater. This rulemaking prohibits vessels from entering these areas during unsafe conditions unless authorized by the local Captain of the Port or a designated representative.

DATES: This rule is effective August 17, 2020.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2019–0785 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Marcia Medina, Coast Guard District 11 Waterways Office; telephone 510–437–2978, email *marcia.a.medina@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
LA–LB Los Angeles-Long Beach
OCMI Officer in Charge of Marine Inspection
OMB Office of Management and Budget
MLB Motor Lifeboat
NAD North American Datum
NOAA National Oceanic and Atmospheric Administration
NTSB National Transportation Safety Board
NPRM Notice of Proposed Rulemaking
PWSA Ports and Waterways Safety Act
RNA Regulated Navigation Area
U.S.C. United States Code
USCG United States Coast Guard
§ Section

II. Background Information and Regulatory History

Severe currents, wave and sea conditions along bars on the northern California coast have contributed to numerous marine casualties. The current mariner rules of the road governing maritime traffic operating in the vicinity of the Crescent City Harbor, Humboldt Bay, Noyo River, and Morro Bay Harbor bar entrances are insufficient to enhance the safety of mariners and vessels operating in those areas during unsafe conditions. The COTP (Captain of the Port) San Francisco and COTP Los Angeles-Long Beach (LA–LB) have issued various navigation safety advisories and created numerous temporary emergency safety zones to mitigate risk to mariners and vessels transiting the Crescent City Harbor, Humboldt Bay, Noyo River, and Morro Bay Harbor entrances during unsafe conditions.[1] These emergency safety zones included policies and procedures for closing the bar to vessel traffic as well as vessel escort policies and provided parameters and procedures for waiver requests. Continued reliance on temporary emergency safety zones to accomplish the required risk mitigation, however, does not provide consistency or predictability of Coast Guard actions to mariners. A COTP can issue COTP Orders under the Ports and Waterways Safety Act (PWSA) to direct a specific vessel, facility, or individual in order to: Restrict or stop vessel operations; require specific actions to be taken; deny a vessel further entry to port until a deficiency is corrected; or detain a vessel in port. COTP Orders cannot be issued to ''all vessels'' or a class of vessels, facilities or individuals, where a group or class of entities is targeted, the issuance of a rule is more appropriate. The issuance of a permanent regulation to create additional safety requirements for recreational and small commercial vessels operating in these areas during periods of hazardous conditions, is inline with various Coast Guard and National Transportation Safety Board (NTSB) casualty investigations that have identified a need for specific Coast Guard regulations to mitigate risks and enhance the safety of mariners and vessels operating in the vicinity of bars along the northern California coast.[2]

The Coast Guard solicited public input on the potential establishment of RNAs at these locations through the **Federal Register** prior to publication of the Notice of Proposed Rule Making (NPRM) for this rule (83 FR 5592, Feb. 8, 2018). In addition to the **Federal Register** notices, Coast Guard COTP LA–LB and COTP San Francisco engaged in an extensive public outreach plan which included a press release issued on November 12, 2019, to engage all stakeholders in the local communities.[3] In addition, the Coast Guard published an article in the Local Notice to Mariners for four weeks, from November 14, 2019 to December 11, 2019. On November 7, 2019, the Coast Guard published the NPRM ''Regulated Navigation Areas; Harbor Entrances Along the Coast of Northern California (84 FR 60025).'' There, we stated why we issued the NPRM and invited comments on our proposed regulatory action related to this rule. During the comment period that ended December 9, 2019, we received five comment submissions. In addition, we received one document submission after the comment period ended, but we still accepted and considered the comment.

[1] *See, e.g.,* 84 FR 52763, Oct. 3, 2019; and 85 FR 2643, Jan. 16, 2020.

[2] *See* NTSB Safety Recommendation M–05–009, available at: *https://www.ntsb.gov/investigations/AccidentReports/_layouts/ntsb.recsearch/Recommendation.aspx?Rec=M-05-009.*

[3] *https://content.govdelivery.com/accounts/USDHSCG/bulletins/26ba479.*

III. Legal Authority and Need for Rule

The Eleventh District Commander has determined that there is a need to create additional safety requirements for recreational and small commercial vessels operating at the Crescent City Harbor, Humboldt Bay, Noyo River, and Morro Bay Harbor bar entrances during periods of hazardous conditions, such as high wind or breaking surf, as well as establish clear procedures for restricting and closing these harbor bar entrances in the event of unsafe conditions. This rule streamlines safety regulations and provides predictability for local mariners regarding the conditions for the Coast Guard to regulate navigation in the vicinity of these bar entrances based on weather, sea, tide, and river conditions. This rule enhances mariner and vessel safety when bar conditions exceed certain parameters, typically when breaking seas are projected to be 20-foot or greater. This rulemaking prohibits vessels from entering these areas during unsafe conditions unless authorized by the local COTP or a designated representative.

The Coast Guard is creating this rulemaking under the authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231) and Department of Homeland Security (DHS) Delegation No. 0170.1(70). This authority has been re-delegated by the Commandant to District Commanders in accordance with 33 CFR 1.05–1(e). Authority to activate the RNA at Morro Bay Harbor is delegated from the District Commander to COTP LA–LB. The authority to activate the RNA at Crescent City Harbor, Humboldt Bay, and Noyo River is delegated to COTP San Francisco. The Designated Representative for enforcement of this RNA at Crescent City Harbor, Humboldt Bay, and Noyo River will be designated by COTP San Francisco to Commander, Sector Humboldt Bay.

IV. Discussion of Comments, Changes, and the Rule

During the comment period, which ended December 9, 2019, we received

five submissions from the public. We received one additional submission after the comment period ended. The Coast Guard accepted and considered all six submissions from the public in drafting this final rule. A total of 7 issues were raised by the commenters.

1. Description of the Regulated Navigation Areas (RNAs). One commenter stated that the Coast Guard provided a vague depiction of the RNAs. An amendment to the rule was made based on this comment to simplify the National Oceanic and Atomospheric Administration (NOAA) charting requirements. Each bar crossing will now be described with latitude/longitude geographic coordinates in order to be plotted onto NOAA charts. Horizontal Datum on all these coordinates is North American Datum (NAD) 83.

2. Definition of the term navigable waters. One commenter was concerned that the term ''navigable waters'' was not defined in the regulation. The Coast Guard did not make changes to the rule because the term ''navigable waters'' is defined in 33 CFR 2.36.

3. Economic effects of the rule on small entities and local economies. Two commenters raised concerns about possible economic effects of the rule on small entities and local economies. Specifically, the commenters expressed that the rule would put undue burden on small commercial fishing operations and Uninspected Passenger Vessels engaged in recreational fishing and/or interfere with commercial fishing activities based on these comments. There should not be any adverse economic effects on small entities and local economies, since the bar restrictions and closures are already a part of the regions' economic baseline activity. The rule is a codification of existing standard practices. Utilizing current weather patterns, the Coast Guard has determined that the rule will not increase the number of bar restrictions or closures from past years. After careful consideration, the Coast Guard determined that changes to the rule based on this comment were not necessary.

4. Enforcement personnel. One commenter questioned whether RNAs were enforced only by crews on Motor Lifeboats (MLBs). The Coast Guard has and will continue to use all available resources to enforce this RNA and is not limited to MLBs. No changes to the rule were made based on this question.

5. Person responsible for making the determination if conditions are unsafe. Two commenters stated their belief that mariners should be the ones making the determination if conditions are unsafe. Although the recreational and commercial mariner might be an expert mariner, the decision to transit a potentially hazardous bar should not be left solely to their discretion. There may be unknown outside factors along with subtle influences to contend with at the time when making a crossing attempt. Coast Guard personnel have the knowledge of local conditions in evaluating whether the go/no-go policies developed and implemented by vessel owners and operators are appropriate to attain a sufficient level of operational safety. No changes to the rule were made based on these comments.

6. Carriage of additional safety equipment. One commenter was concerned about carrying additional safety equipment onboard vessels such as an immersion suit instead of a life jacket and adding jack lines, harnesses, and safety tethers. A prudent mariner should be familiar with, and carry onboard, the safety equipment required by federal and state laws. No changes to the rule were made based on the comment.

7. Notice to the public concerning this rulemaking. One commenter stated their belief that there was a lack of communication from the Coast Guard to the public concerning this rulemaking action. The Coast Guard disagrees. The agency robustly attempted to engage the public prior to issuance of this final rule. As discussed above in section II of this document, the Coast Guard solicited comments in the **Federal Register** prior to issuance of the NPRM and engaged in an extensive public outreach plan at the local level. In accordance with the Administrative Procedure Act, the Coast Guard published an NPRM soliciting public comment on November 7, 2019. To further advertise that the NPRM was out and available for comment the Coast Guard issued a press release on November 12, 2019, requesting comments for the rule. In addition to the November 12th press release, the Coast Guard published an article in the Local Notice to Mariners for four weeks, from November 14, 2019, to December 11, 2019. In addition, Sector LA–LB advertised the need for comments at their local Harbor Safety Committee/Subcommittee meetings, with local harbormasters, and at local marinas.

All comments received were considered in drafting this final rule. No comments other than those already mentioned, however, resulted in any changes to the rule because, although important, they were either outside the scope of the rule or appeared to be based on a misunderstanding of the rule. The Coast Guard utilized the comments received to draft the RNA text to be minimally disruptive to the local community and mariners utilizing Crescent City Harbor, Humboldt Bay, Noyo River, and Morro Bay Harbor bar entrances outlined in this final rule, while acknowledging the limits of Coast Guard rescue assets and the need for additional safety measures.

The Coast Guard encourages mariners having further questions about the rule and how to comply with it to contact the Coast Guard point of contact listed under **FOR FURTHER INFORMATION CONTACT**.

V. Regulatory Analyses

The Coast Guard developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the fact that: (1) The regulation does not require vessel operators affected by the regulation to purchase additional equipment; (2) the restriction and/or closure of the bars are temporary and will only occur when necessary due to unsafe conditions; (3) the maritime public will be advised of bar restrictions and/or closures via one or more of the following methods: Broadcast Notice to Mariners, local government partners, bar warning lights and/or publication in the Local Notice to Mariners; and (4) vessels may be allowed to enter the RNA when a bar restriction and/or closure is in place on a case-by-case basis with permission of the COTP or a designated representative.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider

the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received zero comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule may affect the following entities, some of which may be small entities: owners and operators of waterfront facilities, commercial vessels, and pleasure craft engaged in recreational activities and sightseeing, if these facilities or vessels are in the vicinity of the RNA at times when the RNA has been activated. This rule will not have a significant economic impact on a substantial number of small entities for the following reasons: (1) The regulation does not require vessel operators affected by the regulation to purchase additional equipment; (2) the restriction and/or closure of the bars are temporary and will only occur when necessary due to unsafe conditions; (3) the maritime public will be advised of bar restrictions and/or closures via one or more of the following methods: Broadcast Notice to Mariners, local government partners, bar warning lights and publication in the Local Notice to Mariners; and (4) vessels may be allowed to enter the RNA when a bar restriction or closure is in place on a case-by-case basis with permission of the COTP or a designated representative.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has 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. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, 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. If you believe this rule has implications for federalism or Indian tribes, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

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 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 $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves RNAs that would prohibit the transit of maritime traffic in times of unsafe conditions. These actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 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.

■ 2. Add § 165.1196 to read as follows:

§ 165.1196 Regulated Navigation Areas; Harbor Entrances along the Coast of Northern California.

(a) *Regulated navigation areas.* Each of the following areas is a regulated navigation area (RNA):

(1) Humboldt Bay Entrance Channel: The navigable waters enclosed by the following coordinates:

(i) 40°45′17″ N, 124°14′10″ W (Point A);

(ii) 40°45′56″ N, 124°15′06″ W (Point B);

(iii) 40°46′25″ N, 124°14′30″ W (Point C);

(iv) 40°46′04″ N, 124°13′46″ W (Point D); and

(v) Thence back to Point A, in Eureka, CA (NAD 83).

(2) Noyo River Entrance Channel: The navigable waters of the Noyo River

Entrance Channel enclosed by the following coordinates:

(i) 39°25′36″ N, 123°48′34″ W (Point A);

(ii) 39°25′37″ N, 123°48′38″ W (Point B);

(iii) 39°25′42″ N, 123°48′39″ W (Point C);

(iv) 39°25′42″ N, 123°48′32″ W (Point D); and

(v) Thence back to Point A, in in Fort Bragg, CA (NAD 83).

(3) Crescent City Harbor Entrance Channel: The navigable waters of the Crescent City Harbor Entrance Channel enclosed by the following coordinates:

(i) 41°44′11″ N, 124°11′22″ W (Point A);

(ii) 41°44′11″ N, 124°11′42″ W (Point B);

(iii) 41°44′25″ N, 124°11′54″ W (Point C);

(iv) 41°44′12″ N, 124°10′22″ W (Point D); and

(v) Thence back to Point A, in Cresent City, CA (NAD 83).

(4) Estero-Morro Bay Harbor Entrance Channel: The navigable waters of the Morro Bay Harbor Entrance Channel enclosed by the following coordinates:

(i) 35°21′21″ N, 120°52′12″ W (Point A);

(ii) 35°21′41″ N, 120°52′37″ W (Point B);

(iii) 35°21′55″ N, 120°52′10″ W (Point C);

(iv) 35°21′38″ N, 120°51′51″ W (Point D); and

(v) Thence back to Point A, in Morro Bay, CA (NAD 83).

(b) *Definitions.* For purposes of this section:

(1) *Bar closure* means that the operation of any vessel within an RNA established in paragraph (a) of this section has been prohibited by the Coast Guard.

(2) *Bar crossing plan* (also known as a Go/No-Go plan) means a plan, developed by local industry, in coordination with Coast Guard, for a bar within an RNA established in paragraph (a) of this section and adopted by the master or operator of a small passenger vessel or commercial fishing vessel to guide his or her vessel's operations on and in the vicinity of that bar.

(3) *Bar restriction* means that operation of a recreational, uninspected passenger, small passenger, and commercial fishing vessel within an RNA established in paragraph (a) of this section has been prohibited by the Coast Guard.

(4) *Commercial fishing industry vessel* means a fishing vessel, fish tender vessel, or a fish processing vessel.

(5) *COTP designated representative* means any Coast Guard commissioned officer, warrant officer, petty officer or civilian that has been authorized by the Captain of the Port (COTP) to act on his or her behalf in the enforcement of the RNA.

(6) *Fish processing vessel* means a vessel that commercially prepares fish or fish products other than by gutting, decapitating, gilling, skinning, shucking, icing, freezing, or brine chilling.

(7) *Fish tender vessel* means a vessel that commercially supplies, stores, refrigerates, or transports fish, fish products, or materials directly related to fishing or the preparation of fish to or from a fishing, fish processing, fish tender vessel or a fish processing facility.

(8) *Fishing vessel* means a vessel that commercially engages in the catching, taking, or harvesting of fish or an activity that can reasonably be expected to result in the catching, taking, or harvesting of fish.

(9) *Operator* means a person who is an owner, a demise charterer, or other contractor, who conducts the operation of, or who is responsible for the operation of a vessel.

(10) *Readily accessible* means equipment that is taken out of stowage and is available within the same space as any person for immediate use during an emergency.

(11) *Recreational vessel* means any vessel manufactured or used primarily for non-commercial use or leased, rented, or chartered to another for non-commercial use. It does not include a vessel engaged in carrying paying passengers.

(12) *Small passenger vessel* means a vessel inspected under 46 CFR subchapter T or 46 CFR subchapter K.

(13) *Uninspected passenger vessel* means an uninspected vessel—

(i) Of at least 100 gross tons;

(A) Carrying not more than 12 passengers, including at least one passenger-for-hire; or

(B) That is chartered with the crew provided or specified by the owner or the owner's representative and carrying not more than 12 passengers; or

(ii) Of less than 100 gross tons;

(A) Carrying not more than six passengers, including at least one passenger-for-hire; or

(B) That is chartered with the crew provided or specified by the owner or the owner's representative and carrying not more than six passengers.

(14) *Unsafe condition* exists when the wave height within an RNA identified in paragraph (a) of this section is equal to or greater than the maximum wave height determined by the formula L/10 + F = W where:

L = Overall length of a vessel measured in feet in a straight horizontal line along and parallel with the centerline between the intersections of this line with the vertical planes of the stem and stern profiles excluding deckhouses and equipment.

F = The minimum freeboard when measured in feet from the lowest point along the upper strake edge to the surface of the water.

W = Maximum wave height in feet to the nearest highest whole number.

(c) *Regulations.* (1)(i) *Bar restrictions.* The COTP or a designated representative will determine when to restrict passage for recreational and uninspected passenger vessels across the bars located in the RNAs established in paragraph (a) of this section. In making this determination, the COTP or a designated representative will determine whether an unsafe condition exists for such vessels as defined in paragraph (b) of this section. Additionally, the COTP or a designated representative will use his or her professional maritime experience and knowledge of local environmental conditions in making his or her determination. Factors that will be considered include, but are not limited to: Size and type of vessel, sea state, winds, wave period, and tidal currents. When a bar is restricted, the operation of recreational and uninspected passenger vessels in the RNA established in paragraph (a) of this section in which the restricted bar is located is prohibited unless specifically authorized by the COTP or a designated representative.

(ii) *Bar closure.* The bars located in the RNAs established in paragraph (a) of this section will be closed to all vessels whenever environmental conditions exceed the operational limitations of the relevant Coast Guard Search and Rescue resources as determined by the COTP. When a bar is closed, the operation of any vessel in the RNA established in paragraph (a) of this section in which the closed bar is located, is prohibited unless specifically authorized by the COTP or a designated representative. For bars having deep draft vessel access, the COTP will consult with the local pilots association, when practicable, prior to closing the affected bar.

(iii) *Notification.* The Coast Guard will notify the public of bar restrictions and bar closures via a Broadcast Notice to Mariners on VHF–FM Channel 16 and 22A. Additionally, Coast Guard personnel may be on-scene to advise the public of any bar restrictions or closures. In some locations, the Coast Guard may use bar warning lights to provide a visual indication of unsafe conditions to the public. Monitoring

cameras and associated websites may also provide mariners with additional information in some locations.

(2) *Safety requirements for recreational vessels.* The operator of any recreational vessel operating in an RNA established in paragraph (a) of this section shall ensure that all persons located in any unenclosed areas of the recreational vessel are wearing lifejackets and that lifejackets are readily accessible for/to all persons located in any enclosed area of the recreational vessel:

(i) When crossing the bar and a bar restriction exists or

(ii) Whenever the recreational vessel is being towed or escorted across the bar.

(3) *Safety requirements for uninspected passenger vessels (UPVs).* (i) The master or operator of any uninspected passenger vessel operating in an RNA established in paragraph (a) of this section shall ensure that all persons located in any unenclosed areas of their vessel are wearing lifejackets and that lifejackets are readily accessible for/to all persons located in any enclosed areas of their vessel uninspected passenger vessel:

(A) When crossing the bar and a bar restriction exists or

(B) Whenever the uninspected passenger vessel is being towed or escorted across the bar.

(ii) The master or operator of any uninspected passenger vessel operating in an RNA established in paragraph (a) of this section during the conditions described in paragraph (c)(3)(i)(A) of this section shall contact the Coast Guard on VHF–FM Channel 16 prior to crossing the bar. The master or operator shall report the following:

(A) Vessel name,

(B) Vessel location or position,

(C) Number of persons onboard the vessel and

(D) Vessel destination.

(4) *Safety Requirements for Small Passenger Vessels (SPV).* (i) The master or operator of any small passenger vessel operating in an RNA established in paragraph (a) of this section shall ensure that all persons located in any unenclosed areas of the small passenger vessel are wearing lifejackets and that lifejackets are readily accessible for/to all persons located in any enclosed areas of the vessel:

(A) Whenever crossing the bar and a bar restriction exists or

(B) Whenever their vessel is being towed or escorted across the bar.

(ii) Small passenger vessels with bar crossing plans that have been reviewed by and accepted by the Officer in Charge of Marine Inspection (OCMI) are exempt from the safety requirements described in paragraph (c)(4)(i) of this section during the conditions described in paragraph (c)(4)(i)(A) of this section so long as when crossing the bar the master or operator ensures that all persons on their vessel wear lifejackets in accordance with their bar crossing plan. If the vessel's bar crossing plan does not specify the conditions when the persons on their vessel shall wear lifejackets, however, then the master or operator shall comply with the safety requirements provided in paragraph (c)(4)(i) of this section in its entirety.

(iii) The master or operator of any small passenger vessel operating in an RNA established in paragraph (a) of this section during the conditions described in paragraph (c)(4)(i)(A) of this section shall contact the Coast Guard on VHF–FM Channel 16 prior to crossing the bar. The master or operator shall report the following:

(A) Vessel name,

(B) Vessel location or position,

(C) Number of persons on board the vessel and

(D) Vessel destination.

(5) *Safety Requirements for Commercial Fishing Vessels (CFV).* (i) The master or operator of any commercial fishing vessel operating in an RNA described in paragraph (a) of this section shall ensure that all persons located in any unenclosed areas of commercial fishing vessel are wearing lifejackets or immersion suits and that lifejackets or immersion suits are readily accessible for/to all persons located in any enclosed spaces of the vessel:

(A) Whenever crossing the bar and a bar restriction exists or

(B) Whenever the commercial fishing vessel is being towed or escorted across the bar.

(ii) The master or operator of any commercial fishing vessel operating in an RNA described in paragraph (a) of this section during the conditions described in paragraph (c)(5)(i)(A) of this section shall contact the Coast Guard on VHF–FM Channel 16 prior to crossing the bar. The master or operator shall report the following:

(A) Vessel name,

(B) Vessel location or position,

(C) Number of persons on board the vessel and

(D) Vessel destination.

(6) *Penalties.* All persons and vessels within the RNAs described in paragraph (a) of this section shall comply with orders of Coast Guard personnel. Coast Guard personnel includes commissioned, warrant, petty officers, and civilians of the United States Coast Guard. Any person who fails to comply with this regulation is subject to civil penalty in accordance with 46 U.S.C. 70036.

Dated: June 30, 2020.

Peter W. Gautier,

Rear Admiral, U.S. Coast Guard, Commander, Coast Guard District Eleven.

[FR Doc. 2020–14791 Filed 7–16–20; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Part 263

RIN 1810–AB54

[Docket ID ED–2019–OESE–0126]

Indian Education Discretionary Grant Programs; Demonstration Grants for Indian Children and Youth Program

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations that govern the Demonstration Grants for Indian Children and Youth Program (Demonstration program), authorized under title VI of the Elementary and Secondary Education Act of 1965, as amended (ESEA), to implement changes to title VI resulting from the enactment of the Every Student Succeeds Act (ESSA). These final regulations would update, clarify, and improve the current regulations. These regulations also add a new priority, and accompanying requirements and selection criteria, for applicants proposing to empower Tribes and families to decide which education services will best support their children to succeed in college and careers.

DATES: These regulations are effective August 17, 2020. Publication of the control number notifies the public that OMB has approved these information collection requirements under the Paperwork Reduction Act of 1995. These regulations apply to applications for the Demonstration program for fiscal year (FY) 2020 and subsequent years.

FOR FURTHER INFORMATION CONTACT: Bianca Williams, U.S. Department of Education, 400 Maryland Avenue SW, Room 3W237 Washington, DC 20202–6335. Telephone: 202–453–5671. Email: *Bianca.Williams@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: These regulations implement statutory changes

made to the Demonstration program in section 6122 of the ESEA (20 U.S.C. 7442) by the ESSA and make other changes to better enable the Department and grantees to meet the objectives of the program.

We published a notice of proposed rulemaking for this program (NPRM) in the **Federal Register** on March 31, 2020 (85 FR 17794).

In the preamble of the NPRM, we discussed on pages 17799–17801 the major changes proposed in that document. These included the following:

- Amending the priority in § 263.21(b)(1) that gives priority to Indian applicants to include schools funded by the Bureau of Indian Education (BIE) in the list of entities that are included in that priority.
- Adding a priority to § 263.21(c) for entities that are not rural and do not meet the existing priority for rural entities to allow the use of the existing priority for rural entities along with this new priority to create separate rank orders of rural and non-rural applicants.
- Adding a priority as § 263.21(c)(7) that would expand educational choice for parents and students, to enhance the ability of parents to choose high-quality educational opportunities to meet the needs of Native youth.
- Adding as new § 263.22(b)(4) an application requirement to include a plan to oversee service providers and ensure students are receiving high-quality services.
- Adding as new § 263.22(b)(5) an application requirement for non-Tribal applicants to partner with a Tribe or Indian organization.
- Amending renumbered § 263.24 to add new selection criteria.
- Adding as new § 263.25 program requirements relating to the new choice priority.

These final regulations contain several substantive changes from the NPRM, which we fully explain in the *Analysis of Comments and Changes* section of this preamble, in addition to several technical changes.

Public Comment: In response to our invitation in the NPRM, eight parties submitted comments on the proposed regulations. Although none of the comments received during public comment were from federally recognized Tribes, one commenter is an organization that includes several federally recognized Tribes. Tribes previously participated in Tribal consultation during development of the NPRM. For additional information on Tribal Consultation, please see the *Tribal Consultation* section of the NPRM.

Performance Measures

Although we are not required to include our proposed performance measures for this program in the notice and comment rulemaking process, in the NPRM we invited comment on those measures in order to gain more insight into the impact and feasibility of these measures. We appreciate the feedback and we have considered that feedback in revising the performance measures. We will publish the revised measures in the notice inviting applications for the competition for FY 2020 funding.

Analysis of Comments and Changes: An analysis of the comments regarding the proposed regulations and of any changes in the regulations since publication of the NPRM follows. We group major issues according to subject. Generally, we do not address technical and other minor changes.

General

Comment: One commenter objected to the inclusion of BIE-funded schools as eligible applicants for this program. One commenter opposed the addition of BIE-funded schools to the list of Tribal entities that receive priority under § 263.21(b)(1) of the regulations.

Discussion: Under section 6121(b) of the ESEA, BIE-funded schools are eligible to apply for this grant program because they meet the definition of a ''federally supported elementary school or secondary school for Indian students.'' These regulations do not constitute a change to the statutory eligibility of BIE-funded schools to apply for grants under this program.

With regard to the regulatory priority for Tribal entities, that priority is required by section 6143 of the ESEA, which requires the Department, in awarding grants under the discretionary grant programs in title VI, part A, subparts 2 and 3, to give preference to ''Indian tribes, organizations, and institutions of higher education.'' The term ''Indian'' modifies ''organizations'' and ''institutions of higher education.'' The Department has defined the term ''Indian organization,'' for purposes of the Demonstration program, in § 263.21 of these regulations. Schools funded by the BIE meet that definition, and the Office of Indian Education has treated them as included under the statutory priority.

Changes: None.

Comment: Several commenters provided input on the proposed priority for non-rural applicants in § 263.21(c)(6). One suggested that we permit applicants to self-select into rural and non-rural categories to better ensure applications are reviewed in a fair and equitable manner. This commenter also suggested that we use four categories to further distinguish between rural and non-rural applicants based on the number of Tribal nations represented in the targeted student population. The commenter explained that in their State, the majority of Indian students live in urban areas, and have needs that are different from those in rural areas.

Another commenter objected to including a priority for non-rural applicants if it means that rural applicants would receive less funding, due to the high needs of the rural areas. Another commenter stated that the change to § 263.21(c)(6) to add a non-rural priority in combination with the rural priority in § 263.21(c)(5) would be overly limiting to applicants.

Discussion: We do not believe it would be reasonable for applicants to self-select into rural and non-rural categories, because it would create an arbitrary and subjective distinction. We also do not believe it would be reasonable to use four categories to further distinguish between rural and non-rural applicants based on the number of Tribal nations represented in the targeted student population because of the complexity involved. Rather than permitting applicants to arbitrarily choose which category they would like to belong to, we feel it is important to use clear, objective, and simple criteria in order to classify entities as rural or non-rural. To ensure applicants meet the priority's requirements, an applicant would indicate in its application whether it meets the specific requirements of the rural priority, that is, the entity is eligible under the Small Rural School Achievement (SRSA) program or the Rural and Low-Income School (RLIS) program, or is a BIE-funded school in an area designated by certain locale codes. Other applicants would apply as non-rural applicants.

With regard to the concerns that including a non-rural priority would mean less funding for rural applicants, or provide a limitation, the text of new § 263.21(c)(6) specifies that the non-rural priority may only be used in competitions for which the rural priority is also used.

This change allows the Department the flexibility in future competitions to consider rural and non-rural applicants separately. For example, by using both priorities as absolute priorities, we can create separate funding slates for applicants that propose to serve rural communities and applicants that do not. This would provide a way for the Department to distribute grants fairly across high-scoring rural and non-rural

applicants, ensuring that applicants serving rural areas that may have fewer available resources are not disadvantaged compared to non-rural applicants.

Changes: None.

Comment: One commenter expressed support for the proposed choice priority for the Demonstration program in § 263.21(c)(7). The commenter stated that this priority enables all Native students to have opportunities to succeed without biases or limitations in their career of choice, and provides the flexibility for grantees to determine which academic pursuits are most impactful for students in their communities, including students with disabilities. The commenter stated that under this priority, grantees can pay for the services that parents and students may not be able to afford otherwise, such as individual tutoring services or student counseling. The commenter recommended a requirement that services be supplemental to existing school services and funding sources.

Discussion: We appreciate the support for this new priority. The priority already includes a requirement that services be supplemental to existing school services and funding sources, so no change is needed.

Changes: None.

Comment: Several commenters stated that they oppose the addition of the priority in § 263.21(c)(7) because they believe it would fund private school education by creating a private school voucher funded with taxpayer dollars. One commenter stated that this priority would undermine Tribal sovereignty by creating vouchers that could be used to fund non-Native private entities and would also undermine the goals of the Demonstration program. Another commenter stated that very few students live near a private school that would accept vouchers, so for most students, vouchers would not provide a meaningful choice outside of their traditional public school. Another commenter stated that, given the history of mission-run schools on American Indian reservations, the majority of private schools that would accept vouchers under this program would probably be religious schools. This commenter argued that voucher programs violate the fundamental principle of separation of church and State, because it is impossible to prevent the use of voucher funds for the schools' religious education. The commenter and other commenters further stated that private schools are not required to provide students with the same civil rights protections as public schools, discriminate against students for entrance purposes, and do not provide students with disabilities with a free and appropriate education. The commenter noted that during Tribal consultation for this program, Tribal leaders requested a variety of service options, but did not ask for private school vouchers, because private schools are generally not a viable option for their students due to the lack of transportation and other concerns.

Several of the commenters stated that voucher systems do not improve academic outcomes, that private schools are not subject to ESEA accountability requirements, and that vouchers do not guarantee compliance with State standards. One commenter argued that studies indicate that vouchers could be particularly harmful for American Indian children due to the effects of transitioning between schools.

During Tribal consultation, the majority of participants supported inclusion of a choice priority. For information regarding Tribal input, see the *Tribal Consultation* section of the NPRM.

Discussion: The new choice priority does not create a voucher system. Rather, it enables grantees to choose a service focus based on the needs of their own communities, and to set up a system that empowers parents and students to choose the specific services and providers that best suit their needs. By empowering Tribes to select the project focus that they want, this priority supports Tribal sovereignty; by empowering parents and students to choose their services and providers, this priority effectuates the goal of the Demonstration program, which is ''to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children and youth.''

During Tribal consultation, we presented Tribal leaders with a list of possible education services that a Tribe might include if it were applying for a grant under a priority that would allow parents of eligible Indian students to choose education services for their child. That list included private or home education. A majority of consultation participants expressed general interest in the services discussed. Tuition for private school expenses is included in § 263.25(b) of these final regulations in the list of 12 examples of service options that could be offered by grantees; none of these are required but are examples only. We agree that in many Tribal areas, there are not private schools in the local vicinity; in such areas, applicants may not wish to choose this service option. We leave it to the Tribe or other grantee to decide, based on its own community needs and the required input of local families and Tribes, which services to offer.

With regard to the argument that voucher systems do not improve academic outcomes, do not guarantee compliance with State standards or accountability systems, and could be harmful for American Indian children, this priority does not create or require a voucher system, as explained above. Therefore, we do not address the merits of these arguments because they are not relevant to the priority.

Related to the argument that using these grant funds for tuition at a private religious school would violate the principle of separation of church and State, we note that Department-wide regulations prohibit Department funds from being used for religious instruction, including equipment or supplies related to such instruction (34 CFR 75.532). In addition, we require in § 263.25(c) that grant funds be supplemental to the existing education program and funding sources at any participating school, whether public or private.

With regard to the argument that private schools discriminate against certain students in their admissions, the regulations require that each written agreement between the grantee and a service provider contain a nondiscrimination clause that prohibits the provider from discriminating against students on the basis of race, color, national origin, religion, sex, or disability.

In response to the arguments concerning civil rights and services for students with disabilities at private schools, the Tribe or other grantee chooses the service providers. Grantees do not need to enter into agreements with private schools, even if there are private schools in the vicinity. Grantees are free to enter into agreements with schools or other providers that contain requirements in addition to those required by these regulations; such additional requirements could include provisions relating to civil rights, services for students with disabilities, or any other conditions desired.

Changes: None.

Comment: One commenter objected to the proposed changes to the application requirements in § 263.22(a), stating that a requirement for applicants to describe how the parents and families of Indian children and youth have been and will be involved in the planning and implementation of the proposed project is unnecessary because Tribes and Indian organizations are knowledgeable

intermediaries that already understand and can represent the needs of Indian children and youth.

The commenter also objected to the requirement in § 263.22(a)(3) that applicants demonstrate the proposed project is evidence-based, where applicable, or is based on an existing program that has been modified to be culturally appropriate for Indian students. The commenter stated that this requirement does not align with the statutory purpose of the program, which the commenter describes as trying out new and different program ideas that support academic success for Indian children, because newly developed programs will not be able to show evidence of prior success. The commenter argued that the kinds of evidence-based programming that are successful in other communities are not necessarily successful in Indian communities, and that the programs that have been successful in Indian communities based on qualitative measures are not likely to meet the requirement for evidence-based program design.

Discussion: The changes to § 263.22(a)(1), which requires applicants to describe how the parents and families of Indian children and youth are involved in planning and implementation of the proposed project, are required by changes to the statute. Parent involvement has always been a statutory application requirement; the only change to the regulation reflects ESSA changes to the ESEA, which added the phrase ''and families'' after the word ''parents'' (section 6121(d)(3)(B)(i) of the ESEA).

With regard to the requirement in § 263.22(a)(3) that applicants provide information showing that the proposed project is evidence-based, where applicable, or is based on an existing evidence-based program that has been modified to be culturally appropriate for Indian students, this application requirement is also mandated by the ESEA (section 6121(d)(3)(B)(iii)). The ESSA changes removed the term ''based on scientific research'' and instead uses ''evidence-based.'' We understand the commenter's concern that there may be educational programs used in Indian communities that have shown success at improving the educational outcomes for Indian students, but do not meet the ESEA's definition of ''evidence-based'' (see ESEA section 8101(21)), but the language in the statute and regulations provides enough flexibility to address these situations, by providing that programs must be evidence-based ''as applicable,'' and by allowing for programs that ''have been modified to be culturally appropriate for Indian students.''

We make no changes to proposed § 263.22 for the reasons described above. However, as a result of the commenter's input, we have re-examined the proposed selection criterion in § 263.24(a)(3) regarding the extent to which the services to be offered are evidence-based. Rather than requiring applicants to explain how the services in their proposed project are evidence-based, we have determined that it would better align with the program goals and the application requirement to instead have the criterion examine the quality of the applicant's plan for ensuring that evidence-based services are provided. This will allow applicants, particularly those that propose a planning period and have not yet identified service providers, to submit a plan for identifying and monitoring service providers to ensure they are providing services that are evidence-based using these grant funds. We also add the qualifying terms that the services must be evidence-based ''where applicable'' and may be modified to be culturally appropriate.

Changes: We have revised proposed § 263.24(a)(3) (renumbered § 263.24(b)(3) in these final regulations) to refer to a plan for ensuring that services are evidence-based where applicable and that services may be modified to be culturally appropriate.

Comment: One commenter generally supported the proposed application requirement in § 263.22(b)(5) that non-Tribal entities partner with a Tribe or Tribal organization, as this will ensure Tribes or Tribal organizations will be important participants in this program; however, the commenter objected to the specifics of the partnership requirement. The commenter stated that requiring non-Tribal applicants to partner with a Tribe or Tribal organization depending on whether the majority of students to be served are members of a single Tribe is not required by the statute. Additionally, the commenter argued that it is unclear whether the 50 percent requirement relates to the students to be served, or to the percentage of students in the school district applying for the grant. The commenter argued that the 50 percent threshold is too high because few school districts meet that threshold; the commenter suggested that the threshold instead be set at 15 percent.

Discussion: During the consultation process, Tribes advised that in order to support Tribal sovereignty, projects that serve Indian children must include a Tribal partner. The phrase ''of the student body to be served'' was intended to encompass the entire school or schools where students who might participate attend, rather than just the number of students that would be served by the project; for example, if a Tribal applicant plans to serve students from both the local public school and the local BIE-funded school, it would add the enrollment of both schools to calculate the percentage of Native students who could be served by the project. We have revised the language to more clearly express this intent by replacing ''of the student body to be served'' with ''of the total student population of the schools to be served by the project'' in § 263.22(b)(5)(i).

Regarding the commenter's concern, it was the intended result that relatively few applicants will meet the threshold of 50 percent membership from a single Tribe. A Tribe for which a local school's student population is 50 percent or more members of that Tribe will likely have a heightened interest in the project and in the services that will be provided to students. A public school district applicant whose target population for its project is located on a reservation, for example, would likely meet this threshold and should be required to partner with the local Tribe. To respect Tribal sovereignty and the important relationship between a Tribe and its members, this requirement was designed to ensure that for the relatively small number of applicants that meet the 50 percent student threshold, partnership with a specific Tribe is required.

We also recognize that many schools, especially in urban areas, serve students from many different Tribes and understand that it may be difficult for entities to obtain accurate data on the percentages of students from various Tribes, which can create a burden for applicants. Moreover, we recognize that in some situations, such as in urban areas, there is no Tribe with a local presence, and that an Indian organization may be a more appropriate partner.

In the situation in which the student body does not have a majority of students from one Tribe, the proposed language required every entity other than a Tribe to partner with a local Tribe, a local or national Tribal organization, TCU, or BIE-funded school for the project. We are narrowing this alternative part of the application requirement to apply only to local educational agency (LEA) and State educational agency (SEA) applicants. An applicant that meets the definition of Indian organization, as well as a BIE-funded school or a TCU, already has Tribal affiliation and it would be unduly

burdensome to require such entities to include documentation of partnership with a Tribe or other Indian organization.

We are also changing the requirement regarding which entity an LEA or SEA must partner with when no single Tribe accounts for a majority of students in the schools to be served. Rather than allowing a partnership with a local Tribe, Indian organization, TCU, or BIE-funded school, we are changing the options to require a partnership with either a Tribe or an Indian organization. We are replacing the phrase ''Tribal organization'' with ''Indian organization'' to correctly match the defined term in this regulation. In addition, we are removing the ''local'' qualifier for a Tribe because we believe this could be ambiguous and could unduly limit the prospective partners for an application. In the interests of sovereignty, the preference is for the applicant to partner with a local Tribe if possible, but we recognize that this is not always possible. In addition, we are changing the related program requirement to require only LEAs or SEAs to include the Tribe or Indian organization partner in selecting services and providers.

Changes: We have revised proposed § 263.22(b)(5) to—(1) provide that a non-Tribal applicant that proposes a project serving a student population consisting of 50 percent or more members of one Tribe must submit documentation of partnership with that Tribe and (2) require an LEA or SEA applicant that proposes a project that will serve a student population where no single Tribe accounts for at least 50 percent of the members to submit documentation of partnership with at least one Tribe or Indian organization. We have also revised the related program requirement in § 263.25(a) to require only LEAs or SEAs to include the Tribe or Indian organization partner in selecting services and providers.

Comment: One commenter stated that proposed § 263.24 adds numerous new selection criteria to the program that would place a significant burden on Tribes and Tribal organizations, whether applying alone or as a documented partner to a non-Tribal applicant. Additionally, the commenter argued the regulations do not clearly state whether these new selection criteria will be applied to all priorities or only to the new priority in § 263.21(c)(7).

Discussion: Proposed § 263.24 creates new selection criteria for evaluation of grant applications: Three factors under the criterion ''quality of project services'' (§ 263.21(a)), four factors under the criterion ''quality of project design'' (§ 263.21(b)), and two factors under the criterion ''reasonableness of budget'' (§ 262.21(c)). The Department can use these selection criteria in addition to the general selection criteria in 34 CFR 75.210. The expanded set of available selection criteria ensures a grant competition that is tailored to the unique needs of Tribal applicants and the students they serve. While the more specific selection criteria may result in a minor burden to applicants that choose to address those criteria, we believe this burden is outweighed by the benefit of being able to evaluate applicants using selection criteria that reflect the specific goals of the program. We believe this will enhance our ability to ensure we select applicants that will provide programs that are designed to improve the educational opportunities and achievement of Indian children and youth.

With respect to the commenter's statement that it is unclear when the new selection criteria in § 263.24 will be applied, it is clear from the language of the regulation that the specific criteria in § 263.24 as well as the general selection criteria in 34 CFR 75.210 may be chosen to evaluate applicants for any competition. In the NPRM we included a range of possible selection criteria, some of which do relate to the new choice priority and some that are more general, so that we are able to choose selection criteria that will best align with the program focus from year to year.

Changes: None.

Comment: Several commenters provided specific suggestions regarding the requirements in proposed § 263.25 relating to the new choice priority.

One commenter suggested that, to ensure accountability and reliability of providers, grantees should work with their SEA to pre-approve providers. The commenter also suggested that applicants with a current Demonstration Grant under the absolute priority for Native Youth Community Partnerships (NYCP) should combine some of the objectives from the current NYPC project in planning a project under this new priority in order to sustain successful efforts and relationships. Finally, the commenter asked that we include in this program a focus on engaging and involving the parent, guardian, or family.

Another commenter objected to the new choice priority if its use would result in a decrease in the number of students served. The commenter also requested that we include, among possible service options, assistance for helping students navigate college life. The commenter also requested that grantees that are not Tribes should be responsible for selecting service providers, and that the local Tribe should not have the burden of selecting or approving them. Another commenter provided the opposite suggestion, stating that Tribes should have sole responsibility for approving service providers in order to maintain more control over the services available to their members. This commenter also stated that instead of focusing on parental choice of services, the regulations should allow Tribes and Tribal organizations to be solely responsible for determining what services should be provided to students and approving service providers. This commenter argued that if Tribes and Tribal organizations have the sole authority to make these decisions, they will be better able to maintain control over funds, ensure funds are spent in accordance with spending requirements, hold service providers accountable, and deploy scarce resources in the most effective manner. The commenter recommended that Tribes and Tribal organizations should be permitted to continue providing the same programs that have proven successful in previous years.

Discussion: We appreciate the suggestions on the choice priority requirements. We agree that it is important that grantees ensure that providers are high quality and have a record of success and reliability, and one way to ensure that could be to work with the SEA. However, we decline to add that as a program requirement in order to respect Tribal sovereignty and so as not to preclude the flexibility for grantees to address this in another way based on local needs and context.

We also agree that applicants with a current Demonstration Grant under the absolute priority for NYCP could use their current objectives in a proposed project under the new choice priority. Such grantees would need to ensure that they use a variety of providers and permit families to choose from options, rather than using the previous model under which the grantee exclusively provided a specific set of services. Finally, we agree with the commenter that it is important that projects engage and involve parents and families. We believe that the requirements attached to this priority, specifically the parent involvement and feedback process that may include a parent liaison, will ensure that involvement.

With regard to whether the new choice priority would prevent projects from increasing the number of students served, we note that applicants have

discretion in the number of students to serve in their project. The choice priority does not create any limitation on the number of students a grantee would serve; rather the scope of the project, the capacity of the grantee and its partners, and the availability of service providers in the local area all may be factors in determining how many students are served.

We decline to add to the list of possible services assistance to college students in navigating the college experience because the Demonstration program is an elementary and secondary education grant program for Indian children and youth. Although one of the statutory uses of funds is college coursework for secondary students to aid in their transition to higher education, services to students at institutions of higher education are not allowable uses of funds.

With regard to the Tribe's role in selecting or approving service providers, the proposed regulations require that a public school district applicant partner with a Tribe or Indian organization, and that together the applicant and the Tribal partner select service providers. We believe that, rather than unduly burdening the Tribe, this honors Tribal sovereignty and ensures the Tribe's involvement in the project. Importantly, this approach will help ensure that Tribal service providers are not omitted from consideration. In addition to ensuring the Tribe's role in designing projects to meet its goals and objectives, we believe that it is important for parents and families to be included in the decision-making process by providing them with a choice of services or service providers. We believe that this level of parent and family involvement is consistent with section 6121(d)(3) of the ESEA, which requires applicants for this grant program to describe how parents and families of Indian children will be involved in developing and implementing the activities of each project.

Regarding the commenter's concerns about the appropriate and effective use of funds and the ability to hold service providers accountable, the eligibility for this program is not limited to Tribes and Indian organizations. Other entities, including public school districts and other entities, can be, and in the past have been, successful in administering grants under the Demonstration program. Although we have added the requirement to partner with Tribes or Indian organizations, the lead applicant can be an entity other than a Tribe or Indian organization. Finally, a Tribal grantee under the new priority is not prevented from offering as options for parents, services and programs that have proven successful in the past.

Changes: None.

Comment: One commenter stated that when the educational choice priority in proposed § 263.21(c)(7) is used, the corresponding program requirement in proposed § 263.25(h)(1)—that at least 80 percent of grant funds are used for direct services to eligible students—is too limiting and does not take into consideration a Tribe or Indian organization's Federal indirect cost rate. The commenter contended that the Tribe or Tribal organization's Federal indirect cost rate should be used instead of the same percentage for all grantees.

Discussion: When developing these regulations, we determined that when the educational choice priority in § 263.21(c)(7) is used, it is important to have a specific minimum percentage of the grant funds that must be spent on direct services for eligible students. Because the choice priority will require the grantee to engage in activities other than direct services (for example, seeking out and vetting service providers, establishing a method for parents to select services, and receiving parent requests for services), we sought to ensure that these program requirements do not undercut the overall goal of the grant program. Requiring grantees to spend at least 80 percent of grant funds on direct services for eligible students helps ensure that the grant program supports services that improve the educational opportunities and achievement of Indian children and youth, as required under ESEA section 6121(a)(1). Although the 80 percent requirement may limit the amount of indirect costs that some grantees are otherwise authorized to take, most Department grantees have indirect cost rates well under 20 percent, and for those with higher authorized rates, the 80 percent requirement effectuates the policy goal of ensuring that funds are spent on services to students.

Although we determined that no change is needed to this program requirement, we also examined the related selection criterion in proposed § 263.24(c)(1) regarding the extent to which the budget reflects a reasonable per-pupil amount for services. Whereas in the NPRM the proposed language excluded funds for ''project administration,'' we are clarifying that the per-pupil amount should be based only on costs for direct services, and should not take into account other costs such as the cost of the service selection method or parent feedback process.

Changes: We have revised proposed § 263.24(c)(1) (§ 263.24(d)(1) in the final regulations) to clarify that the per-pupil amount should be based only on direct costs for student services.

Comment: One commenter stated that we did not engage in Tribal consultation regarding several specific provisions in the regulations. The commenter argued that we characterized these changes as minor or technical but in the commenter's view they are substantive changes to the regulations.

Discussion: The regulatory provisions listed by the commenter are either technical changes or are changes added to the proposed regulations as a result of the Tribal consultation sessions.

The commenter listed, as changes to the application requirements that were not part of the Tribal consultation process, the addition of ''and families'' in § 263.22(a)(1) and the addition of ''evidence-based'' in § 263.22(a)(3). These changes are technical changes to align the regulations with the ESSA amendments to title VI of the ESEA, and are explained in more detail in the separate discussions of each regulatory provision. The commenter also objected to § 263.21(c)(5)(ii), which affects the eligibility of BIE-funded schools for the rural priority; this is a technical change, as BIE-funded schools were always eligible for the rural priority under the existing regulations.

In addition, the commenter listed, as changes that were not part of the Tribal consultation process, § 263.21(c)(6), the addition of a non-rural priority; § 263.22(b)(4), a requirement that applicants plan for how they will oversee service providers; and § 263.22(b)(5), an application requirement for non-Tribal partnerships. Each of these changes were the result of recommendations and input from Tribes that occurred as part of the Tribal consultation process.

The commenter also cited the new selection criteria in § 263.24 and new program requirements in § 263.25 as further changes that were not part of the Tribal consultation process. While these specific selection criteria and requirements were not listed in the request for Tribal consultation, these criteria and requirements were informed by the totality of input and discussion we received during the Tribal consultation process.

Changes: None.

Comment: None.

Discussion: Upon further consideration regarding the new priority for choice in § 263.21(c)(7), and in considering that many applicants may propose a planning period for a portion of their project, it is important that we clarify the expectations for grantees that use a planning period. Specifically, in § 263.25(i), we have added a

requirement that grantees submit to the Department prior to the end of the planning period the following documentation: (1) A description of the service selection process, which is functioning and ready for parent use; (2) a description of the parent involvement and feedback process, which is functioning and ready for parent use; (3) a sample of the written agreement with providers, along with a list of providers with whom the grantee has obtained signed written agreements; and (4) a description of the process to be used to select students in the case of excess demand.

For applicants that do not propose a planning period, it is important that applicants provide a description of how they will meet these four program requirements; therefore, we are also adding them as application requirements for such grantees in § 263.22(b)(7). We have also determined that the program requirement regarding supplement-not-supplant in § 263.25(c) should be moved to the application requirements in § 263.22(b)(6) as an assurance. We have removed proposed paragraph § 263.25(d)(3), which required that the service selection method be supplemental to existing methods to reduce unnecessarily duplication and burden. Finally, to provide flexibility for applicants that would like a planning period of less than a year in order to provide direct services to students more quickly, we are revising the relevant language of proposed § 263.25(h) to permit a shorter planning period.

In further consideration of the planning period and the relationship between grantees and service providers, we are also clarifying the limitations on the use of grant funds. We are not changing the limits proposed in § 263.25(h)(1) and (2), which require that at least 80 percent of grants funds are used for direct services and not more than 15 percent of the grant funds are used for the service selection method. We had proposed the provision that these limits do not apply during a grantee's planning period in order to permit grantees to use funds during a planning period to establish a service selection method and parent feedback process. To ensure that grantees use funds in a way that will maximize services to students rather than funding a specific service opportunity, we are clarifying that grantees may not use grant funds to establish or develop the capacity of entities that are or may become service providers for the project. This requirement applies both during a planning period and for the duration of the grant.

Changes: We have added new paragraphs (b)(6) and (7) to proposed § 263.22, requiring that applications include assurances of non-supplanting and, for applicants that do not propose a planning period, documentation of compliance with certain program requirements; deleted proposed paragraphs (c) and (d)(3) of § 263.25; redesignated proposed § 263.25(d) through (h) as § 263.25(c) through (g); revised proposed § 263.25(h) to permit planning periods of up to 12 months; added new § 263.25(h)(3) to restrict funds from being used to establish or develop entities that may become service providers; and added new paragraph (h) to § 263.25 regarding information that must be submitted at the end of a planning period.

Executive Orders 12866, 13563, and 13771 Regulatory Impact Analysis

Under Executive Order 12866, it must be determined whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This final regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

Under Executive Order 13771, for each new regulation that the Department proposes for notice and comment or otherwise promulgates that is a significant regulatory action under Executive Order 12866 and that imposes total costs greater than zero, it must identify two deregulatory actions. For Fiscal Year 2020, any new incremental costs associated with a new regulation must be fully offset by the elimination of existing costs through deregulatory actions. These final regulations are not a significant regulatory action. Therefore, the requirements of Executive Order 13771 do not apply.

We have also reviewed these regulations under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only on a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing these final regulations only on a reasoned determination that their benefits justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Department believes that these final regulations are consistent with the principles in Executive Order 13563.

Discussion of Costs and Benefits: The potential costs associated with this regulatory action are those resulting from statutory requirements and those we have determined as necessary for

administering the Department's programs and activities. The potential costs associated with the priorities and requirements will be minimal, while the potential benefits are significant. We have determined that these proposed regulations would impose minimal costs on eligible applicants. Program participation is voluntary, and the costs imposed on applicants by these regulations will be limited to paperwork burden related to preparing an application. The potential benefits of implementing the programs—for example, expanding the choices available to parents and students, improving access to services such as Native language programs, and providing new internship or apprenticeship programs—would outweigh any costs incurred by applicants, and the costs of carrying out activities associated with the application will be paid for with program funds. For these reasons, we have determined that the costs of implementation will be minimal for eligible applicants, including small entities.

Elsewhere in this section under Paperwork Reduction Act of 1995, we identify and explain burdens specifically associated with information collection requirements.

Regulatory Flexibility Act Certification

The Secretary certifies that these final regulations will not have a substantial economic impact on a substantial number of small entities. The U.S. Small Business Administration Size Standards define proprietary institutions as small businesses if they are independently owned and operated, are not dominant in their field of operation, and have total annual revenue below $7,000,000. Nonprofit institutions are defined as small entities if they are independently owned and operated and not dominant in their field of operation. Public institutions are defined as small organizations if they are operated by a government overseeing a population below 50,000.

The small entities that will be affected by these final program regulations are LEAs, TCUs, Tribes, Indian organizations, and BIE-funded schools. The final regulations will not have a significant economic impact on the small entities affected because the regulations impose only minimal regulatory burdens and do not require unnecessary Federal supervision. The final regulations will impose minimal requirements to ensure the proper expenditure of program funds. We note that grantees that will be subject to the minimal requirements imposed by these final regulations will be able to meet the costs of compliance using Federal funds provided through the Indian Education Discretionary Grant programs.

Paperwork Reduction Act of 1995

As part of its continuing effort to reduce paperwork and respondent burden, the Department provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This helps ensure that: The public understands the Department's collection instructions, respondents can provide the requested data in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the Department can properly assess the impact of collection requirements on respondents.

Proposed § 263.22 (Application Requirements) and § 263.24 (Selection Criteria) contain information collection requirements (ICR) for the program application package. As a result of the proposed revisions to these sections, under the PRA, the Department has submitted a copy of these sections and an Information Collection request to OMB for its review, 1810–0722.

In Table 1 below, we assume 100 applicants each spend 30 hours preparing their applications.

TABLE 1—DEMONSTRATION GRANTS PROGRAM INFORMATION COLLECTION STATUS

OMB Control No.	Relevant regulations	Expiration	Previous burden (total hours)	Burden under final rule (total hours)	Action under final rule
1810–0722	Sections 263.22, 263.24.	July 31, 2021	Applicants: 4,000	Applicants: 3,000	Reinstate this collection with changes.

Intergovernmental Review

This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. However, under 34 CFR 79.8(a), we waive intergovernmental review in order to make awards by the end of FY 2020.

Assessment of Educational Impact

In the NPRM we requested comments on whether the proposed regulations would require transmission of information that any other agency or authority of the United States gathers or makes available.

Based on the response to the NPRM and on our review, we have determined that these final regulations do not require transmission of information that any other agency or authority of the United States gathers or makes available.

Federalism

Executive Order 13132 requires us to ensure meaningful and timely input by State and local elected officials in the development of regulatory policies that have federalism implications. ''Federalism implications'' means substantial direct effects 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.

In the NPRM we solicited comments on whether any sections of the proposed regulations could have federalism implications and encouraged State and local elected officials to review and provide comments on the proposed regulations. In the *Public Comment* section of this preamble, we discuss any comments we received on this subject.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

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available free at the site. You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

List of Subjects in 34 CFR Part 263

Business and industry, Colleges and universities, Elementary and secondary education, Grant programs—education, Grant programs—Indians, Indians—education, Reporting and recordkeeping requirements, scholarships and fellowships.

Frank T. Brogan,

Assistant Secretary for Elementary and Secondary Education.

For the reasons discussed in the preamble, the Secretary of Education amends part 263 of title 34 of the Code of the Federal Regulations as follows:

PART 263—INDIAN EDUCATION DISCRETIONARY GRANT PROGRAMS

■ 1. The authority citation for part 263 continues to read as follows:

Authority: 20 U.S.C. 7441, unless otherwise noted.

■ 2. Revise the heading to subpart B to read as follows:

Subpart B—Demonstration Grants for Indian Children and Youth Program

■ 3. Section 263.20 is amended by:
■ a. In the section heading, adding the words ''and Youth'' after the word ''Children''.
■ b. Removing the definition of ''Indian institution of higher education''.
■ c. In paragraph (5) of the definition of ''Indian organization'', adding the words ''or TCU'' after ''higher education''.
■ d. In paragraph (6)(i) of the definition of ''Native Youth community project'', adding the words ''and Youth'' after the word ''Children''.
■ e. Adding in alphabetical order a definition of ''Parent''.
■ f. In the definition of ''Professional development activities'', adding the words ''and Youth'' after the word ''Children''.
■ g. Adding in alphabetical order a definition for ''Tribal College or University (TCU)''.

The additions read as follows:

§ 263.20 What definitions apply to the Demonstration Grants for Indian Children and Youth program?

* * * * *

Parent includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare).

* * * * *

Tribal College or University (TCU) means an accredited college or university within the United States cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994, any other institution that qualifies for funding under the Tribally Controlled College or University Assistance Act of 1978, and the Navajo Community College, authorized in the Navajo Community College Assistance Act of 1978.

■ 4. Section 263.21 is revised to read as follows:

§ 263.21 What priority is given to certain projects and applicants?

(a) The Secretary gives priority to an application that presents a plan for combining two or more of the activities described in section 6121(c) of the Elementary and Secondary Education Act of 1965, as amended (ESEA), over a period of more than one year.

(b) The Secretary gives a competitive preference priority to—

(1) *Tribal lead applicants.* An application submitted by an Indian Tribe, Indian organization, BIE-funded school, or TCU that is eligible to participate in the Demonstration Grants for Indian Children and Youth program. A group application submitted by a consortium that meets the requirements of 34 CFR 75.127 through 75.129 or submitted by a partnership is eligible to receive the preference only if the lead applicant is an Indian Tribe, Indian organization, BIE-funded school, or TCU; or

(2) *Tribal partnership.* A group application submitted by a consortium of eligible entities that meets the requirements of 34 CFR 75.127 through 75.129 or submitted by a partnership if the consortium or partnership—

(i) Includes an Indian Tribe, Indian organization, BIE-funded school, or TCU; and

(ii) Is not eligible to receive the preference in paragraph (b)(1) of this section.

(c) The Secretary may give priority to an application that meets any of the priorities listed in this paragraph. When inviting applications for a competition under the Demonstration Grants program, the Secretary designates the type of each priority as absolute, competitive preference, or invitational through a notice inviting applications published in the **Federal Register**. The effect of each type of priority is described in 34 CFR 75.105.

(1) *Native youth community projects.* Native youth community projects, as defined in this subpart.

(2) *Experienced applicants.* Projects in which the applicant or one of its partners has received a grant in the last four years under a Federal program selected by the Secretary and announced in a notice inviting applications published in the **Federal Register**.

(3) *Consolidated funding.* Projects in which the applicant has Department approval to consolidate funding through a plan that complies with section 6116 of the ESEA or other authority designated by the Secretary.

(4) *Statutorily authorized activities.* Projects that focus on a specific activity authorized in section 6116(c) of the ESEA as designated by the Secretary in the notice inviting applications.

(5) *Rural applicants.* Projects that include either—

(i) An LEA that is eligible under the Small Rural School Achievement (SRSA) program or the Rural and Low-Income School (RLIS) program authorized under title VI, part B of the ESEA; or

(ii) A BIE-funded school that is located in an area designated with locale code of either 41, 42, or 43 as designated by the National Center for Education Statistics.

(6) *Non-rural applicants.* Non-rural projects that do not meet the priority in paragraph (c)(5) of this section. This priority can only be used in competitions where the priority in paragraph (c)(5) of this section is also used.

(7) *Accessing choices in education.* Projects to expand educational choice by enabling a Tribe, or the grantee and its Tribal partner, to select a project focus that meets the needs of their students and enabling parents of Indian students, or the students, to choose education services by selecting the specific service and provider desired.

■ 5. Section 263.22 is amended by:
■ a. Revising paragraphs (a)(1) and (3).
■ b. Adding paragraphs (b)(4) through (7).

The revisions and additions read as follows:

§ 263.22 What are the application requirements for these grants?

(a) * * *

(1) A description of how Indian Tribes and parents and families of Indian children and youth have been, and will be, involved in developing and implementing the proposed activities;

* * * * *

(3) Information demonstrating that the proposed project is evidence-based,

where applicable, or is based on an existing evidence-based program that has been modified to be culturally appropriate for Indian students;

* * * * *

(b) * * *

(4) A plan for how the applicant will oversee service providers and ensure that students receive high-quality services under the project.

(5) (i) For an applicant that is not a Tribe, if 50 percent or more of the total student population of the schools to be served by the project consists of members of one Tribe, documentation that that Tribe is a partner for the proposed project.

(ii) For an applicant that is an LEA or SEA and is not required by paragraph (i) of this section to partner with a specific Tribe, documentation that at least one Tribe or Indian organization is a partner for the proposed project.

(6) An assurance that—

(i) Services will be supplemental to the education program provided by local schools attended by the students to be served;

(ii) Funding will be supplemental to existing sources, such as Johnson O'Malley funding; and

(iii) The availability of funds for supplemental special education and related services (*i.e.,* services that are not part of the special education and related services, supplementary aids and services, and program modifications or supports for school personnel that are required to make a free appropriate public education (FAPE) available under Part B of the Individuals with Disabilities Education Act (IDEA) to a child with a disability in conformity with the child's IEP or the regular or special education and related aids and services required to make FAPE available under a Section 504 plan, if any) does not affect the right of the child to receive FAPE under Part B of the IDEA or Section 504, and the respective implementing regulations.

(7) For an applicant that does not propose a planning period—

(i) A description of the service selection method required in § 263.25(d).

(ii) A description of the parent involvement and feedback process required in § 263.25(e).

(iii) A sample of the written agreement required in § 263.25(f).

(iv) A description of the process to choose students to be served, as required in § 263.25(g).

■ 6. Revising the authority citation to § 263.23 to read as follows:

(Authority: 25 U.S.C. 5304, 5307)

■ 7. Add § 263.24 to read as follows:

§ 263.24 How does the Secretary evaluate applications for the Demonstration Grants for Indian Children and Youth grants program?

(a) *In general.* The Secretary uses the procedures in 34 CFR 75.200 through 75.210 to establish the selection criteria and factors used to evaluate applications submitted in a grant competition for the Demonstration Grants for Indian Children and Youth program. The Secretary may also consider one or more of the criteria and factors in this section to evaluate applications.

(b) *Quality of project services.* The Secretary may consider one or more of the following factors in determining the quality of project services:

(1) The extent to which the project would offer high-quality choices of services, including culturally relevant services, and providers, for parents and students to select.

(2) The extent to which the services to be offered would meet the needs of the local population, as demonstrated by an analysis of community-level data, including direct input from parents and families of Indian children and youth.

(3) The quality of the plan to ensure that the services to be offered are evidence-based, where applicable, or are based on existing evidence-based programs that have been modified to be culturally appropriate for Indian students.

(c) *Quality of the project design.* The Secretary may consider one or more of the following factors in determining the quality of the project design:

(1) The extent to which the project is designed to improve student and parent satisfaction with the student's overall education experience, as measured by pre- and post-project data.

(2) The extent to which the applicant proposes a fair and neutral process of selecting service providers that will result in high-quality options from which parents and students can select services.

(3) The quality of the proposed plan to inform parents and students about available service choices under the project, and about the timeline for termination of the project.

(4) The quality of the applicant's plan to oversee service providers and ensure that students receive high-quality services under the project.

(d) *Reasonableness of budget.* The Secretary may consider one or more of the following factors in determining the reasonableness of the project budget:

(1) The extent to which the budget reflects the number of students to be served and a per-pupil amount for services, based only on direct costs for student services, that is reasonable in relation to the project objectives.

(2) The extent to which the per-pupil costs of specific services and per-pupil funds available are transparent to parents and other stakeholders.

■ 8. Add § 263.25 to read as follows:

§ 263.25 What are the program requirements when the Secretary uses the priority in § 263.21(c)(7)?

In any year in which the Secretary uses the priority in § 263.21(c)(7) for a competition, each project must—

(a) Include the following, which are chosen by the grantee, or for LEAs and SEAs, the grantee and its partnering Tribe or Indian organization:

(1) A project focus and specific services that are based on the needs of the local community; and

(2) Service providers;

(b) Include more than one education option from which parents and students may choose, which may include—

(1) Native language, history, or culture courses;

(2) Advanced, remedial, or elective courses, which may be online;

(3) Apprenticeships or training programs that lead to industry certifications;

(4) Concurrent and dual enrollment;

(5) Tuition for private school or home education expenses;

(6) Special education and related services that supplement, and are not part of, the special education and related services, supplementary aids and services, and program modifications or supports for school personnel required to make available a free appropriate public education (FAPE) under Part B of the IDEA to a child with a disability in conformity with the child's individualized education program (IEP) or the regular or special education and related aids and services required to ensure FAPE under Section 504 of the Rehabilitation Act of 1973 (Section 504);

(7) Books, materials, or education technology, including learning software or hardware, that are accessible to all children;

(8) Tutoring;

(9) Summer or afterschool education programs, and student transportation needed for those specific programs. Such programs could include instruction in the arts, music, or sports, to the extent that the applicant can demonstrate that such services are culturally related or are supported by evidence that suggests the services may have a positive effect on relevant education outcomes;

(10) Testing preparation and application fees, including for private school and graduating students;

(11) Supplemental counseling services, not to include psychiatric or medical services; or

(12) Other education-related services that are reasonable and necessary for the project;

(c) Provide a method to enable parents and students to select services. Such a method must—

(1) Ensure that funds will be transferred directly from the grantee to the selected service provider; and

(2) Include service providers other than the applicant, although the applicant may be one of the service providers;

(d) Include a parent involvement and feedback process that—

(1) Describes a way for parents to request services or providers that are not currently offered and provide input on services provided through the project, and describes how the grantee will provide parents with written responses within 30 days; and

(2) May include a parent liaison to support the grantee in outreach to parents, inform parents and students of the timeline for the termination of the project, and assist parents and the grantee with the process by which a parent can request services or providers not already specified by the grantee;

(e) Include a written agreement between the grantee and each service provider under the project. Each agreement must include—

(1) A nondiscrimination clause that—

(i) Requires the provider to abide by all applicable non-discrimination laws with regard to students to be served, *e.g.,* on the basis of race, color, national origin, religion, sex, or disability; and

(ii) Prohibits the provider from discriminating among students who are eligible for services under this program, *i.e.,* that meet the definition of ''Indian'' in section 6151 of the ESEA, on the basis of affiliation with a particular Tribe;

(2) A description of how the grantee will oversee the service provider and hold the provider accountable for—

(i) The terms of the written agreement; and

(ii) The use of funds, including compliance with generally accepted accounting procedures and Federal cost principles;

(3) A description of how students' progress will be measured; and

(4) A provision for the termination of the agreement if the provider is unable to meet the terms of the agreement;

(f) Include a fair and documented process to choose students to be served, such as a lottery or other transparent criteria (*e.g.,* based on particular types of need), in the event that the number of requests from parents of eligible students or from students for services under the project exceeds the available capacity, with regard to the number or intensity of services offered;

(g) Ensure that—

(1) At least 80 percent of grant funds are used for direct services to eligible students, provided that, if a grantee requests and receives approval for a planning period, not to exceed 12 months, the 80 percent requirement does not apply to that planning period;

(2) Not more than 15 percent of grant funds are used on the service selection method described in paragraph (d) of this section or the parent involvement and feedback process described in paragraph (e) of this section, except in an authorized planning period; and

(3) No grant funds are used to establish or develop the capacity of entities or individuals that are or may become service providers under this project;

(h) For a grantee that receives approval for a planning period, not to exceed 12 months, submit to the Department prior to the end of that period the following documents:

(1) A description of the operational service selection process that meets the requirements of paragraph (c) of this section.

(2) A description of the operational parent involvement and feedback process that meets the requirements of paragraph (d) of this section.

(3) A sample of the written agreement that meets the requirements of paragraph (e) of this section, and a list of providers with whom the grantee has signed written agreements.

(4) A description of the process that will be used to choose students to be served in the event that the demand for services exceeds the available capacity, as described in paragraph (f) of this section.

[FR Doc. 2020–15543 Filed 7–16–20; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL 10012–16–OW]

40 CFR Part 35

Notice of Funding Availability for Applications for Credit Assistance Under the Water Infrastructure Finance and Innovation Act (WIFIA) Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of funding availability.

SUMMARY: In the Further Consolidated Appropriations Act, 2020, signed by the President on December 20, 2019, Congress provided $50 million in budget authority for the Water Infrastructure Finance and Innovation Act of 2014 (WIFIA) program to cover the subsidy required to provide a much larger amount of credit assistance. The Environmental Protection Agency (EPA or the Agency) estimates that this budget authority may provide approximately $5 billion in credit assistance and may finance approximately $10 billion in water infrastructure investment, while covering increased costs associated with implementing a larger program. The purpose of this notice of funding availability (NOFA) is to solicit letters of interest (LOIs) from prospective borrowers seeking credit assistance from EPA.

EPA will evaluate and select proposed projects described in the LOIs using the selection criteria established in statute and regulation, and further described in this NOFA as well as the WIFIA program handbook. This NOFA establishes relative weights that will be used in the current LOI submittal period for the selection criteria, introduces new budgetary scoring factors to determine budgetary scoring compliance, and outlines the process that prospective borrowers should follow to be considered for WIFIA credit assistance.

In addition, EPA reserves the right to make additional awards using FY 2020 appropriated funding or available carry-over resources, consistent with Agency policy and guidance, if additional funding is available after the original selections are made. This could include holding a subsequent selection round.

DATES: The LOI submittal period will begin on July 17, 2020 and end at 11:59 p.m. EDT on October 15, 2020.

ADDRESSES: Prospective borrowers should submit all LOIs electronically via email at: *wifia@epa.gov* or via EPA's SharePoint site. To be granted access to the SharePoint site, prospective borrowers should contact *wifia@epa.gov* and request a link to the SharePoint site, where they can securely upload their LOIs. Requests to upload documents should be made no later than 5:00 p.m. EDT on October 13, 2020.

EPA will notify prospective borrowers that their LOI has been received via a confirmation email.

Prospective borrowers can access additional information, including the WIFIA program handbook and application materials, on the WIFIA website: *https://www.epa.gov/wifia/.*

SUPPLEMENTARY INFORMATION: For a project to be considered during a selection round, EPA must receive a

LOI, via email or SharePoint, before the corresponding deadline listed above. EPA is only able to accept emails of 25 MB or smaller with unzipped attachments (EPA cannot accept zipped files). If necessary due to size restrictions, prospective borrowers may submit attachments separately, as long as they are received by the deadline.

When writing a LOI, prospective borrowers are encouraged to fill out the WIFIA LOI form and follow the guidelines contained on the WIFIA program website: *https://www.epa.gov/wifia/wifia-application-materials.* Prospective borrowers should provide the LOI and any attachments as Microsoft Word documents or searchable PDF files, whenever possible, to facilitate EPA's review. Additionally, prospective borrowers should ensure that financial information, including the pro forma financial statement, is in a formula-based Microsoft Excel document. Section VI of this NOFA provides additional details on the LOI's content.

EPA will invite each prospective borrower whose project proposal is selected for continuation in the process to submit a final application. Final applications should be received by EPA within 365 days of the invitation to apply but EPA may extend the deadline on a case-by-case basis if the LOI schedule signals additional time may be needed.

EPA will host a series of webinars to provide further information about submitting a LOI. The webinar schedule and registration instructions can be found on the WIFIA program website: *www.epa.gov/wifia.*

Prospective borrowers with questions about the program or interest in meeting with the WIFIA program staff may send a request to *wifia@epa.gov.* EPA will meet with all prospective borrowers interested in discussing the program, but only prior to submission of a LOI.

Table of Contents

I. Background

Congress enacted WIFIA as part of the Water Resources Reform and Development Act of 2014 (WRRDA). Codified at 33 U.S.C. 3901–3914, WIFIA authorizes a federal credit program for water infrastructure projects to be administered by EPA. WIFIA authorizes EPA to provide federal credit assistance in the form of secured (direct) loans or loan guarantees for eligible water infrastructure projects.

The WIFIA program's mission is to accelerate investment in our nation's water and wastewater infrastructure by providing long-term, low-cost, supplemental credit assistance under customized terms to creditworthy water infrastructure projects of national and regional significance.

II. Program Funding

Congress appropriated $50 million in funding to cover the subsidy cost of providing WIFIA credit assistance. The subsidy cost covers the Federal government's risk that the loan may not be paid back. EPA anticipates that the average subsidy cost for WIFIA-funded projects will be relatively low; therefore, this funding can be leveraged into a much larger amount of credit assistance. EPA estimates that this appropriation will allow the Agency to provide approximately $5 billion [1] in long-term, low-cost financing to water and wastewater infrastructure projects and accelerate approximately $10 billion in infrastructure investment around the country.

Recognizing the need that exists in both small and large communities to invest in infrastructure, Congress stipulated in statute that EPA set aside 15 percent of the budget authority appropriated each year for small communities, defined as systems that serve a population of less than 25,000. Of the funds set aside, any amount not obligated by June 1 of the fiscal year for which budget authority is set aside may be used for any size community. Regardless of whether EPA obligates these funds by June 1 of the fiscal year for which budget authority is set aside, EPA will endeavor to use 15 percent of its budget authority for small communities.

In addition to assisting both large and small projects and communities, WIFIA may be an attractive borrowing mechanism for a variety of different borrower and credit types. EPA anticipates that municipalities, private entities, project financings, State Revolving Fund programs, and tribes will benefit from the low cost and debt structuring flexibilities that the WIFIA loans can offer.

[1] This estimated loan volume is provided for reference only. Consistent with the Federal Credit Reform Act of 1990 and the requirements of the Office of Management and Budget, the actual subsidy cost of providing credit assistance is based on individual project characteristics and calculated on a project-by-project basis. Thus, actual lending capacity may vary.

III. Eligibility Requirements

The WIFIA statute and implementing rules set forth eligibility requirements for prospective borrowers, projects, and project costs. The requirements outlined below are described in greater detail in the WIFIA program handbook.

A. Eligible Applicants

Prospective borrowers must be one of the following in order to be eligible for WIFIA credit assistance:

(i) A corporation;

(ii) A partnership;

(iii) A joint venture;

(iv) A trust;

(v) A federal, state, or local governmental entity, agency, or instrumentality;

(vi) A tribal government or a consortium of tribal governments; or

(vii) A state infrastructure financing authority.

B. Eligible Projects

The WIFIA statute authorizes EPA to provide credit assistance for a wide variety of projects. Projects must be one of the following in order to be eligible for WIFIA credit assistance:

(i) One or more activities that are eligible for assistance under section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c)), notwithstanding the public ownership requirement under paragraph (1) of that subsection;

(ii) One or more activities described in section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(2));

(iii) A project for enhanced energy efficiency in the operation of a public water system or a publicly owned treatment works;

(iv) A project for repair, rehabilitation, or replacement of a treatment works, community water system, or aging water distribution or waste collection facility (including a facility that serves a population or community of an Indian reservation);

(v) A brackish or sea water desalination project, including chloride control, a managed aquifer recharge project, a water recycling project, or a project to provide alternative water supplies to reduce aquifer depletion;

(vi) A project to prevent, reduce, or mitigate the effects of drought, including projects that enhance the resilience of drought-stricken watersheds;

(vii) Acquisition of real property or an interest in real property—

(a) If the acquisition is integral to a project described in paragraphs (i) through (v); or

(b) Pursuant to an existing plan that, in the judgment of the Administrator, would mitigate the environmental impacts of water resources infrastructure projects otherwise eligible for assistance under this section;

(viii) A combination of projects, each of which is eligible under paragraph (i) or (ii), for which a state infrastructure financing authority submits to the Administrator a single application; or

(ix) A combination of projects secured by a common security pledge, each of which is eligible under paragraph (i), (ii), (iii), (iv), (v), (vi), or (vii), for which an eligible entity, or a combination of eligible entities, submits a single application.

C. Eligible Costs

As defined under 33 U.S.C. 3906 and described in the WIFIA program handbook, eligible project costs are costs associated with the following activities:

(i) Development-phase activities, including planning, feasibility analysis (including any related analysis necessary to carry out an eligible project), revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;

(ii) Construction, reconstruction, rehabilitation, and replacement activities;

(iii) The acquisition of real property or an interest in real property (including water rights, land relating to the project, and improvements to land), environmental mitigation (including acquisitions pursuant to 33 U.S.C. 3905(8)), construction contingencies, and acquisition of equipment; and

(iv) Capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction. Capitalized interest on WIFIA credit assistance may not be included as an eligible project cost.

D. Threshold Requirements

For a project to be considered for WIFIA credit assistance, a project must meet the following five criteria:

(i) The project and obligor shall be creditworthy;

(ii) A project shall have eligible project costs that are reasonably anticipated to equal or exceed $20 million, or for a project eligible under paragraphs (2) or (3) of 33 U.S.C. 3905 serving a community of not more than 25,000 individuals, project costs that are reasonably anticipated to equal or exceed $5 million;

(iii) Project financing shall be repayable, in whole or in part, from state or local taxes, user fees, or other dedicated revenue sources that also secure the senior project obligations of the project; shall include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and may have a lien on revenues subject to any lien securing project obligations;

(iv) In the case of a project that is undertaken by an entity that is not a state or local government or an agency or instrumentality of a State or local government, or a tribal government or consortium of tribal governments, the project that the entity is undertaking shall be publicly sponsored; and

(v) The applicant shall have developed an operations and maintenance plan that identifies adequate revenues to operate, maintain, and repair the project during its useful life.

E. Federal Requirements

All projects receiving WIFIA assistance must comply, if applicable, with federal requirements and regulations, including (but not limited to):

(i) American Iron and Steel Requirement, 33 U.S.C. 3914, *https://www.epa.gov/cwsrf/state-revolving-fund-american-iron-and-steel-ais-requirement;*

(ii) Labor Standards, 33 U.S.C. 1372, *https://www.dol.gov/whd/govcontracts/dbra.htm;*

(iii) National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq., https://www.epa.gov/nepa;*

(iv) Floodplain Management, Executive Order 11988, 42 FR 26951, May 24, 1977, *https://www.archives.gov/federal-register/codification/executive-order/11988.html;*

(v) Archeological and Historic Preservation Act, 16 U.S.C. 469–469c, *https://www.nps.gov/archeology/tools/laws/ahpa.htm;*

(vi) Clean Air Act, 42 U.S.C. 7401 *et seq., https://www.epa.gov/clean-air-act-overview;*

(vii) Clean Water Act, 33 U.S.C. 1251 *et seq., https://www.epa.gov/aboutepa/about-office-water;*

(viii) Coastal Barrier Resources Act, 16 U.S.C. 3501 *et seq., https://www.fws.gov/ecological-services/habitat-conservation/cbra/Act/index.html;*

(ix) Coastal Zone Management Act, 16 U.S.C. 1451 *et seq., https://coast.noaa.gov/czm/about/;*

(x) Endangered Species Act, 16 U.S.C. 1531 *et seq., https://www.fws.gov/endangered/;*

(xi) Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, Executive Order 12898, 59 FR 7629, February 16, 1994, *https://www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf;*

(xii) Protection of Wetlands, Executive Order 11990, 42 FR 26961, May 25, 1977, as amended by Executive Order 12608, 52 FR 34617, September 14, 1987, *https://www.epa.gov/cwa-404;*

(xiii) Farmland Protection Policy Act, 7 U.S.C. 4201 *et seq., https://www.nrcs.usda.gov/wps/portal/nrcs/detail/?cid=nrcs143_008275;*

(xiv) Fish and Wildlife Coordination Act, 16 U.S.C. 661–666c, as amended, *https://www.fws.gov/;*

(xv) Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq., https://www.fisheries.noaa.gov/resource/document/magnuson-stevens-fishery-conservation-and-management-act;*

(xvi) National Historic Preservation Act, 16 U.S.C. 470 *et seq., https://www.nps.gov/archeology/tools/laws/NHPA.htm;*

(xvii) Safe Drinking Water Act, 42 U.S.C. 300f *et seq., https://www.epa.gov/ground-water-and-drinking-water;*

(xviii) Wild and Scenic Rivers Act, 16 U.S.C. 1271 *et seq., https://rivers.gov/;*

(xix) Debarment and Suspension, Executive Order 12549, 51 FR 6370, February 18, 1986, *https://www.archives.gov/federal-register/codification/executive-order/12549.html;*

(xx) Demonstration Cities and Metropolitan Development Act, 42 U.S.C. 3301 *et seq.,* as amended, and Executive Order 12372, 47 FR 30959, July 14, 1982, *http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning;*

(xxii) New Restrictions on Lobbying, 31 U.S.C. 1352, *https://www.epa.gov/grants/lobbying-and-litigation-information-federal-grants-cooperative-agreements-contracts-and-loans;*

(xxiii) Prohibitions relating to violations of the Clean Water Act or Clean Air Act with respect to Federal contracts, grants, or loans under 42 U.S.C. 7606 and 33 U.S.C. 1368, and Executive Order 11738, 38 FR 25161, September 12, 1973, *https://www.archives.gov/federal-register/codification/executive-order/11738.html;*

(xxiv) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42

U.S.C. 4601 *et seq., https://www.gpo.gov/fdsys/pkg/FR-2005-01-04/pdf/05-6.pdf;*

(xxv) Age Discrimination Act, 42 U.S.C. 6101 *et seq., https://www.eeoc.gov/laws/statutes/adea.cfm;*

(xxvi) Equal Employment Opportunity, Executive Order 11246, 30 FR 12319, September 28, 1965, *https://www.dol.gov/ofccp/regs/compliance/ca_11246.htm;*

(xxvii) Section 13 of the Clean Water Act, Pub. L. 92–500, codified in 42 U.S.C. 1251, *https://www.epa.gov/ocr/external-civil-rights-compliance-office-title-vi;*

(xxviii) Section 504 of the Rehabilitation Act, 29 U.S.C. 794, supplemented by Executive Orders 11914, 41 FR 17871, April 29, 1976 and 11250, 30 FR 13003, October 13, 1965, *https://www.epa.gov/ocr/external-civil-rights-compliance-office-title-vi;*

(xxix) Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq., https://www.epa.gov/environmentaljustice/title-vi-and-environmental-justice;* and

(xxx) Participation by Disadvantaged Business Enterprises in Procurement under Environmental Protection Agency Financial Assistance Agreements, 73 FR 15904, March 26, 2008, *https://www.epa.gov/resources-small-businesses.*

Detailed information about some of these requirements is outlined in the WIFIA program handbook. Further information can be found at the links above.

IV. Fiscal Year 2020 Office of Management and Budget Budgetary Scoring Determination

In order to comply with Public Law 116–94, a project selected for WIFIA financing using funding appropriated in FY 2020 will be assessed using two initial screening questions and sixteen scoring factors. These questions will help the Office of Management and Budget (OMB) determine compliance with budgetary scoring rules, a process that will be conducted in parallel to EPA's LOI evaluation process outlined in this NOFA. The questions may be found in **Federal Register** publication: Water Infrastructure Finance and Innovation Act Program (WIFIA) Criteria Pursuant to Public Law 116–94 [85 FR 39189, June 30, 2020]. These questions are also published in the WIFIA program handbook and further information about the scoring process may be referenced therein. EPA encourages project applicants to review the scoring criteria and provide sufficient information in the LOI or as an attachment to the LOI to facilitate EPA and OMB review of the prospective project in light of the scoring criteria. EPA may contact prospective borrowers after the LOI is submitted if clarification is needed to answer the budgetary scoring determination questions.

V. Types of Credit Assistance

Under WIFIA, EPA is permitted to provide credit assistance in the form of secured (direct) loans or loan guarantees. The maximum amount of WIFIA credit assistance to a project is 49 percent of eligible project costs. Each prospective borrower should list the estimated total capital costs of the project, broken down by activity type and differentiating between eligible project costs and ineligible project costs in the LOI and application.

VI. Letters of Interest and Applications

Each prospective borrower will be required to submit a LOI and, if invited, an application to EPA in order to be considered for approval. This section describes the LOI submission and application submission.

A. Letter of Interest

Prospective borrowers seeking a WIFIA loan must submit a LOI describing the project fundamentals and addressing the WIFIA selection criteria.

The primary purpose of the LOI is to provide adequate information to EPA to: (i) Validate the eligibility of the prospective borrower and the prospective project, (ii) perform a preliminary creditworthiness assessment, (iii) perform a preliminary engineering feasibility assessment, and (iv) evaluate the project against the selection criteria. Based on its review of the information provided in the LOI, EPA will invite prospective borrowers to submit applications for their projects. Prospective borrowers are encouraged to review the WIFIA program handbook to help create the best justification possible for the project and a cohesive and comprehensive LOI submittal.

Prospective borrowers are encouraged to utilize the LOI form on the WIFIA website and ensure that sufficient detail about the project is provided for EPA's review. EPA will notify a prospective borrower if its project is deemed ineligible as described in Section III of this NOFA.

Below is guidance on what EPA recommends be included in the LOI.

A. *Key Loan Information.* In this section, the prospective borrower provides a general description of the project, purpose, loan amount, total eligible project costs, application submission date, loan close date, and population information. The prospective borrower also includes information such as its legal name, address, website, Dun and Bradstreet Data Universal Number System (DUNS) number, and employer/taxpayer identification number.

In the case of a project that is undertaken by an entity that is not a state or local government or an agency or instrumentality of a state or local government, or a tribal government or consortium of tribal governments, the project that the entity is undertaking must be publicly sponsored. Public sponsorship means that the prospective borrower can demonstrate, to the satisfaction of EPA, that it has consulted with the affected state, local, or tribal government in which the project is located, or is otherwise affected by the project, and that such government supports the proposed project. A prospective borrower can show support by including a certified letter signed by the approving state, tribal, or municipal department or similar agency; governor, mayor or other similar designated authority; statute or local ordinance; or any other means by which government approval can be evidenced.

B. *Engineering and Credit.* In this section, the prospective borrower provides any technical reports or written information relevant to evaluating the project and a high-level schedule of dates for the project or projects included in the LOI. To evaluate creditworthiness, the prospective borrower will provide a credit rating letter that is less than a year old or is actively maintained. If the prospective borrower does not have a current rating letter, the borrower should describe how the senior obligations of the project will achieve an investment-grade rating and provide a pro-forma and three years of audited financial statements.

C. *Selection Criteria.* In this section, the prospective borrower describes the potential policy benefits achieved using WIFIA assistance with respect to each of the WIFIA program selection criteria. These criteria and their weights are enumerated in Section VIII of this NOFA and further explained in the WIFIA program handbook.

D. *Contact Information.* In this section, the prospective borrower identifies the point of contact with whom the WIFIA program should communicate regarding the LOI. To complete EPA's evaluation, the WIFIA program staff may contact a prospective borrower regarding specific information in the LOI.

E. Certifications. In this section, the prospective borrower certifies that it will abide by all applicable laws and

regulations, if selected to receive funding.

F. SRF Notification. In this section, the prospective borrower acknowledges that EPA will notify the state infrastructure financing authority in the state in which the project is located that it submitted a LOI and provide the submitted LOI and source documents to that authority. The prospective borrower may opt out of having its LOI and source documents shared.

B. Application

After EPA concludes its evaluation of the LOIs, a selection committee will invite prospective borrowers to apply based on the scoring of the selection criteria, while taking into consideration geographic and project diversity. The selection committee may choose to combine multiple LOIs or separate projects from a prospective borrower based on the creditworthiness review and may offer an alternative amount of WIFIA assistance than requested in the LOI.

An invitation to apply for WIFIA credit assistance does not guarantee EPA's approval, which remains subject to a project's continued eligibility, including creditworthiness, the successful negotiation of terms acceptable to EPA, and the availability of funds at the time at which all necessary recommendations and evaluations have been completed. However, the purpose of EPA's LOI review is to pre-screen prospective borrowers to the extent practicable. It is expected that EPA will only invite projects to apply if it anticipates that those projects are able to obtain WIFIA credit assistance. Detailed information needs for the application are listed in the application form and described in the WIFIA program handbook.

VII. Fees

There is no fee to submit a LOI. The final fee rule, Fees for Water Infrastructure Project Applications under WIFIA, 40 CFR 35.10080, was signed by EPA on June 19, 2017, and establishes the fees related to the provision of federal credit assistance under WIFIA. Each invited applicant must submit, concurrent with its application, a non-refundable Application Fee of $25,000 for projects serving communities of not more than 25,000 individuals or $100,000 for all other projects. Applications will not be evaluated until the Application Fee is paid. For successful applicants, this fee will be credited toward final payment of a Credit Processing Fee, assessed following financial close, to reimburse EPA for actual engineering, financial, and legal costs. In the event a final credit agreement is not executed, the borrower is still required to reimburse EPA for the costs incurred. Borrowers may finance these fees with WIFIA credit assistance.

VIII. Selection Criteria

This section specifies the criteria and process that EPA will use to evaluate LOIs and award applications for WIFIA assistance.

The selection criteria described below incorporate statutory eligibility requirements, supplemented by the WIFIA regulations at 40 CFR 35.10055. EPA has also identified the following strategic objectives as priorities for this LOI submittal period:

(i) *Readiness to proceed:* In order to ensure the efficient use of limited federal resources for infrastructure finance, a project's readiness to proceed toward development, including loan closing and the commencement of construction, is an Agency priority.

(ii) *Provide for clean and safe drinking water:* EPA is working to strengthen its implementation of the Safe Drinking Water Act to ensure we protect and build upon the enormous public health benefits achieved through the provision of safe drinking water throughout the country. One of the Agency's highest priorities include reducing exposure to lead and addressing emerging contaminants, including per- and polyfluoroalkyl substances (PFAS), in the nation's drinking water systems.

(iii) *Repair, rehabilitate, and replace aging infrastructure and conveyance systems:* Many communities face formidable challenges in providing adequate and reliable water and wastewater infrastructure services. Existing water and wastewater infrastructure in some of these communities is aging, and investment is not always keeping up with the needs. EPA estimates the national funding need for capital improvements for such facilities totals approximately $740 billion over the next 20 years. In many cases, meeting these needs will require significant increases in capital investment.

(iv) *Water reuse and recycling:* EPA is highlighting water reuse and recycling as a new or innovative approach. EPA recognizes that reuse and recycling of water can play a critical role in helping states, tribes, and communities meet their future drinking water needs with a diversified portfolio of water sources. The practice can alleviate the effects of drought and assure groundwater resource sustainability and a secure water supply.

EPA's priorities reflect water sector challenges that require innovative tools to assist municipalities in managing and adapting to our most pressing public health and environmental challenges. These priorities are reflected in the scoring methodology of the selection criteria below, described in greater detail in the WIFIA program handbook.

The WIFIA selection criteria are divided into three categories that represent critical considerations for selecting projects: Project Impact, Project Readiness, and Borrower Creditworthiness. Each criterion within a category can provide a range of points with the maximum number of points indicated. Each category can provide up to 100 points out of a total of 300 available points, and the category-specific and overall scores will help inform the selection committee's deliberations within the overall WIFIA framework. For the Project Readiness and Borrower Creditworthiness categories, criteria scores are supplemented by points awarded from the preliminary engineering feasibility analysis and preliminary creditworthiness assessment, respectively, described in the WIFIA program handbook. In order to reflect EPA's priorities and give greater consideration to a class of projects that reduce exposure to lead and address emerging contaminants, including PFAS, in the nation's drinking water systems, EPA has added a criterion (ix) to the Project Impact category of criteria in accordance with 40 CFR 35.10055(b). The criteria are as follows:

Project Impact

(i) *15 points:* The extent to which the project is nationally or regionally significant, with respect to the generation of economic and public benefits, such as (1) the reduction of flood risk; (2) the improvement of water quality and quantity, including aquifer recharge; (3) the protection of drinking water, including source water protection; and (4) the support of international commerce. 33 U.S.C. 3907(b)(2)(A); 40 CFR 35.10055(a)(1).

(ii) *5 points:* The extent to which the project (1) protects against extreme weather events, such as floods or hurricanes; or (2) helps maintain or protect the environment: 33 U.S.C. 3907(b)(2)(F); 40 CFR 35.10055(a)(4); 40 CFR 35.10055(a)(5).

(iii) *5 points:* The extent to which the project serves regions with significant energy exploration, development, or production areas: 33 U.S.C. 3907(b)(2)(G); 40 CFR 35.10055(a)(6).

(iv) *10 points:* The extent to which a project serves regions with significant

water resource challenges, including the need to address: (1) Water quality concerns in areas of regional, national, or international significance; (2) water quantity concerns related to groundwater, surface water, or other water sources; (3) significant flood risk; (4) water resource challenges identified in existing regional, state, or multistate agreements; or (5) water resources with exceptional recreational value or ecological importance. 33 U.S.C. 3907(b)(2)(H); 40 CFR 35.10055(a)(7).

(v) *10 points:* The extent to which the project addresses identified municipal, state, or regional priorities. 33 U.S.C. 3907(b)(2)(I); 40 CFR 35.10055(a)(8).

(vi) *25 points:* The extent to which the project addresses needs for repair, rehabilitation or replacement of a treatment works, community water system, or aging water distribution or wastewater collection system. 40 CFR 35.10055(a)(12).

(vii) *10 points:* The extent to which the project serves economically stressed communities, or pockets of economically stressed rate payers within otherwise non-economically stressed communities. 40 CFR 35.10055(a)(13).

(viii) *20 points:* The extent to which the project reduces exposure to lead in the nation's drinking water systems or addresses emergent contaminants. 40 CFR 35.10055(b).

Project Readiness

(i) *50 points:* The readiness of the project to proceed toward development, including a demonstration by the obligor that there is a reasonable expectation that the contracting process for construction of the project can commence by not later than 90 days after the date on which a federal credit instrument is obligated for the project under [WIFIA]. 33 U.S.C. 3907(b)(2)(J); 40 CFR 35.10055(a)(9).

(ii) *30 points:* Preliminary engineering feasibility analysis score. 33 U.S.C. 3907(a)(2); 33 U.S.C. 3907(a)(6); 40 CFR 35.10015(c); 40 CFR 35.10045(a).

(iii) *20 points:* The extent to which the project uses new or innovative approaches. 33 U.S.C. 3907(b)(2)(D); 40 CFR 35.10055(a)(3).

Borrower Creditworthiness

(i) *10 points:* The likelihood that assistance under [WIFIA] would enable the project to proceed at an earlier date than the project would otherwise be able to proceed. 33 U.S.C. 3907(b)(2)(C); 40 CFR 35.10055(a)(2).

(ii) *10 points:* The extent to which the project financing plan includes public or private financing in addition to assistance under [WIFIA]. 33 U.S.C. 3907(b)(2)(B); 40 CFR 35.10055(a)(10).

(iii) *10 points:* The extent to which assistance under [WIFIA] reduces the contribution of Federal assistance to the project. 33 U.S.C. 3907(b)(2)(K); 40 CFR 35.10055(a)(11).

(iv) *10 points:* The amount of budget authority required to fund the Federal credit instrument made available under [WIFIA]. 33 U.S.C. 3907(b)(2)(E).

(v) *60 points:* Preliminary creditworthiness assessment score. 33 U.S.C. 3907(a)(1); 40 CFR 35.10015(c); 40 CFR 35.10045(a)(1); 40 CFR 35.10045(a)(4); 40 CFR 35.10045(b).

In addition to the selection criteria score, EPA is required by 33 U.S.C. 3902(a) to ''ensure a diversity of project types and geographical locations.''

Following analysis by the WIFIA program staff, a final score is calculated for each project. Projects will be selected in order of score, subject to the requirement to ensure a diversity of project types and geographical locations. To ensure diversity, EPA will establish a ceiling for each project type and geographical location. EPA will select projects in rank order up until the point that the ceiling is reached. Thereafter, the next highest project that adds diversity will be selected.

The scoring scales and guidance used to evaluate each project against the selection criteria are available in the WIFIA program handbook. Prospective borrowers considering WIFIA should review the WIFIA program handbook and discuss how the project addresses each of the selection criteria in the LOI submission.

Authority: 33 U.S.C. 3901–3914; 40 CFR part 35.

Andrew Wheeler,

Administrator.

[FR Doc. 2020–15470 Filed 7–16–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL 10012–15–OW]

40 CFR Part 35

Notice of Funding Availability for Applications for Credit Assistance Under the State Infrastructure Finance Authority Water Infrastructure Finance and Innovation Act (SWIFIA) Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of funding availability.

SUMMARY: In the Further Consolidated Appropriations Act, 2020, signed by the President on December 20, 2019, Congress provided $5 million in budget authority solely for the cost of direct loans or guaranteed loans to State infrastructure financing authority borrowers for projects described in section 5026(9) of the Water Infrastructure Finance and Innovation Act of 2014 (WIFIA). The State infrastructure financing authority WIFIA (SWIFIA) program will use this amount to cover the subsidy required to provide a much larger amount of credit assistance. Environmental Protection Agency (EPA or the Agency) estimates that this budget authority may provide approximately $1 billion in credit assistance and may finance approximately $2 billion in water infrastructure investment. The purpose of this notice of funding availability (NOFA) is to solicit letters of interest (LOIs) from prospective State Infrastructure Financing Authority borrowers seeking credit assistance from EPA under the SWIFIA program.

EPA will evaluate and select proposed projects described in the LOIs using the selection criteria established in the statute, and further described in this NOFA as well as the WIFIA program handbook. This NOFA introduces new budgetary scoring factors to determine budgetary scoring compliance and outlines the process that prospective borrowers should follow to be considered for SWIFIA credit assistance.

In addition, EPA reserves the right to make additional awards under this announcement, consistent with Agency policy and guidance, if additional funding is available after the original selections are made.

DATES: The LOI submittal period will begin on July 17, 2020 and end at 11:59 p.m. EDT on September 15, 2020.

ADDRESSES: Prospective borrowers should submit all LOIs electronically via email at: *wifia@epa.gov* or via EPA's SharePoint site. To be granted access to the SharePoint site, prospective borrowers should contact *wifia@epa.gov* and request a link to the SharePoint site, where they can securely upload their LOIs. Requests to upload documents should be made no later than 5:00 p.m. EDT on September 11, 2020.

EPA will notify prospective borrowers that their LOI has been received via a confirmation email.

Prospective borrowers can access additional information, including the WIFIA program handbook and application materials, on the WIFIA website: *https://www.epa.gov/wifia/.*

SUPPLEMENTARY INFORMATION:

For a project to be considered during a selection round, EPA must receive a

LOI, via email or SharePoint, before the corresponding deadline listed above. EPA is only able to accept emails of 25 MB or smaller with unzipped attachments (EPA cannot accept zipped files). If necessary due to size restrictions, prospective borrowers may submit attachments separately, as long as they are received by the deadline.

When writing a LOI, prospective borrowers are encouraged to fill out the SWIFIA LOI form and follow the guidelines contained on the WIFIA program website: *https://www.epa.gov/wifia/wifia-application-materials.* Prospective borrowers should provide the LOI and any attachments as Microsoft Word documents or searchable PDF files, whenever possible, to facilitate EPA's review. Section VI of this NOFA provides additional details on the LOI's content.

EPA will invite each prospective borrower whose project proposal is selected for continuation in the process to submit a final application. Final applications should be received by EPA within 365 days of the invitation to apply.

EPA will host a webinar to provide State infrastructure finance authority prospective borrowers further information about the SWIFIA loans and how to submit a LOI. The webinar date and registration directions can be found on the WIFIA program website: *https://www.epa.gov/wifia/wifia-webinars.*

Prospective borrowers with questions about the program or interest in meeting with the WIFIA program staff may send a request to *wifia@epa.gov.* EPA will meet with all prospective borrowers interested in discussing the program prior to submission of a LOI.

Table of Contents

I. Background

Congress enacted WIFIA as part of the Water Resources Reform and Development Act of 2014 (WRRDA). Codified at 33 U.S.C. 3901–3914, WIFIA authorizes a federal credit program for water infrastructure projects to be administered by EPA. WIFIA authorizes EPA to provide federal credit assistance in the form of secured (direct) loans or loan guarantees for eligible water infrastructure projects.

Congress amended WIFIA in America's Water Infrastructure Act of 2018 (AWIA) to authorize federal credit assistance exclusively for State infrastructure financing authority borrowers.

The WIFIA program's mission is to accelerate investment in our nation's water and wastewater infrastructure by providing long-term, low-cost, supplemental credit assistance under customized terms to creditworthy drinking water and wastewater infrastructure projects of national and regional significance.

II. Program Funding

Congress appropriated $5 million in funding to cover the subsidy cost of providing SWIFIA credit assistance. The subsidy cost covers the Federal government's risk that the loan may not be paid back. EPA anticipates that the average subsidy cost for SWIFIA-funded projects will be relatively low; therefore, this funding can be leveraged into a much larger amount of credit assistance. EPA estimates that this appropriation will allow the Agency to provide approximately $1 billion [1] in long-term, low-cost financing to water and wastewater infrastructure projects and accelerate approximately $2 billion in infrastructure investment around the country.

III. Eligibility Requirements

The WIFIA statute and implementing rules set forth eligibility requirements for prospective borrowers, projects, and project costs. The requirements outlined below are described in greater detail in the WIFIA program handbook.

A. Eligible Applicants

Prospective borrowers must be a State infrastructure financing authority to be eligible for SWIFIA credit assistance. EPA defines State infrastructure financing authority as the State entity established or designated by the Governor of a State to receive a capitalization grant provided by, or otherwise carry out the requirements of, title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 *et seq.*) or section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

B. Eligible Projects

To be eligible for SWIFIA credit assistance, the SWIFIA project must be a combination of projects, each of which is eligible for assistance under section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c)) or section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(2)), for which a State infrastructure financing authority submits to the Administrator a single application.

C. Eligible Costs

As defined under 33 U.S.C. 3906 and described in the WIFIA program handbook, eligible project costs are costs associated with the following activities:

(i) Development-phase activities, including planning, feasibility analysis (including any related analysis necessary to carry out an eligible project), revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;

(ii) Construction, reconstruction, rehabilitation, and replacement activities;

(iii) The acquisition of real property or an interest in real property (including water rights, land relating to the project, and improvements to land), environmental mitigation (including acquisitions pursuant to 33 U.S.C. 3905(8)), construction contingencies, and acquisition of equipment; and

(iv) Capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction. Capitalized interest on WIFIA credit assistance may not be included as an eligible project cost.

D. Threshold Requirements

For a project to be considered for SWIFIA credit assistance, a SWIFIA project or a group of projects consolidated by the State Infrastructure Financing Authority must meet the following four criteria:

(i) The project and obligor shall be creditworthy;

(ii) A project shall have eligible project costs that are reasonably anticipated to equal or exceed $20 million;

(iii) Project financing shall be repayable, in whole or in part, from state or local taxes, user fees, or other dedicated revenue sources that also secure the senior project obligations of the project; shall include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and may have a lien on revenues subject to any lien securing project obligations;

[1] This estimated loan volume is provided for reference only. Consistent with the Federal Credit Reform Act of 1990 and the requirements of the Office of Management and Budget, the actual subsidy cost of providing credit assistance is based on individual project characteristics and calculated on a project-by-project basis. Thus, actual lending capacity may vary.

(iv) The project shall have an operations and maintenance plan that identifies adequate revenues to operate, maintain, and repair the project during its useful life.

E. Federal Requirements

All projects receiving SWIFIA assistance must comply, if applicable, with federal requirements and regulations, including (but not limited to):

(i) American Iron and Steel Requirement, 33 U.S.C. 3914, *https://www.epa.gov/cwsrf/state-revolving-fund-american-iron-and-steel-ais-requirement;*

(ii) Labor Standards, 33 U.S.C. 1372, *https://www.dol.gov/whd/govcontracts/dbra.htm;*

(iii) National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq., https://www.epa.gov/nepa;*

(iv) Floodplain Management, Executive Order 11988, 42 FR 26951, May 24, 1977, *https://www.archives.gov/federal-register/codification/executive-order/11988.html;*

(v) Archeological and Historic Preservation Act, 16 U.S.C. 469–469c, *https://www.nps.gov/archeology/tools/laws/ahpa.htm;*

(vi) Clean Air Act, 42 U.S.C. 7401 *et seq., https://www.epa.gov/clean-air-act-overview;*

(vii) Clean Water Act, 33 U.S.C. 1251 *et seq., https://www.epa.gov/aboutepa/about-office-water;*

(viii) Coastal Barrier Resources Act, 16 U.S.C. 3501 *et seq., https://www.fws.gov/ecological-services/habitat-conservation/cbra/Act/index.html;*

(ix) Coastal Zone Management Act, 16 U.S.C. 1451 *et seq., https://coast.noaa.gov/czm/about/;*

(x) Endangered Species Act, 16 U.S.C. 1531 *et seq., https://www.fws.gov/endangered/;*

(xi) Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, Executive Order 12898, 59 FR 7629, February 16, 1994, *https://www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf;*

(xii) Protection of Wetlands, Executive Order 11990, 42 FR 26961, May 25, 1977, as amended by Executive Order 12608, 52 FR 34617, September 14, 1987, *https://www.epa.gov/cwa-404;*

(xiii) Farmland Protection Policy Act, 7 U.S.C. 4201 *et seq., https://www.nrcs.usda.gov/wps/portal/nrcs/detail/?cid=nrcs143_008275;*

(xiv) Fish and Wildlife Coordination Act, 16 U.S.C. 661–666c, as amended, *https://www.fws.gov/;*

(xv) Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq., https://www.fisheries.noaa.gov/resource/document/magnuson-stevens-fishery-conservation-and-management-act;*

(xvi) National Historic Preservation Act, 16 U.S.C. 470 *et seq., https://www.nps.gov/archeology/tools/laws/NHPA.htm;*

(xvii) Safe Drinking Water Act, 42 U.S.C. 300f *et seq., https://www.epa.gov/ground-water-and-drinking-water;*

(xviii) Wild and Scenic Rivers Act, 16 U.S.C. 1271 *et seq., https://rivers.gov/;*

(xix) Debarment and Suspension, Executive Order 12549, 51 FR 6370, February 18, 1986, *https://www.archives.gov/federal-register/codification/executive-order/12549.html;*

(xx) Demonstration Cities and Metropolitan Development Act, 42 U.S.C. 3301 *et seq.,* as amended, and Executive Order 12372, 47 FR 30959, July 14, 1982, *http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning;*

(xxii) New Restrictions on Lobbying, 31 U.S.C. 1352, *https://www.epa.gov/grants/lobbying-and-litigation-information-federal-grants-cooperative-agreements-contracts-and-loans;*

(xxiii) Prohibitions relating to violations of the Clean Water Act or Clean Air Act with respect to Federal contracts, grants, or loans under 42 U.S.C. 7606 and 33 U.S.C. 1368, and Executive Order 11738, 38 FR 25161, September 12, 1973, *https://www.archives.gov/federal-register/codification/executive-order/11738.html;*

(xxiv) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601 *et seq., https://www.gpo.gov/fdsys/pkg/FR-2005-01-04/pdf/05-6.pdf;*

(xxv) Age Discrimination Act, 42 U.S.C. 6101 *et seq., https://www.eeoc.gov/laws/statutes/adea.cfm;*

(xxvi) Equal Employment Opportunity, Executive Order 11246, 30 FR 12319, September 28, 1965, *https://www.dol.gov/ofccp/regs/compliance/ca_11246.htm;*

(xxvii) Section 13 of the Clean Water Act, Public Law 92–500, codified in 42 U.S.C. 1251, *https://www.epa.gov/ocr/external-civil-rights-compliance-office-title-vi;*

(xxviii) Section 504 of the Rehabilitation Act, 29 U.S.C. 794, supplemented by Executive Orders 11914, 41 FR 17871, April 29, 1976 and 11250, 30 FR 13003, October 13, 1965, *https://www.epa.gov/ocr/external-civil-rights-compliance-office-title-vi;*

(xxix) Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq., https://www.epa.gov/environmentaljustice/title-vi-and-environmental-justice;* and

(xxx) Participation by Disadvantaged Business Enterprises in Procurement under the Environmental Protection Agency Financial Assistance Agreements, 73 FR 15904, March 26, 2008, *https://www.epa.gov/resources-small-businesses.*

Detailed information about some of these requirements is outlined in the WIFIA program handbook. Further information can be found at the links above.

IV. Fiscal Year 2020 Office of Management and Budget Budgetary Scoring Determination

In order to comply with Public Law 116–94, a project selected for WIFIA financing using funding appropriated in FY 2020 will be assessed using two initial screening questions and sixteen scoring factors. These questions will help the Office of Management and Budget (OMB) determine compliance with budgetary scoring rules, a process that will be conducted in parallel to EPA's LOI evaluation process outlined in this NOFA. The questions may be found in **Federal Register** publication: Water Infrastructure Finance and Innovation Act Program (WIFIA) Criteria Pursuant to Public Law 116–94 [85 FR 39189, June 30, 2020]. These questions are also published in the WIFIA program handbook and further information about the scoring process may be referenced therein. EPA encourages project applicants to review the scoring criteria and provide sufficient information in the LOI or as an attachment to the LOI to facilitate EPA and OMB review of the prospective project in light of the scoring criteria. EPA may contact prospective borrowers after the LOI is submitted if clarification is needed to answer the budgetary scoring determination questions.

V. Types of Credit Assistance

Under SWIFIA, EPA is offering senior, parity loans. The maximum amount of SWIFIA credit assistance to a State infrastructure financing authority is 49 percent of estimated eligible total costs of the SRF loans that are included in the SWIFIA project. Prospective SWIFIA borrowers may request one the following loan structures:

(i) EPA accepts the State infrastructure financing authority's existing indenture; or

(ii) The State infrastructure financing authority accepts EPA's standard terms.

More information on EPA's standard terms is available at *www.epa.gov/wifia.*

SWIFIA credit assistance is available for SRF projects which are ready to proceed. EPA considers an SRF project ready to proceed if its construction will commence no later than 18 months after the LOI deadline.

VI. Letters of Interest and Applications

Each prospective borrower will be required to submit a LOI and, if invited, an application to EPA in order to be considered for approval. This section describes the LOI submission and application submission.

A. Letter of Interest (LOI)

Prospective borrowers seeking a SWIFIA loan must submit a LOI describing the project fundamentals and addressing the SWIFIA selection criteria.

The primary purpose of the LOI is to provide adequate information to EPA to validate the eligibility and creditworthiness of the prospective borrower and the prospective project and determine the extent to which the SWIFIA project meets the statutory selection criteria. Based on its review of the information provided in the LOI, EPA will invite prospective borrowers to submit applications for their projects.

Prospective borrowers are encouraged to utilize the LOI form on the WIFIA website and ensure that sufficient detail about the project is provided for EPA's review. EPA will notify a prospective borrower if its project is deemed ineligible as described in Section III of this NOFA.

Below is guidance on what EPA recommends be included in the LOI.

A. *Loan Information:* The prospective borrower provides information about its legal name, business address, program website, employer/taxpayer identification number, Dun and Bradstreet Data Universal Number System number, requested SWIFIA loan amount and SWIFIA project amount, type of SRF loans (clean water, drinking water, or both), and requested loan structure.

B. *Supporting Documents:* The prospective borrower provides the most recent version of the following documents: Intended Use Plan (IUP), SRF Operating Agreements with EPA Regional Office, documentation of the priority setting system, and bond indenture (if applicable).

C. *Contact Information:* The prospective borrower identifies the points of contact with whom the WIFIA program should communicate regarding the LOI. To complete EPA's evaluation, the WIFIA program staff may contact a prospective borrower regarding specific information in the LOI.

D. *Certifications.* The prospective borrower certifies that it will abide by all applicable laws and regulations, if selected to receive funding.

B. Application

After EPA concludes its evaluation of the LOIs, a selection committee will invite prospective borrowers to apply. EPA expects that all eligible State infrastructure financing authority prospective borrowers will be invited to apply for a SWIFIA loan. If the amount requested by prospective borrowers exceeds the amount available from EPA, each eligible State infrastructure financing authority prospective borrowers will be invited for a pro rata share, based on the financing request outlined in their LOIs. If a prospective borrower declines EPA's invitation, EPA would re-allocate to other eligible prospective borrowers to the extent practicable or carry the funding forward to a future round.

An invitation to apply for WIFIA credit assistance does not guarantee EPA's approval, which remains subject to a project's continued eligibility, including creditworthiness, the successful negotiation of terms acceptable to the Agency, and the availability of funds at the time at which all necessary recommendations and evaluations have been completed. However, the purpose of EPA's LOI review is to pre-screen prospective borrowers to the extent practicable. It is expected that EPA will only invite prospective borrowers to apply if it anticipates that those prospective borrowers are able to obtain WIFIA credit assistance. Detailed information needs for the application are listed in the application form and described in the WIFIA program handbook.

VII. Fees

There is no fee to submit a LOI. The final fee rule, Fees for Water Infrastructure Project Applications under WIFIA, 40 CFR 35.10080, was signed by EPA on June 19, 2017, and establishes the fees related to the provision of federal credit assistance under WIFIA. Each invited applicant must submit, concurrent with its application, a non-refundable Application Fee of $100,000. Applications will not be evaluated until the Application Fee is paid. For successful applicants, this fee will be credited toward final payment of a Credit Processing Fee, assessed following financial close, to reimburse EPA for actual engineering, financial, and legal costs. In the event a final credit agreement is not executed, the borrower is still required to reimburse EPA for the costs incurred. Borrowers may finance these fees with WIFIA credit assistance.

VIII. Selection Criteria

This section specifies the criteria and process that EPA will use to evaluate LOIs and award applications for SWIFIA assistance.

The selection criteria described are the statutory selection criteria for State infrastructure finance authority borrowers. EPA has also identified readiness to proceed as a priority for this LOI submittal period. In order to ensure the efficient use of limited federal resources for infrastructure finance, the readiness of the SRF loans included in the SWIFIA project to proceed toward development, including loan closing and the commencement of construction, is an Agency priority.

Following its eligibility determination, EPA will determine the extent to which the SWIFIA project meets the statutory selection criteria. They are as follows:

(i) The extent to which the project financing plan includes public or private financing in addition to assistance under [WIFIA]. 33 U.S.C. 3907(b)(2)(B); 40 CFR 35.10055(a)(10).

(ii) The likelihood that assistance under [WIFIA] would enable the project to proceed at an earlier date than the project would otherwise be able to proceed. 33 U.S.C. 3907(b)(2)(C); 40 CFR 35.10055(a)(2).

(iii) The extent to which the project uses new or innovative approaches. 33 U.S.C. 3907(b)(2)(D); 40 CFR 35.10055(a)(3).

(iv) The amount of budget authority required to fund the Federal credit instrument made available under [WIFIA]. 33 U.S.C. 3907(b)(2)(E).

(v) The extent to which the project (1) protects against extreme weather events, such as floods or hurricanes; or (2) helps maintain or protect the environment. 33 U.S.C. 3907(b)(2)(F); 40 CFR 35.10055(a)(4); 40 CFR 35.10055(a)(5).

(vi) The extent to which the project serves regions with significant energy exploration, development, or production areas. 33 U.S.C. 3907(b)(2)(G); 40 CFR 35.10055(a)(6).

(vii) The extent to which a project serves regions with significant water resource challenges, including the need to address: (1) Water quality concerns in areas of regional, national, or international significance; (2) water quantity concerns related to groundwater, surface water, or other water sources; (3) significant flood risk; (4) water resource challenges identified

in existing regional, state, or multistate agreements; or (5) water resources with exceptional recreational value or ecological importance. 33 U.S.C. 3907(b)(2)(H); 40 CFR 35.10055(a)(7).

(viii) The extent to which the project addresses identified municipal, state, or regional priorities. 33 U.S.C. 3907(b)(2)(I); 40 CFR 35.10055(a)(8).

(ix) The readiness of the project to proceed toward development, including a demonstration by the obligor that there is a reasonable expectation that the contracting process for construction of the project can commence by not later than 90 days after the date on which a federal credit instrument is obligated for the project under [WIFIA]. 33 U.S.C. 3907(b)(2)(J); 40 CFR 35.10055(a)(9).

(x) The extent to which assistance under [WIFIA] reduces the contribution of Federal assistance to the project. 33 U.S.C. 3907(b)(2)(K); 40 CFR 35.10055(a)(11).

Authority: 33 U.S.C. 3901–3914; 40 CFR part 35.

Andrew Wheeler,

Administrator.

[FR Doc. 2020–15469 Filed 7–16–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2019–0638; FRL–10011–31–Region 4]

Air Plan Approval; North Carolina; Miscellaneous Permit Provisions Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving State Implementation Plan (SIP) revisions submitted by the State of North Carolina, through the North Carolina Department of Environmental Quality, Division of Air Quality (DAQ), with letters dated September 18, 2009, September 16, 2016, and July 10, 2019. These SIP revisions amend several of North Carolina's rules regarding construction and operating permits. This action is being finalized pursuant to the Clean Air Act (CAA or Act).

DATES: This rule is effective August 17, 2020.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2019–0638. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the 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. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Evan Adams, 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) 562–9009. Mr. Adams can also be reached via electronic mail at *adams.evan@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

EPA is approving SIP revisions submitted by DAQ, through letters dated September 18, 2009, September 16, 2016, and July 10, 2019. North Carolina's September 18, 2009,[1] [2] submittal revises rule 15A North Carolina Administrative Code (NCAC) 02Q .0304, *Applications,* to make clarifying and ministerial edits. The September 16, 2016,[3] [4] submittal revises 15A NCAC 02D .0101, *Definitions,* and 15A NCAC 02Q .0101, *Required Air Quality Permits;* .0103, *Definitions;* and .0104, *Where to Obtain and File Permit Applications,* to make clarifying and administrative updates. Finally, the July 10, 2019, submittal readopts, and makes clarifying and ministerial edits to the following: 15A NCAC 02Q .0101, *Required Air Quality Permits;* .0103, *Definitions;* .0104, *Where to Obtain and File Permit Applications;* .0105, *Copies of Referenced Documents;* .0106, *Incorporation by Reference;* .0107, *Confidential Information;* .0108, *Delegation of Authority;* .0109, *Compliance Schedule for Previously Exempted Activities;* .0110, *Retention of Permit at Permitted Facility;* and .0111, *Applicability Determinations.*[5]

EPA published a notice of proposed rulemaking (NPRM) proposing approval of the aforementioned North Carolina SIP revisions on April 27, 2020. *See* 85 FR 23272. The details of North Carolina's submissions and the rationale for EPA's actions are explained in the April 27, 2020, NPRM. Comments were due on May 27, 2020.

II. Response to Comments

EPA received two comments on the April 27, 2020, NPRM. One comment was in support of EPA's proposed action, and the other comment was adverse. A summary of the adverse comment and EPA's response is provided below.

Comment: The Commenter asks why EPA needs to approve this SIP revision and suggests that states should ''take primacy over their SIPs'' once EPA has initially approved them. The Commenter also states that EPA should not approve this SIP revision and should allow states to take control over their programs.

Response: As explained herein and in the April 27, 2020, NPRM, DAQ requested this SIP revision, which amends several SIP-approved rules pertaining to construction and operating permits. Pursuant to CAA section 110(k)(3), 42 U.S.C. 7410(k)(3), ''EPA shall approve'' a SIP revision ''if it meets all of the applicable requirements'' of the Act. Thus, as a matter of law, EPA is required to approve a SIP revision if it meets the Act's requirements, as these North Carolina SIP revisions do. To the extent the Commenter is suggesting that EPA take action beyond this particular SIP revision, such a comment is outside the scope of this rulemaking.

III. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation

[1] EPA received the submittal on September 22, 2009.

[2] EPA received a supplemental submittal of corrected redline/strikeout changes for 02Q Section .0304 on June 7, 2019. See the docket for this action.

[3] EPA received the submittal on October 4, 2016.

[4] EPA notes that Section 02Q .0203, *Permit and Application Fees* was submitted as well. However, this Section is not approved into the SIP, and is not appropriate for the SIP. EPA will therefore not take action on this Section.

[5] On July 10, 2019, EPA received several SIP revisions. EPA is only acting on the changes to North Carolina's SIP as described in this notice. EPA will act on the other SIP revisions in separate rulemakings.

by reference of 15A NCAC 02D .0101, *Definitions,* state effective January 1, 2015;[6] 15A NCAC 02Q .0101, *Required Air Quality Permits;* .0103, *Definitions;* .0104, *Where to Obtain and File Permit Applications;* .0105, *Copies of Referenced Documents;* .0106, *Incorporation by Reference;* .0107, *Confidential Information;* .0108, *Delegation of Authority;* .0109, *Compliance Schedule for Previously Exempted Activities;* .0110, *Retention of Permit at Permitted Facility;* and .0111, *Applicability Determinations,* state effective April 1, 2018; and 15A NCAC 02Q .0304, *Applications,* state effective January 1, 2009. These changes are either non-substantive or otherwise necessary to clarify applicability. 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). Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[7]

IV. Final Action

EPA is approving 15A NCAC 02D .0101, *Definitions,* submitted September 16, 2016; 15A NCAC 02Q .0101, *Required Air Quality Permits;* .0103, *Definitions;* .0104, *Where to Obtain and File Permit Applications;* .0105, *Copies of Referenced Documents;* .0106, *Incorporation by Reference;* .0107, *Confidential Information;* .0108, *Delegation of Authority;* .0109, *Compliance Schedule for Previously Exempted Activities;* .0110, *Retention of Permit at Permitted Facility;* and .0111, *Applicability Determinations,* submitted July 10, 2019; and 15A NCAC 02Q .0304, *Applications,* submitted September 18, 2009. EPA is finalizing the changes above to North Carolina's SIP submitted on September 18, 2009, September 16, 2016, and July 10, 2019.

[6] The effective date of the change to 15A NCAC 02D .0101 made in North Carolina's September 16, 2016 SIP revision is January 1, 2016. However, for purposes of the state-effective date at 40 CFR 52.1770(c), that change to North Carolina's rule is captured and superseded by North Carolina's update in a March 21, 2018 (state effective January 1, 2018) SIP revision, which EPA previously approved on April 10, 2019 (84 FR 14308).

[7] *See* 62 FR 27968 (May 22, 1997).

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, if they meet the criteria of the CAA. This 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 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.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. These actions are not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 15, 2020. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. These actions may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: June 24, 2020.

Mary Walker,

Regional Administrator, Region 4.

For the reasons stated in the preamble, EPA amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart II—North Carolina

■ 2. In § 52.1770 amend Table 1 to paragraph (c) by:

■ a. Under ''Subchapter 2D Air Pollution Control Requirements'' revising the entry for ''Section .0101''; and

■ b. Under Subchapter 2Q Air Quality Permit Procedures by revising the entries for ''Section .0101'', ''Section .0103'', ''Section .0104'', ''Section .0105'', ''Section .0106'', ''Section .0107'', ''Section .0108'', ''Section .0109'', ''Section .0110'', ''Section .0111'', and ''Section .0304''.

The revisions read as follows.

§ 52.1770 Identification of plan.

* * * * *

(c) * * *

(1) EPA Approved North Carolina Regulations

State citation	Title/subject	State effective date	EPA approval date	Explanation
Subchapter 2D Air Pollution Control Requirements Section .0100 Definitions and References				
Section .0101	Definitions	1/1/2018	7/17/2020, [Insert citation of publication].	
*	*	*	*	*
Subchapter 2Q Air Quality Permits Section .0100 General Provisions				
Section .0101	Required Air Quality Permits	4/1/2018	7/17/2020, [Insert citation of publication].	
*	*	*	*	*
Section .0103	Definitions	4/1/2018	7/17/2020, [Insert citation of publication].	
Section .0104	Where to Obtain and File Permit Applications.	4/1/2018	7/17/2020, [Insert citation of publication].	
Section .0105	Copies of Referenced Documents	4/1/2018	7/17/2020, [Insert citation of publication].	
Section .0106	Incorporation by Reference	4/1/2018	7/17/2020, [Insert citation of publication].	
Section .0107	Confidential Information	4/1/2018	7/17/2020, [Insert citation of publication].	
Section .0108	Delegation of Authority	4/1/2018	7/17/2020, [Insert citation of publication].	
Section .0109	Compliance Schedule for Previously Exempted Activities.	4/1/2018	7/17/2020, [Insert citation of publication].	
Section .0110	Retention of Permit at Permitted Facility	4/1/2018	7/17/2020, [Insert citation of publication].	
Section .0111	Applicability Determinations	4/1/2018	7/17/2020, [Insert citation of publication].	
*	*	*	*	*
Section .0304	Applications	1/1/2009	7/17/2020, [Insert citation of publication].	
*	*	*	*	*

* * * * *

[FR Doc. 2020–14092 Filed 7–16–20; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2016–0057; FRL–10011–28–Region 10]

Air Plan Approval; OR; 2010 Sulfur Dioxide NAAQS Interstate Transport Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) approves the State Implementation Plan (SIP) submission from Oregon as meeting certain Clean Air Act (CAA) interstate transport requirements for the 2010 1-hour Sulfur Dioxide (SO_2) National Ambient Air Quality Standards (NAAQS). EPA has determined that emissions from Oregon sources will not contribute significantly to nonattainment or interfere with the maintenance of the 2010 1-hour SO_2 NAAQS in any other state.

DATES: This final rule is effective August 17, 2020.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2016–0057. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available at *https://www.regulations.gov,* or please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Kristin Hall, EPA Region 10, 1200 Sixth Avenue—Suite 155, Seattle, WA 98101, at (206) 553–6357, or *hall.kristin@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, wherever ''we'', ''us'', or ''our'' is used, it means the EPA.

I. Background

On May 15, 2020, we proposed to approve the October 20, 2015, SIP submission from Oregon as meeting certain Clean Air Act (CAA) interstate transport requirements for the 2010 1-hour SO_2 NAAQS (85 FR 29369). The reasons for our proposed approval were stated in the proposed rulemaking and will not be re-stated here. The public comment period for the proposed rulemaking ended on June 15, 2020. We received no comments. Therefore, we are finalizing our rulemaking as proposed.

II. Final Action

In this final action, EPA approves the October 20, 2015, SIP submission from Oregon as meeting the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I) for the 2010 1-hour SO_2 NAAQS.

III. 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, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this 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 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 address 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).

The SIP is not approved to apply on any Indian reservation land in Oregon and is also not approved to apply 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 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).

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 15, 2020. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

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.

Dated: June 25, 2020.

Christopher Hladick,

Regional Administrator, Region 10.

For the reasons set forth in the preamble, 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart MM—Oregon

■ 2. In § 52.1970, amend Table 5 in paragraph (e) by adding, under the heading ''110(a)(2) Infrastructure and Interstate Transport'' an entry for ''Interstate Transport for the 2010 sulfur dioxide NAAQS'' immediately after the entry for ''Infrastructure for the 2015 ozone NAAQS'' to read as follows:

§ 52.1970 Identification of plan.

* * * * *

(e) * * *

TABLE 5—STATE OF OREGON AIR QUALITY CONTROL PROGRAM APPROVED BUT NOT INCORPORATED BY REFERENCE

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanations
*	*	*	*	*
110(a)(2) Infrastructure and Interstate Transport				
*	*	*	*	*
Interstate Transport for the 2010 sulfur dioxide NAAQS.	Statewide	10/20/2015	7/17/2020, [Insert **Federal Register** citation].	This action addresses CAA 110(a)(2)(D)(i)(I).

TABLE 5—STATE OF OREGON AIR QUALITY CONTROL PROGRAM APPROVED BUT NOT INCORPORATED BY REFERENCE—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanations
*	*	*	*	*	*	*

[FR Doc. 2020–14139 Filed 7–16–20; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

DEPARTMENT OF DEFENSE

40 CFR Part 1700

[EPA–HQ–OW–2016–0351; FRL–10009–46–OW]

RIN 2040–AF53

Uniform National Discharge Standards for Vessels of the Armed Forces—Phase II Batch Two

AGENCY: Environmental Protection Agency and Department of Defense.

ACTION: Final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) and the U.S. Department of Defense (DoD) are promulgating discharge performance standards for 11 discharges incidental to the normal operation of a vessel of the Armed Forces in the navigable waters of the United States, the territorial seas, and the contiguous zone. When implemented, the discharge performance standards will reduce the adverse environmental impacts associated with the vessel discharges, stimulate the development of improved vessel pollution control devices, and advance the development of environmentally sound vessels of the Armed Forces. The 11 discharges addressed by the final rule include the following: Catapult water brake tank and post-launch retraction exhaust, controllable pitch propeller hydraulic fluid, deck runoff, firemain systems, graywater, hull coating leachate, motor gasoline and compensating discharge, sonar dome discharge, submarine bilgewater, surface vessel bilgewater/oil-water separator effluent, and underwater ship husbandry.

DATES: This final rule is effective on August 17, 2020.

ADDRESSES: The EPA has established a docket for this action under Docket No. EPA–HQ–OW–2016–0351. All documents in the docket are listed on the *http://regulations.gov* website. The complete public record for this rulemaking, including responses to comments received during the rulemaking, can be found under Docket No. EPA–HQ–OW–2016–0351.

FOR FURTHER INFORMATION CONTACT: Katherine B. Weiler, Oceans and Coastal Management Branch (4504T), U.S. EPA, 1200 Pennsylvania Avenue NW, Washington, DC 20460; (202) 566–1280; *weiler.katherine@epa.gov,* or Mike Pletke, Chief of Naval Operations (N45), 2000 Navy Pentagon (Rm. 2D253), Washington, DC 20350–2000; (703) 695–5184; *mike.pletke@navy.mil.*

SUPPLEMENTARY INFORMATION: This supplementary information is organized as follows:

I. General Information

A. Legal Authority for the Final Rule

The EPA and DoD promulgate this rule under the authority of Clean Water Act (CWA) Section 312(n) (33 U.S.C. 1322(n)). Section 325 of the National Defense Authorization Act of 1996 (NDAA), titled ''Discharges from Vessels of the Armed Forces'' (Pub. L. 104–106, 110 Stat. 254), amended CWA Section 312, to require the Administrator of the U.S. Environmental Protection Agency (Administrator) and the Secretary of Defense of the U.S. Department of Defense (Secretary) to develop uniform national standards to control certain discharges incidental to the normal operation of a vessel of the Armed Forces. The term Uniform National Discharge Standards, or UNDS, is used in this preamble to refer to the provisions in CWA Section 312(a)(12) through (14) and (n) (33 U.S.C. 1322(a)(12) through (14) & (n)).

B. Purpose of the Final Rule

The purpose of the statutory amendment for the establishment of the UNDS rules is to enhance the operational flexibility of vessels of the Armed Forces domestically and internationally, stimulate the development of innovative vessel pollution control technology, and advance the development of environmentally sound ships. Section 312(n)(3)(A) of the CWA requires the EPA and DoD to promulgate uniform national discharge standards for certain discharges incidental to the normal operation of a vessel of the Armed Forces (CWA Section 312(a)(12)), unless the Secretary finds that compliance with UNDS would not be in the national security interests of the United States (CWA Section 312(n)(1)).

The final rule establishes discharge ''performance standards'' for 11 discharges incidental to the normal operation of a vessel of the Armed Forces from among the 25 discharges for which the EPA and DoD previously determined (64 FR 25126, May 10, 1999) that it is reasonable and practicable to require a marine pollution control device (MPCD). The 11 discharges addressed in the rule include the following: catapult water brake tank and post-launch retraction exhaust, controllable pitch propeller hydraulic fluid, deck runoff, firemain systems, graywater, hull coating leachate, motor gasoline and compensating discharge, sonar dome discharge, submarine bilgewater, surface vessel bilgewater/oil-water separator effluent, and underwater ship husbandry. However, the discharge performance standards do not become enforceable until after promulgation of regulations by DoD under CWA Section 312(n)(5)(C) to govern the design, construction, installation, and use of a MPCD. CWA Section 312(n)(5)(C) requires DoD to promulgate the regulations as soon as practicable after the promulgation of the discharge performance standards, but not later than one year. Additionally, upon the effective date of regulations by DoD under CWA Section 312(n)(5)(C), CWA Section 312(n)(6)(A) provides that neither a state nor a political subdivision of a state may adopt or enforce any statute or regulation of the state (or the political subdivision) with respect to the discharge or design, construction, installation or use of any MPCD required to control discharges from a vessel of the Armed Forces.

C. What vessels are regulated by the final rule?

The final rule applies to vessels of the Armed Forces. For the purposes of the rulemaking, the term ''vessel of the Armed Forces'' is defined at CWA Section 312(a)(14). Vessel of the Armed Forces means any vessel owned or operated by the U.S. Department of Defense (*i.e.,* U.S. Navy, Military Sealift Command, U.S. Marine Corps, U.S. Army, and U.S. Air Force), other than a time- or voyage-chartered vessel, as well as any U.S. Coast Guard vessel designated by the Secretary of the Department in which the U.S. Coast Guard is operating. The preceding list of vessels is not intended to be exhaustive, but rather provides a guide for the reader regarding the vessels of the Armed Forces to be regulated by the final rule. The final rule does not apply to commercial vessels; private vessels; vessels owned or operated by state, local, or tribal governments; vessels under the jurisdiction of the U.S. Army Corps of Engineers; certain vessels under the jurisdiction of the U.S. Department of Transportation; vessels preserved as memorials and museums; vessels under construction; vessels in drydock; amphibious vehicles; and, as noted above, time- or voyage-chartered vessels. For answers to questions regarding the applicability of this action to a particular vessel, consult one of the contacts listed in the **FOR FURTHER INFORMATION CONTACT** section.

D. What is the geographic scope of the final rule?

The final rule is applicable to discharges from a vessel of the Armed Forces operating in the navigable waters of the United States, including the territorial seas, and the contiguous zone (CWA Section 312(n)(8)(A)). The final rule applies in both fresh and marine waters and can include bodies of water such as rivers, lakes, and oceans. The preamble refers to these waters collectively as ''waters subject to UNDS.''

Sections 502(7), 502(8), and 502(9) of the CWA define the terms ''navigable waters,'' ''territorial seas,'' and ''contiguous zone,'' respectively. The term ''navigable waters'' means waters of the United States including the territorial seas, and the ''United States'' includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territories of the Pacific Islands. The term ''territorial seas'' means the belt of seas that extends three miles seaward from the line of ordinary low water along the portion of the coast in direct contact with the open sea and the line marking the seaward limit of inland waters. The term ''contiguous zone'' means the entire zone established or to be established by the United States under Article 24 of the *Convention of the Territorial Sea and the Contiguous Zone.* The contiguous zone extends seaward twelve miles from the baseline from which the breadth of the territorial sea is measured. The final rule is not applicable seaward of the contiguous zone.

E. Rulemaking Process

The UNDS rulemaking is a three-phase, joint rulemaking between the EPA and DoD. The first two phases are joint rulemakings between the EPA and DoD; the third phase is a DoD-only rulemaking.

Phase I

The EPA and DoD promulgated Phase I regulations on May 10, 1999 (64 FR 25126), and these existing regulations are codified at 40 CFR part 1700. During Phase I, the EPA and DoD identified the discharges incidental to the normal operation of a vessel of the Armed Forces for which it is reasonable and practicable to require control with a MPCD to mitigate potential adverse impacts on the marine environment (CWA Section 312(n)(2)), as well as those discharges for which it is not. Section 312(a)(13) of the CWA defines a MPCD as any equipment or management practice, for installation or use on a vessel of the Armed Forces, that is designed to receive, retain, treat, control, or discharge a discharge incidental to the normal operation of a vessel; and that is determined by the Administrator and the Secretary to be the most effective equipment or management practice to reduce the environmental impacts of the discharge consistent with the considerations set forth by UNDS.

During Phase I, the EPA and DoD also identified the vessels with discharges to be regulated under UNDS. The Phase I Technical Development Document describes the range of vessels covered by UNDS which includes both active and inactive vessels. Inactive vessels are vessels owned by the Armed Forces that are not in operational status but are retained as mobilization assets or held in long-term storage for some other permanent disposition. The vessels are owned by the DoD, pending final disposition and as such are covered under UNDS.

The Phase I Technical Development Document also describes the 25

discharges that the EPA and DoD identified as requiring control with a MPCD and the 14 discharges that do not require control. The 25 discharges requiring control include: Aqueous film-forming foam; catapult water brake tank and post-launch retraction exhaust; chain locker effluent; clean ballast; compensated fuel ballast; controllable pitch propeller hydraulic fluid; deck runoff; dirty ballast; distillation and reverse osmosis brine; elevator pit effluent; firemain systems; gas turbine water wash; graywater; hull coating leachate; motor gasoline and compensating discharge; non-oily machinery wastewater; photographic laboratory drains; seawater cooling overboard discharge; seawater piping biofouling prevention; small boat engine wet exhaust; sonar dome discharge; submarine bilgewater; surface vessel bilgewater/oil-water separator effluent; underwater ship husbandry; and welldeck discharges (40 CFR 1700.4). The 14 discharges that do not require control with a MPCD include: Boiler blowdown; catapult wet accumulator discharge; cathodic protection; freshwater layup; mine countermeasures equipment lubrication; portable damage control drain pump discharge; portable damage control drain pump wet exhaust; refrigeration/air conditioning condensate; rudder bearing lubrication; steam condensate; stern tube seals and underwater bearing lubrication; submarine acoustic countermeasures launcher discharge; submarine emergency diesel engine wet exhaust; and submarine outboard equipment grease and external hydraulics.

As of the effective date of the Phase I rule (June 9, 1999), states and political subdivisions of states are preempted from adoption or enforcement of any state or local statutes or regulations with respect to the 14 discharges that were identified as not requiring control, except as provided for in no-discharge zones (CWA Sections 312(n)(6)(A) and 312(n)(7)). In addition, CWA Section 312(n)(5)(D) authorizes the governor of any state to submit a petition to the EPA and DoD requesting the re-evaluation of a prior determination that a MPCD is required for a particular discharge (40 CFR 1700.4) or that a MPCD is not required for a particular discharge (40 CFR 1700.5), if there is significant new information not considered previously, that could reasonably result in a change to the determination (CWA Section 312(n)(5)(D) and 40 CFR 1700.11).

Phase II

Section 312(n)(3) of the CWA requires the EPA and DoD to develop discharge performance standards for each of the 25 discharges identified in Phase I as requiring control. Development of the discharge performance standards required the EPA and DoD to consult with the Department in which the U.S. Coast Guard is operating, the Secretary of Commerce, interested states, the Secretary of State, and other interested federal agencies. CWA Section 312(n)(2)(B) directs the EPA and DoD to consider seven factors when promulgating the Phase II discharge performance standards: The nature of the discharge; the environmental effects of the discharge; the practicability of using the MPCD; the effect that installation or use of the MPCD would have on the operation or the operational capability of the vessel; applicable U.S. law; applicable international standards; and the economic costs of installation and use of the MPCD. Section 312(n)(3)(C) of the CWA authorizes the EPA and DoD to establish discharge standards that (1) distinguish among classes, types, and sizes of vessels; (2) distinguish between new and existing vessels; and (3) provide for a waiver of applicability of standards as necessary or appropriate to a particular class, type, age, or size of vessel.

The EPA and DoD developed a process to establish the Phase II discharge performance standards in three ''batches'' through three separate rulemakings. The first batch of discharge performance standards was published on January 11, 2017 (82 FR 3173), and addressed 11 of the 25 discharges identified as requiring control in Phase I. The second batch of discharge performance standards, the subject of this final rule, addresses an additional 11 discharges previously identified as requiring control. The EPA and DoD are preparing the third batch of performance standards to address the remaining three discharges (relating to different variations of ballast water systems), which will be proposed later.

In developing the Phase II discharge performance standards, the EPA and DoD referenced the 2013 National Pollutant Discharge Elimination System (NPDES) Vessel General Permit (VGP) (78 FR 21938, April 12, 2013) and the 2014 NPDES Small Vessel General Permit (sVGP) (79 FR 53702, September 10, 2014) (hereafter referred to collectively as the NPDES VGPs) as a baseline for each comparable discharge incidental to the normal operation of a vessel of the Armed Forces. Geographically, the NPDES VGPs applied seaward only to the CWA's three-mile territorial sea and only to discharges incidental to the normal operation of non-military and non-recreational vessels. The NPDES VGPs included effluent limits that are based on both the technology available to treat pollutants (*i.e.,* technology-based effluent limitations), and limits intended to be protective of the designated uses of the receiving waters (*i.e.,* water quality-based effluent limits), including both non-numeric and numeric limitations. Using the NPDES VGPs as a ''reasonable and practicable'' baseline to develop performance standards for discharges incidental to the normal operation of a vessel of the Armed Forces allowed the EPA and DoD to maximize the use of the EPA's scientific and technical work developed to support the NPDES VGPs. The NPDES VGPs technology-based and water quality-based effluent limitations were then adapted, as appropriate, for the relevant discharges from vessels of the Armed Forces. Additional information on NPDES permitting can be found on-line at *http://www.epa.gov/npdes/.*

Phase III

CWA Section 312(n)(4) requires DoD within one year of finalization of Phase II and in consultation with the EPA and the Secretary of the Department in which the U.S. Coast Guard is operating, to promulgate Phase III UNDS regulations governing the design, construction, installation, and use of MPCDs necessary to meet the Phase II discharge performance standards. DoD will implement the Phase III regulations under the authority of the Secretary as a DoD publication. The Phase III regulations will be publicly released and are expected to be made available on the Defense Technical Information Center website: *http://www.dtic.mil/whs/directives.* Similar to Phase II, Phase III will be promulgated in three batches.

Following the effective date of regulations under Phase III, it will be unlawful for a vessel of the Armed Forces to operate within waters subject to UNDS if the vessel is not equipped with a MPCD that meets the final Phase II discharge performance standards (CWA Section 312(n)(8)). It also will be unlawful for a vessel of the Armed Forces to discharge a regulated UNDS discharge into an UNDS no-discharge zone (*i.e.,* waters where a prohibition on a discharge has been established) (CWA Section 312(n)(8)). Any person in violation of this requirement shall be liable to a civil penalty of not more than $5,000 for each violation (CWA Section 312(j)). The Secretary of the Department in which the U.S. Coast Guard is operating enforces these provisions and may utilize law enforcement officers, EPA personnel and facilities, other

federal agencies, or the states to carry out these provisions. States may also enforce these provisions (CWA Sections 312(k) and (n)(9)).

In addition, as of the effective date of the Phase III regulations, neither a state nor political subdivision of a state may adopt or enforce any state or local statute or regulation with respect to discharges identified as requiring control, except to establish no-discharge zones (CWA Section 312(n)(7)). If a state determines that the protection and enhancement of the quality of some or all of its waters require greater environmental protection, the state may prohibit one or more discharges incidental to the normal operation of a vessel of the Armed Forces, whether treated or not, into those waters. CWA Section 312(n)(7) provides for the establishment of no-discharge zones and the Phase I UNDS regulations established the criteria and procedures for establishing no-discharge zones (40 CFR 1700.9 and 40 CFR 1700.10).

The statute also requires the EPA and DoD to review the UNDS determinations and standards every five years and, if necessary, to revise them based on significant new information. Specifically, CWA Sections 312(n)(5)(A) and (B) contain provisions for reviewing and modifying both of the following determinations: (1) Whether control should be required for a particular discharge, and (2) the substantive standard of performance for a discharge for which control is required. A governor also may petition the Administrator and the Secretary to review a UNDS determination or standard if there is significant new information, not considered previously, that could reasonably result in a change to the determination or standard (CWA Section 312(n)(5)(D) & 40 CFR 1700.11).

F. Summary of Public Outreach and Consultation With Federal Agencies, States, Territories, and Tribes

During the development of the proposed rule and the final rule, the EPA and DoD consulted with other federal agencies, states, and tribes regarding the reduction of adverse environmental impacts associated with discharges from vessels of the Armed Forces; development of innovative vessel pollution control technology; and advancement of environmentally sound vessels of the Armed Forces. In addition, the EPA and DoD reviewed comments on the NPDES VGPs. Documentation of the consultations is in the administrative docket for the rulemaking.

G. Supporting Documentation

The rule is supported by the ''Technical Development Document Phase I Uniform National Discharge Standards for Vessels of the Armed Forces,'' the UNDS Phase I rules, the ''Final 2013 Vessel General Permit for Discharges Incidental to the Normal Operation of Vessels,'' the ''2013 Final Issuance of the National Pollutant Discharge Elimination Vessel General Permit Fact Sheet,'' the ''Final 2014 Small Vessel General Permit for Discharges Incidental to the Normal Operation of Vessels Less Than 79 Feet,'' the ''2014 Final Issuance of National Pollutant Discharge Elimination System Small Vessel General Permit for Discharges Incidental to the Normal Operation of Vessels Less than 79 Feet Fact Sheet,'' the ''October 2016 Uniform National Discharge Standards for Vessels of the Armed Forces—Phase II Batch Two Proposed Rule,'' the ''Report to Congress: Study of Discharges Incidental to Normal Operation of Commercial Fishing Vessels and Other Non-Recreational Vessels Less than 79 Feet,'' the ''Biological Evaluation for the Uniform National Discharge Standards Program Phase II—Batch Two,'' and the ''National Consistency Determination: Uniform National Discharge Standards Program for Phase II Batch Two Discharges.'' These documents, along with other supporting technical and scientific documents are available from the EPA Water Docket, Docket No. EPA–HQ–OW–2016–0351 (Email: *ow-docket@epa.gov;* Phone Number: (202) 566–2426; Mail: Water Docket, *Mail Code:* 2822–IT, 1200 Pennsylvania Avenue NW, Washington, DC 20460; or Online: *http://regulations.gov*). The NPDES VGPs background documents also are available online: *https://www.epa.gov/npdes/vessels.*

II. UNDS Performance Standards Development

During the development of the discharge performance standards, the EPA and DoD analyzed the information from the Phase I of UNDS, considered the relevant language in the NPDES VGPs, and took into the consideration the seven statutory factors listed in CWA Section 312(n)(2)(B). These seven statutory factors include: The nature of the discharge; the environmental effects of the discharge; the practicability of using the MPCD; the effect that installation or use of the MPCD would have on the operation or operational capability of the vessel; applicable U.S. law; applicable international standards; and the economic costs of the installation and use of the MPCD. The EPA and DoD determined that the NPDES VGPs, which include technology-based and water quality-based effluent limitations, served as a sound baseline for developing the discharge performance standards for the 11 discharges in this rule. The subsections below outline the EPA and DoD's approach to considering the seven statutory factors listed in CWA Section 312(n)(2)(B).

A. Nature of the Discharge

During Phase I, the EPA and DoD gathered information on the discharges incidental to the normal operation of a vessel of the Armed Forces and developed nature of the discharge reports. The nature of the discharge reports discuss how the discharge is generated, volumes and frequencies of the generated discharge, where the discharge occurs, and the constituents present in the discharge. In addition, the EPA and DoD reviewed relevant discharge information in the supporting documentation of the NPDES VGPs. The EPA and DoD briefly describe the nature of each of the 11 discharges included in this rule; however, the complete nature of the discharge reports can be found in Appendix A of the Technical Development Document—EPA 821–R–99–001.

B. Environmental Effects

Discharges incidental to the normal operation of a vessel of the Armed Forces have the potential to negatively impact the aquatic environment. The discharges contain a wide variety of constituents that have the potential to negatively impact aquatic species and habitats. These discharges can cause thermal pollution and can contain aquatic nuisance species, nutrients, bacteria or pathogens (*e.g., E. coli* and fecal coliforms), oil and grease, metals, most conventional pollutants (*e.g.,* organic matter, biochemical oxygen demand, and suspended solids), and other toxic and non-conventional pollutants with toxic effects. While it is unlikely that these discharges would cause an acute or chronic exceedance of the EPA recommended water quality criteria across a large water body, these discharges have the potential to cause adverse environmental impacts on a more localized scale due to the end-of-pipe nature of the discharges. For each of the 11 discharges included in this rule, the EPA and DoD discuss the constituents of concern released into the environment and potential water quality impacts. The discharge performance standards will reduce the discharge of constituents of concern and mitigate the

environmental risks to the receiving waters.

C. Cost, Practicability, and Operational Impacts

The universe of vessels of the Armed Forces affected by the rule encompasses more than 6,000 vessels distributed among the U.S. Navy, Military Sealift Command, U.S. Coast Guard, U.S. Army, U.S. Marine Corps, and U.S. Air Force. These vessels range in design and size from small boats with lengths of less than 20 feet for coastal operations, to aircraft carriers with lengths of over 1,000 feet for global operations. Approximately 80 percent of the vessels of the Armed Forces are less than 79 feet in length. Larger vessels (*i.e.,* vessels with length greater than or equal to 79 feet) comprise 20 percent of the vessels of the Armed Forces. The EPA and DoD considered vessel class, type, and size when developing the discharge standards as not all vessels of the Armed Forces have the same discharges. For more information on the various vessel classes, characteristics, and missions, see the ''Technical Development Document Phase I Uniform National Discharge Standards for Vessels of the Armed Forces.''

The EPA and DoD assessed the relative costs, practicability, and operational impacts of the rule by comparing current operating conditions and practices of vessels of the Armed Forces with the anticipated operating conditions and practices that would be required to meet the discharge performance standards. The EPA and DoD determined that the discharge performance standards applicable to operating conditions and practices for the 11 discharges will only result in a marginal increase in performance costs, practicability, and operational impacts.

D. Applicable U.S. and International Law

The EPA and DoD reviewed U.S. laws and international standards that would be relevant to discharges incidental to the normal operation of a vessel of the Armed Forces. A number of U.S. environmental laws include specific provisions for federal facilities and properties that may result in different environmental requirements for federal and non-federal entities. Similarly, many international treaties do not apply to vessels of the Armed Forces either because vessels of the Armed Forces are entitled to sovereign immunity under international law or because any particular treaty may apply different approaches to the adoption of appropriate environmental control measures consistent with the objects and purposes of such treaties. The EPA and DoD incorporated any relevant information in the development of the discharge standards after reviewing the requirements of the following treaties and domestic implementing legislation, as well as other relevant and potentially applicable U.S. environmental laws: International Convention for the Prevention of Pollution from Ships (also referred to as MARPOL); International Convention on the Control of Harmful Anti-Fouling Systems on Ships; Act to Prevent Pollution from Ships; CWA Section 311, as amended by the Oil Pollution Control Act of 1990; CWA Section 402 and the NPDES VGPs; Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); Hazardous Materials Transportation Act; Title X of the Coast Guard Authorization Act of 2010; National Marine Sanctuaries Act; Antiquities Act of 1906; Resource Conservation and Recovery Act; Toxic Substances Control Act; and the St. Lawrence Seaway Regulations.

E. Definitions

The final rule adds UNDS definitions to 40 CFR part 1700. Specifically, the final rule defines the following terms: Great Lakes; minimally-toxic soaps, cleaners, and detergents; phosphate-free soaps, cleaners, and detergents; and State. These definitions clarify, simplify, or improve understanding of what the EPA and DoD intended in establishing the discharge performance standards. Some of the definitions are slightly different from the definitions established under the NPDES VGPs to improve clarity and understanding.

III. UNDS Performance Standards

This section describes the discharge performance standards determined to be reasonable and practicable to mitigate the adverse impacts to the marine environment for the 11 discharges. The 11 discharge performance standards described in each section below apply to vessels of the Armed Forces operating within waters subject to UNDS, except as otherwise expressly excluded in the ''exceptions'' in 40 CFR 1700.39. In addition, if two or more regulated discharge streams are combined prior to discharge, then the resulting discharge will need to meet the discharge performance standards applicable to each of the discharges that are being combined (40 CFR 1700.40). Furthermore, recordkeeping (40 CFR 1700.41) and non-compliance reporting (40 CFR 1700.42) apply generally to each discharge performance standard unless expressly provided in any particular discharge performance standard.

A. Catapult Water Brake Tank and Post-Launch Retraction Exhaust

The performance standards prohibit the discharge of catapult water brake tank effluent. In addition, the number of post-launch retractions must be limited to the minimum required to test and validate the system and to conduct qualification and operational training.

B. Controllable Pitch Propeller Hydraulic Fluid

The performance standards require that the protective seals on controllable pitch propellers (CPPs) be maintained in good operating order to minimize the leakage of hydraulic fluid. In addition, to the greatest extent practicable, maintenance activities on CPPs should be conducted when a vessel is in drydock. If maintenance and repair activities must occur when the vessel is not in drydock, appropriate spill response equipment (*e.g.,* oil booms) must be used to contain and clean any oil leakage. The discharge of CPP hydraulic fluid must not contain oil in quantities that: Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines; or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines; or contain an oil content above 15 parts per million (ppm) as measured by EPA Method 1664a (as defined in 40 CFR 136.3) or other appropriate method for determination of oil content as accepted by the International Maritime Organization (IMO) (*e.g.,* ISO Method 9377) or U.S. Coast Guard; or otherwise are harmful to the public health or welfare of the United States.

C. Deck Runoff

The performance standards prohibit flight deck washdowns and require minimization of other deck washdowns while in port and in federally-protected waters. Additionally, before non-flight deck washdowns occur, all exposed decks must be broom cleaned and on-deck debris, garbage, paint chips, residues, and spills must be removed, collected, and disposed of onshore in accordance with any applicable solid waste or hazardous waste management and disposal requirements.

If a deck washdown or above water line hull cleaning will create a discharge, the washdown or above water line cleaning must be conducted with minimally-toxic and phosphate-free soaps, cleaners, and detergents. The use of soaps that are labeled as toxic is prohibited. All soaps and cleaners must be used as directed by the label. Furthermore, soaps, cleaners, and

detergents should not be caustic and must be biodegradable.

Additionally, where feasible, machinery on deck must have coamings or drip pans where necessary to collect any oily discharge that may leak from machinery and prevent spills. The drip pans must be drained to a waste container for proper disposal onshore in accordance with any applicable oil and hazardous substance management and disposal requirements.

The presence of floating solids, visible foam, halogenated phenol compounds, and dispersants and surfactants in deck washdowns must be minimized. Topside surfaces and other above-water-line portions of the vessel must be well-maintained to minimize the discharge of rust and other corrosion byproducts, cleaning compounds, paint chips, non-skid material fragments, and other materials associated with exterior topside surface preservation. Residual paint droplets entering the water must be minimized when conducting maintenance painting. The discharge of unused paint is prohibited. Paint chips and unused paint residues must be collected and disposed of onshore in accordance with applicable solid waste and hazardous substance management and disposal requirements.

When vessels conduct underway fuel replenishment, scuppers must be plugged to prevent the discharge of oil. Any oil spilled must be cleaned, managed, and disposed of onshore in accordance with any applicable onshore oil and hazardous substance management and disposal requirements.

D. Firemain Systems

The firemain system discharges to which UNDS applies include only the seawater pumped through the firemain system for firemain testing, maintenance, and training, and to supply water for the operation of certain vessel systems, rather than to operational firefighting discharges generally. The performance standards require minimization of discharges from firemain systems during testing and inspection and to the greatest extent practicable, firemain system maintenance and training must be conducted outside of port and as far away from shore as possible. In addition, firemain system effluent must not be discharged in federally-protected waters except when needed to comply with anchor washdown requirements in Subpart 1700.16 (Chain locker effluent). Firemain system effluent may be employed for secondary uses and discharged without MPCD controls if the intake comes directly from the surrounding waters or potable water supplies.

E. Graywater

The performance standards require that cooking oils (*e.g.,* from deep fryers), including animal fats and vegetable oils, must not be intentionally disposed through graywater systems. The performance standards further require that the addition of incidental quantities of cooking oils (*e.g.,* associated with washing and rinsing pots and dishes) to the graywater system must be minimized when the vessel is within three miles of shore. The performance standards require that graywater discharges must not contain oil in quantities that cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines; or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines; or contain an oil content above 15 ppm as measured by EPA Method 1664a or other appropriate method for determination of oil content as accepted by the IMO (*e.g.,* ISO Method 9377) or U.S. Coast Guard; or otherwise are harmful to the public health or welfare of the United States. In addition, minimally-toxic soaps, cleaners and detergents and phosphate-free soaps, cleaners, and detergents must be used in the galley, scullery, and laundry. These soaps, cleaners, and detergents should also be free from bioaccumulative compounds and not lead to extreme shifts in the receiving water pH (*i.e.,* pH to fall below 6.0 or rise above 9.0).

For vessels designed with the capacity to hold graywater, the performance standards further require that graywater must not be discharged in federally-protected waters or the Great Lakes. In addition, such vessels are prohibited from discharging graywater within one mile of shore if an onshore facility is available and use of such a facility is reasonable and practicable. When an onshore facility is either not available or when use of such a facility is not reasonable and practicable (*e.g.,* when the vessel must operate continuously within one mile of shore resulting in graywater generation that exceeds the vessel's holding capacity) production and discharge of graywater must be minimized within one mile of shore.

For vessels that do not have the capacity to hold graywater, graywater production must be minimized in federally-protected waters or the Great Lakes. In addition, such vessels are prohibited from discharging graywater within one mile of shore if an onshore facility is available and use of such a facility is reasonable and practicable. When an onshore facility is either not available or use of such a facility is not reasonable and practicable (*e.g.,* when the vessel must operate continuously within one mile of shore resulting in graywater generation), production and discharge of graywater must be minimized within one mile of shore.

F. Hull Coating Leachate

The performance standards require that antifouling hull coatings subject to FIFRA (7 U.S.C 136 *et seq.*) must be applied, maintained, and removed in a manner consistent with requirements on the coatings' FIFRA label. The performance standards also prohibit the use of biocides or toxic materials banned for use in the United States (including those on EPA's List of Banned or Severely Restricted Pesticides). These performance standards apply to all vessels of the Armed Forces, including vessels with a hull coating applied outside of the United States. Antifouling hull coatings must not contain tributyltin (TBT) or other organotin compounds as a hull coating biocide. Antifouling hull coatings may contain small quantities of organotin compounds when the organotin is used as a chemical catalyst and is not present above 2,500 milligrams of total tin per kilogram of dry paint film. Also, any organotin antifouling hull coatings used must be designed to not slough or peel from the vessel hull. In addition, the standards require the use of non-biocidal alternatives to copper coatings to the greatest extent practicable. The performance standards also require to the greatest extent practicable, the use of antifouling hull coatings with the lowest effective biocide release rates, rapidly biodegradable components (once separated from the hull surface), or use of non-biocidal alternatives, such as silicone coatings. Finally, the performance standards require, to the greatest extent practicable, avoiding the use of antifouling hull coatings on vessels that are regularly removed from the water and unlikely to accumulate hull growth.

G. Motor Gasoline and Compensating Discharge

The performance standards require that the discharge of motor gasoline and compensating effluent must not contain oil in quantities that cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines; or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines; or contain an oil content above 15 ppm as measured by EPA

Method 1664a or other appropriate method for determination of oil content as accepted by the IMO (*e.g.,* ISO Method 9377) or U.S. Coast Guard; or otherwise are harmful to the public health or welfare of the United States. In addition, if an oily sheen is observed, the performance standards require that any spill or overflow of oil must be cleaned up, recorded, and reported to the National Response Center immediately. The discharge of motor gasoline and compensating discharge must be minimized in port and is prohibited in federally-protected waters.

H. Sonar Dome Discharge

The performance standards require that the discharge of water from inside the sonar dome for maintenance activities is prohibited unless the use of a drydock for the maintenance activity is not feasible (*e.g.,* when there is no drydock available to support the maintenance activity, or when the vessel's availability would be impacted to prevent the vessel from meeting its operational requirements). However, the water inside the sonar dome may be released for equalization of pressure between the interior and exterior of the dome. This would include the discharge of water required to protect the shape, integrity, and structure of the sonar dome due to internal and external pressures and forces. Under the performance standards, a biofouling chemical that is bioaccumulative should not be applied to the exterior of a sonar dome when a non-bioaccumulative alternative is available.

I. Submarine Bilgewater

The performance standards require that the discharge of submarine bilgewater must not contain oil in quantities that cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines; or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines; or contain an oil content above 15 ppm as measured by EPA Method 1664a or other appropriate method for determination of oil content as accepted by the IMO (*e.g.,* ISO Method 9377) or U.S. Coast Guard; or otherwise are harmful to the public health or welfare of the United States. In addition, the discharge of submarine bilgewater must not contain dispersants, detergents, emulsifiers, chemicals, or other substances added for the purpose of removing the appearance of a visible sheen. The performance standard does not, however, prohibit the use of these materials in machinery spaces for the purposes of cleaning and maintenance activities associated with vessel equipment and structures. The discharge of submarine bilgewater also must only contain substances that are produced in the normal operation of a vessel. Oil solidifiers, flocculants, or other additives (excluding any dispersants or surfactants) may be used to enhance oil-water separation during processing in an oil-water separator only if such solidifiers, flocculants, or other additives are minimized in the discharge and do not alter the chemical composition of the oils in the discharge. Solidifiers, flocculants, or other additives must not be directly added, or otherwise combined with, the water in the bilge.

The performance standards prohibit submarine bilgewater discharges while the submarine is in port, if the port has the capability to collect and transfer the bilgewater to an onshore facility. If the submarine is not in port, then any such discharge must be minimized and discharged as far from shore as technologically feasible. The performance standards also require that submarine bilgewater discharges be minimized in federally-protected waters. Finally, the standards require that management practices minimize leakage of oil and other harmful pollutants into the bilge.

J. Surface Vessel Bilgewater/Oil-Water Separator Effluent (OWSE)

The performance standards prohibit the discharge of bilgewater from surface vessels equipped with an oil-water separator and require that any discharge of oil-water separator effluent pass through an oil-content monitor. All surface vessels greater than 400 gross tons must be equipped with an oil-water separator. If measurements for gross tonnage are not available to determine whether the prohibition against surface vessel bilgewater discharge applies for a particular vessel, full displacement measurements may be used instead. The performance standards also require that the discharge of oil-water separator effluent not occur in port, if the port has the capability to collect and transfer oil-water separator effluent to an onshore facility. In addition, the discharge of oil-water separator effluent must be minimized within one mile of shore, must occur at speeds greater than six knots if the vessel is underway, and must be minimized in federally-protected waters.

For surface vessels not equipped with an oil-water separator, the performance standards require that bilgewater must not be discharged if the vessel has the capability to collect, hold, and transfer to an onshore facility.

In addition, the discharge of bilgewater/oil-water separator effluent must not contain dispersants, detergents, emulsifiers, chemicals, or other substances added for the purpose of removing the appearance of a visible sheen. The performance standard does not, however, prohibit the use of these materials in machinery spaces for the purposes of cleaning and maintenance activities associated with vessel equipment and structures. The discharge of surface vessel bilgewater/oil-water separator effluent may only contain substances that are produced in the normal operation of a vessel. For the discharge of oil-water separator effluent, oil solidifiers, flocculants or other additives (excluding any dispersants or surfactants) may be used to enhance oil/water separation during processing only if such solidifiers, flocculants, or other additives are minimized and do not alter the chemical composition of the oils in the discharge. Solidifiers, flocculants, or other additives must not be directly added to, or otherwise combined with, the water in the bilge.

The discharge of surface vessel bilgewater/oil-water separator effluent must not contain oil in quantities that cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines; or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines; or contain an oil content above 15 ppm as measured by EPA Method 1664a or other appropriate method for determination of oil content as accepted by the IMO (*e.g.,* ISO Method 9377) or U.S. Coast Guard; or otherwise are harmful to the public health or welfare of the United States.

When a visible sheen is observed as a result of a surface vessel bilgewater/oil-water separator effluent discharge, the discharge must be suspended immediately until the problem is corrected. Any spill or overflow of oil or other engine fluids to waters subject to UNDS must be cleaned, recorded, and reported immediately to the National Response Center. The surface vessel must also employ management practices to minimize leakage of oil and other harmful pollutants into the bilge. Such practices may include regular inspection and maintenance of equipment and remediation of oil spills or overflows into the bilge using oil-absorbent or other spill clean-up materials.

K. Underwater Ship Husbandry

For vessels greater than 79 feet in length, the performance standards require that to the greatest extent practicable, vessel hulls with

antifouling hull coatings must not be cleaned within 90 days after the antifouling coating application and vessel hulls with a copper-based antifouling coating must not be cleaned within 365 days after the antifouling coating application.

In addition, vessel hulls must be inspected, maintained, and cleaned to minimize the removal and discharge of antifouling hull coatings and transport of fouling organisms. To the greatest extent practicable, rigorous vessel hull cleanings must take place in drydock or at a land-based facility where the removed fouling organisms or spent antifouling hull coatings can be disposed of onshore in accordance with any applicable solid waste or hazardous substance management and disposal requirements. Vessel hull and niche cleanings that occur when the vessel is in drydock are not subject to UNDS because the vessel is not waterborne and, therefore, any materials removed during a dry dock cleaning would not be subject to UNDS. Vessel hull and niche cleanings that occur when the vessel is waterborne are considered to be in-water cleanings. For in-water cleanings, the performance standards require that cleanings be conducted in a manner that minimizes the release of antifouling hull coatings and fouling organisms (*e.g.,* use less abrasive techniques and soft brushes to the greatest extent practicable) including the use of shore-side or in-water capture technology as available. Shore-side or in-water cleaning systems that capture some or all of the removed materials can reduce the release of fouling organisms and paint particles into the surrounding environment and allow for collection and onshore disposal of solids scrubbed from vessel hulls and niches. Regardless, the discharge of solid, semi-solid, or liquid matter associated with underwater ship husbandry into waters subject to UNDS from the operation of a shore-side or in-water cleaning system represents a discharge incidental to the normal operation of a vessel of the Armed Forces as defined in 40 CFR 1700.4 because such system is used to maintain and clean hulls and niches, while the vessel is waterborne. Vessel hull cleanings must also adhere to any applicable cleaning requirements found on the coatings' FIFRA label.

For vessels less than 79 feet in length, the performance standards require that, to the greatest extent practicable, vessel hulls with antifouling hull coatings must not be cleaned within 90 days after the antifouling coating application. In addition, vessel hulls must be inspected, maintained, and cleaned to minimize the removal and discharge of antifouling hull coatings and transport of fouling organisms. As with larger vessels, rigorous vessel hull cleanings must take place, to the greatest extent practicable, in drydock or at a land-based facility where the removed fouling organisms or spent antifouling hull coatings can be disposed of onshore in accordance with any applicable solid waste or hazardous substance management and disposal requirements. The performance standards also require that vessel hull and niche cleanings be conducted in a manner that minimizes the release of antifouling hull coatings and fouling organisms (*e.g.,* use less abrasive techniques and soft brushes to the greatest extent practicable) including the use of capture technology as available. Shore-side or in-water cleaning systems that capture some or all of the removed materials can reduce the release of fouling organisms and paint particles into the surrounding environment and allow for collection and onshore disposal of solids scrubbed from vessel hulls and niches. Regardless, the discharge of solid, semi-solid, or liquid matter associated with underwater ship husbandry into waters subject to UNDS from the operation of a shore-side or in-water cleaning system represents a discharge incidental to the normal operation of a vessel of the Armed Forces as defined in 40 CFR 1700.4 because such system is used to maintain and clean hulls and niches, while the vessel is waterborne. Vessel hull cleanings must also adhere to any applicable cleaning requirements found on the coatings' FIFRA label and vessels less than 79 feet in length require inspection of the hull prior to transport overland to a different body of water to control invasive species.

IV. Additional Information in the Final Rule

This section provides an overview of the additional amendments for 40 CFR part 1700. These changes include the reservation of sections for the remaining discharge standards.

1. Reservation of Sections

As noted previously, the EPA and DoD are promulgating the final Phase II standards in three batches. For the purpose of proposing the remaining batch, the rule reserves the following sections for a subsequent batch:

Section 1700.17	Clean Ballast
Section 1700.18	Compensated Fuel Ballast
Section 1700.21	Dirty Ballast

V. Changes and Improvements Since the Proposed Rule

A. Public Comment

On October 7, 2016, the EPA and DoD proposed discharge performance standards for the 11 discharges, with a 60-day public comment period that closed on December 6, 2016. The EPA and DoD consider the public comment period important to creating a rule that is readily understandable and useful to the public. The EPA and DoD received one comment on the proposed rule during the comment period, which expressed support for finalizing the rule. The public comment received can be viewed under Docket No. EPA–HQ–OW–2013–0351.

B. Modifications to Proposed Standards

The final rule includes minor modifications to the text of the proposed definitions and standards to make the final language clearer and more concise. These changes to the definitions and standards are intended to be non-substantive and to clarify, simplify, or improve understanding and readability of the definitions and discharge performance standards. There are no technical changes to the standards.

VI. Related Acts of Congress and Executive Orders

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

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

This action is not a deemed a significant regulatory action by the Office of Management and Budget (OMB) and was therefore not submitted to the OMB for review.

B. Executive Order 13771: Reducing Regulation and Controlling Regulatory Costs

This action is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act

This action does not impose any new information collection burden because UNDS Phase II does not create any additional collection of information beyond that information collection already specified under the Phase I of UNDS. OMB has previously approved the information collection requirements contained in the existing regulations (40 CFR part 1700) under the provisions of

the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2040–0187. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9.

D. Regulatory Flexibility Act

We certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act. This action will not impose any requirements on small entities.

E. Unfunded Mandates Reform Act

This action does not contain any unfunded mandate as described in the Unfunded Mandates Reform Act, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments.

F. Executive Order 13132: Federalism

Executive Order 13132, titled ''Federalism'' (64 FR 43255, August 10, 1999), requires federal agencies to develop an accountable process to ensure ''meaningful and timely input by state and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects 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.'' Under Executive Order 13132, federal agencies may not issue a regulation that has federalism implications and that preempts state law, unless the agency consults with state and local officials or their representative national organizations during the development of regulatory policies, including the proposed regulation.

The EPA and DoD conclude that the rule, once operationalized in Phase III, will have federalism implications. When DoD promulgates the Phase III regulations, adoption and enforcement of new or existing state or local regulations for the discharge or the design, construction, installation or use of any MPCD required to control discharges from a vessel of the Armed Forces will be preempted. Accordingly, the EPA and DoD provide the following federalism summary impact statement (FSIS) as required by Section 6(c) of Executive Order 13132.

During Phase I of UNDS, the EPA and DoD conducted two rounds of consultation meetings (*i.e.,* outreach briefings) to allow states and local governments to have meaningful and timely input into the development of the rulemaking process. Twenty-two states accepted the offer to be briefed on UNDS and discuss state concerns. The EPA and DoD provided clarification on the technical aspects of the UNDS process, including preliminary discharge determinations and analytical information supporting decisions to control or not control discharges. State representatives were provided with discharge summaries containing the description, analysis, and preliminary determination of each of the 39 discharges from vessels of the Armed Forces, 25 of which were determined to require control.

During Phase II of UNDS, the EPA and DoD consulted with intergovernmental associations in the process of developing the proposed regulation. On March 9, 2016, the EPA held a Federalism consultation in Washington, DC, and invited representatives from 10 key national organizations that represent state and local government associations, as well as groups representing intergovernmental water professionals, in order to obtain meaningful and timely input in the development of the proposed discharge standards. The EPA and DoD informed the state representatives that the two agencies planned to use the NPDES VGPs effluent limitations as a baseline for developing the proposed discharge performance standards for the 25 discharges identified in Phase I as requiring control. During the Federalism consultation period, the EPA and DoD did not receive any substantive comments from state and local government entities.

As required by Section 8(a) of Executive Order 13132, EPA included a certification from its Federalism Official stating that EPA had met the Executive Order's requirements in a meaningful and timely manner. A copy of this certification is included in the official record for this final action.

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

This action does not have tribal implications as specified in Executive Order 13175. This action will not impact vessels operated by tribes because the final rule only regulates discharges from vessels of the Armed Forces. However, tribes may be interested in this action because vessels of the Armed Forces, including U.S. Coast Guard vessels, may operate on or near tribal waters. The EPA hosted a National Teleconference on March 23, 2016, in order to obtain meaningful and timely input during the development of the proposed discharge standards. The EPA and DoD informed the tribal representatives that the NPDES VGPs effluent limitations would be used as a baseline for developing the discharge performance standards for the 25 discharges identified in Phase I as requiring control. During the tribal consultation period, the EPA and DoD did not receive any substantive comments from the Indian Tribal Governments.

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

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA and DoD determined that the environmental health or safety risks addressed by this action do not present a disproportionate risk to children. The 11 discharge standards are designed to control discharges incidental to the normal operation of a vessel of the Armed Forces that could adversely affect human health and the environment. The standards reduce the adverse impacts to the receiving waters and any person using the receiving waters, regardless of age.

I. Executive Order 13211: Actions That Concern Regulations That Significantly Affect Energy Supply, Distribution, and Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act

This action involves technical standards in some but not all of the performance standards. Some of the performance standards use ISO Method 9377—determination of hydrocarbon oil index. ISO Method 9377 is a voluntary consensus standard developed by an independent, non-governmental international organization.

K. Coastal Zone Management Act

The Coastal Zone Management Act (CZMA) requires that each federal agency activity within or outside the coastal zone that affects any land or water use or natural resource of the coastal zone shall be carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved state management programs.

Pursuant to Section 307 of the CZMA, the EPA and DoD have determined that

the performance standards are consistent to the maximum extent practicable with the enforceable policies of federally-approved Coastal Management Plans for the state and territorial coastal zones, that encompass waters where discharges from vessels of the Armed Forces would be regulated by UNDS. Following proposal of the UNDS Phase II Batch Two performance standards on October 7, 2016, the EPA and DoD provided 35 states and territories with the EPA and DoD's November 2018 ''National Consistency Determination: Uniform National Discharge Standards Program for Phase II Batch Two Discharges.'' In response, 16 states and territories provided concurrence, 17 states and territories did not respond, so concurrence was conclusively presumed, and both Connecticut and North Carolina provided conditional concurrence. Connecticut and North Carolina requested that the UNDS Phase II rules incorporate certain requirements on discharges into waters under their respective jurisdictions. The DoD responded in writing to Connecticut and North Carolina, explaining that applying different requirements in each coastal water body would conflict with the statutory requirements set forth in CWA Section 312(n), to include the statutory prohibition on the adoption or enforcement of any state laws with respect to regulated discharges.

L. Endangered Species Act

Section 7(a)(2) of the Endangered Species Act (ESA) requires each federal agency, in consultation with and with the assistance of the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS), collectively ''the Services,'' to ensure that the actions they authorize, fund, or carry out are not likely to adversely affect the continued existence of any endangered or threatened species (referred to as ''listed species'') or result in the destruction or adverse modification of their designated critical habitats.

The Services published regulations implementing ESA Section 7 at 50 CFR part 402. The regulations provide that a federal agency (such as the EPA or DoD) must consult with FWS, NMFS, or both if the agency determines that an activity authorized, funded, or carried out by the agency may affect listed species or critical habitat. The EPA and DoD began informal communications with the Services in July 2017. The informal consultation process included multiple steps: Briefings with the Services on the content of the rulemaking; discussions of the proposed outline and methodological approach for development of the performance standards; information exchanges and requests on current species lists, rulemaking schedule, and approach to the biological evaluation; and ultimately the submission of a Biological Evaluation to the Services on November 16, 2018. The Biological Evaluation described the anticipated effects of the Uniform National Discharge Standards Batch Two (this final rule) on aquatic and water-dependent species listed as threatened or endangered under the ESA and their designated critical habitat. The Biological Evaluation concluded that the issuance of the final rule establishing performance standards for the UNDS Batch Two Rule once implemented, ''may affect'' but is ''not likely to adversely affect'' species listed or proposed for listing under the ESA, nor adversely modify designated critical habitat or critical habitat proposed for designation.

On March 26, 2019, the FWS concurred in that determination for species and habitat within that agency's ESA jurisdiction. On December 3, 2018, the NMFS initiated formal consultation due to the scope and nature of the discharges regulated under UNDS Batch Two Rule. On November 15, 2019, the NMFS issued a Biological Opinion determining that the action ''may affect'' and is ''likely to adversely affect,'' but is not likely to jeopardize the continued existence of, species that are listed or proposed for listing. The Biological Opinion concluded that hull coating leachate and underwater ship husbandry discharges may result in non-lethal incidental take of 21 listed species that occur in ports and harbors with high populations of vessels of the Armed Forces. The Biological Opinion also concluded that hull coating leachate and underwater ship husbandry discharges are not likely to destroy or adversely modify designated critical habitat for listed species. The incidental take statement in the Biological Opinion provides non-discretionary reasonable and prudent measures to minimize the amount and extent of incidental take from these two discharges by maintaining or reducing the area of impact. It also provides terms and conditions to implement the reasonable and prudent measures.

M. Executive Order 13112: Invasive Species

Executive Order 13112, titled ''Invasive Species'' (64 FR 6183, February 8, 1999), requires each federal agency whose actions may affect the status of invasive species, to identify such actions, and, subject to the availability of appropriations, use relevant programs and authorities to, among other things, prevent, detect, control, and monitor the introduction of invasive species. As defined by this Executive Order, ''invasive species'' means an alien species whose introduction causes, or is likely to cause, economic or environmental harm or harm to human health.

As part of the environmental effects analyses developed for each of the 11 performance standards promulgated in today's rule, the EPA and DoD considered the control of invasive species when developing the discharge performance standard (see Section II). Some of the performance standards provided opportunities for prevention, detection, control, and monitoring of the introduction of invasive species. For example, the underwater ship husbandry discharge performance standard requires the inspection of all vessels under 79 feet in length for the detection and removal of invasive species prior to transport overland from one body of water to another. This requirement as well as others help to prevent or control the introduction of invasive species into the receiving waters.

N. Executive Order 13089: Coral Reef Protection

Executive Order 13089, titled ''Coral Reef Protection'' (63 FR 32701, June 16, 1998), requires all federal agencies to identify actions that may affect U.S. coral reef ecosystems; utilize their programs and authorities to protect the conditions of such ecosystems; and, to the extent permitted by law, ensure that any actions they authorize, fund, or carry out will not degrade the conditions of such ecosystems. The discharge performance standards in this UNDS Batch II rulemaking are designed to control or eliminate the discharges incidental to the normal operation of vessels of the Armed Forces, ultimately minimizing the potential for causing adverse impacts to the marine environment including coral reefs.

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

Executive Order 12898, titled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994) requires all federal agencies to identify actions that may have a disproportionate negative impact on the human health or the environment for minority populations, low-income

populations and/or indigenous peoples. The EPA and DoD determined that this action does not have disproportionately high and adverse human health or environmental effects. The discharge performance standards only apply to vessels of the Armed Forces and reduce adverse impacts to the aquatic environment.

P. Congressional Review Act

This action is subject to the Congressional Review Act, and the EPA will submit a rule report to each House of Congress and to Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 1700

Environmental protection, Armed Forces, vessels, coastal zone, reporting and recordkeeping requirements, water pollution control.

Andrew Wheeler,

Administrator, Environmental Protection Agency.

Charles A. Williams,

Assistant Secretary of the Navy (Energy, Installations, and Environment)

For the reasons stated in the preamble, amend title 40, chapter VII, of the Code of Federal Regulations as follows:

PART 1700—UNIFORM NATIONAL DISCHARGE STANDARDS FOR VESSELS OF THE ARMED FORCES

■ 1. The authority citation for 40 CFR part 1700 continues to read as follows:

Authority: 33 U.S.C. 1322, 1361.

Subpart A—Scope

■ 2. Section 1700.3 is amended by adding in alphabetical order definitions of ''Great Lakes,'' ''Minimally-toxic soaps, cleaners, and detergents,'' ''Phosphate-free soaps, cleaners, and detergents,'' and ''State'' to read as follows:

§ 1700.3 Definitions.

* * * * *

Great Lakes means waters of the United States extending to the international maritime boundary with Canada in Lake Ontario, Lake Erie, Lake Huron (including Lake St. Clair), Lake Michigan, and Lake Superior, and the connecting channels (Saint Marys River, Saint Clair River, Detroit River, Niagara River, and Saint Lawrence River to the international maritime boundary with Canada).

* * * * *

Minimally-toxic soaps, cleaners, and detergents means any substance or mixture of substances which has an acute aquatic toxicity value (LC50) corresponding to a concentration greater than 10 parts per million (ppm) and does not produce byproducts with an acute aquatic toxicity value (LC50) corresponding to a concentration less than 10 ppm. Minimally-toxic soaps, cleaners, and detergents typically contain little to no nonylphenols.

* * * * *

Phosphate-free soaps, cleaners, and detergents means any substance or mixture of substances which contain, by weight, 0.5% or less of phosphates or derivatives of phosphates.

* * * * *

State means a state, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

* * * * *

Subpart D—Marine Pollution Control Device (MPCD) Performance Standards

■ 3. Add § 1700.15 to read as follows:

§ 1700.15 Catapult water brake tank & post-launch retraction exhaust.

(a) Discharges of catapult water brake tank effluent are prohibited.

(b) The number of post-launch retractions must be limited to the minimum number required to test and validate the system and conduct qualification and operational training.

■ 4. Add § 1700.19 to read as follows:

§ 1700.19 Controllable pitch propeller hydraulic fluid.

(a) The protective seals on controllable pitch propellers must be maintained to minimize the leaking of hydraulic fluid.

(b) To the greatest extent practicable, maintenance activities on controllable pitch propellers must be conducted when a vessel is in drydock. If maintenance and repair activities must occur when the vessel is not in drydock, appropriate spill response equipment (*e.g.,* oil booms) must be used to contain and clean any oil leakage.

(c) The discharge of controllable pitch propeller hydraulic fluid must not contain oil in quantities that:

(1) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines; or

(2) Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines; or

(3) Contain an oil content above 15 ppm as measured by EPA Method 1664a (as defined in 40 CFR 136.3) or other appropriate method for determination of oil content as accepted by the International Maritime Organization (IMO) (*e.g.,* ISO Method 9377) or U.S. Coast Guard; or

(4) Otherwise are harmful to the public health or welfare of the United States.

■ 5. Add § 1700.20 to read as follows:

§ 1700.20 Deck runoff.

(a) Flight deck washdowns are prohibited.

(b) Minimize deck washdowns while in port and in federally-protected waters.

(c) Prior to performing a deck washdown, exposed decks must be broom cleaned and on-deck debris, garbage, paint chips, residues, and spills must be removed, collected, and disposed of onshore in accordance with any applicable solid waste or hazardous substance management and disposal requirements.

(d) If a deck washdown or above water line hull cleaning will result in a discharge, it must be conducted with minimally-toxic and phosphate-free soaps, cleaners, and detergents. The use of soaps that are labeled toxic is prohibited. Furthermore, soaps, cleaners, and detergents should not be caustic and must be biodegradable. All soaps and cleaners must be used as directed by the label.

(e) Where feasible, machinery on deck must have coamings or drip pans, where necessary, to prevent spills and collect any oily discharge that may leak from machinery. The drip pans must be drained to a waste container for disposal onshore in accordance with any applicable oil and hazardous substance management and disposal requirements. The presence of floating solids, visible foam, halogenated phenol compounds, dispersants, and surfactants in deck washdowns must be minimized.

(f) Topside surfaces and other above water line portions of the vessel must be well maintained to minimize the discharge of rust (and other corrosion by-products), cleaning compounds, paint chips, non-skid material fragments, and other materials associated with exterior topside surface preservation. Residual paint droplets entering the water must be minimized when conducting maintenance painting. The discharge of unused paint is prohibited. Paint chips and unused paint residues must be collected and disposed of onshore in accordance with any applicable solid waste and hazardous substance management and disposal requirements.

(g) When vessels conduct underway fuel replenishment, scuppers must be plugged to prevent the discharge of oil. Any oil spilled must be cleaned, managed, and disposed of onshore in accordance with any applicable oil and hazardous substance management and disposal requirements.

■ 6. Add § 1700.24 to read as follows:

§ 1700.24 Firemain systems.

(a) Firemain systems may be discharged for testing and inspections of the firemain system. To the greatest extent practicable, conduct maintenance and training outside of port and as far away from shore as possible. Firemain systems may be discharged in port for certification, maintenance, and training requirements if the intake comes directly from the surrounding waters or potable water supplies and there are no additions (*e.g.,* aqueous film-forming foam) to the discharge.

(b) Firemain systems must not be discharged in federally-protected waters except when needed to washdown the anchor chain to comply with anchor washdown requirements in Subpart 1700.16.

(c) Firemain systems may be used for secondary uses if the intake comes directly from the surrounding waters or potable water supplies.

■ 7. Add § 1700.26 to read as follows:

§ 1700.26 Graywater.

(a) For discharges from vessels that have the capacity to hold graywater:

(1) Graywater must not be discharged in federally-protected waters or the Great Lakes.

(2) Graywater must not be discharged within one mile of shore if an onshore facility is available and disposal at such a facility is reasonable and practicable.

(3) Production and discharge of graywater must be minimized within one mile of shore when an onshore facility is either not available or use of such a facility is not reasonable and practicable.

(b) For discharges from vessels that do not have the capacity to hold graywater:

(1) Production and discharge of graywater must be minimized in federally-protected waters or the Great Lakes.

(2) Graywater must not be discharged within one mile of shore if an onshore facility is available and disposal at such a facility is reasonable and practicable.

(3) Production and discharge of graywater must be minimized within one mile of shore when an onshore facility is either not available or use of such a facility is not reasonable and practicable.

(c) Large quantities of cooking oils (*e.g.,* from a deep fat fryer), including animal fats and vegetable oils, must not be added to the graywater system. Small quantities of cooking oils (*e.g.,* from pot and dish rinsing) must be minimized if added to the graywater system within three miles of shore.

(d) Minimally-toxic soaps, cleaners, and detergents and phosphate-free soaps, cleaners, and detergents must be used in the galley, scullery, and laundry. These soaps, cleaners, and detergents should also be free from bioaccumulative compounds and not lead to extreme shifts in the receiving water pH. For purposes of this subparagraph, extreme shifts means causing the receiving water pH to fall below 6.0 or rise above 9.0 as a direct result of the discharge.

(e) The discharge of graywater must not contain oil in quantities that:

(1) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines; or

(2) Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines; or

(3) Contain an oil content above 15 ppm as measured by EPA Method 1664a (as defined at 40 CFR 136.3) or other appropriate method for determination of oil content as accepted by the International Maritime Organization (IMO) (*e.g.,* ISO Method 9377) or U.S. Coast Guard; or

(4) Otherwise are harmful to the public health or welfare of the United States.

■ 8. Add § 1700.27 to read as follows:

§ 1700.27 Hull coating leachate.

(a) Antifouling hull coatings subject to registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C 136 *et seq.*) must be applied, maintained, and removed in a manner consistent with requirements on the coatings' FIFRA label.

(b) Antifouling hull coatings not subject to FIFRA registration (*i.e.,* exempt or not produced for sale and distribution in the United States) must not contain any biocides or *toxic materials* banned for use in the United States. This performance standard applies to all vessels, including vessels with a hull coating applied outside the United States.

(c) Antifouling hull coatings must not contain tributyltin (TBT).

(d) Antifouling hull coatings must not contain any organotin compounds when the organotin is used as a biocide. Antifouling hull coatings may contain small quantities of organotin compounds other than tributyltin (*e.g.,* dibutyltin) when the organotin is acting as a chemical catalyst and not present above 2,500 milligrams total tin per kilogram of dry paint film. In addition, any antifouling hull coatings containing organotin must be designed to not slough or peel from the vessel hull.

(e) Antifouling hull coatings that contain TBT or other organotin compounds that are used as a biocide must be removed or an overcoat must be applied.

(f) Incidental amounts of antifouling hull coating discharged after contact with other hard surfaces (*e.g.,* moorings) are permissible.

(g) To the greatest extent practicable, use non-copper based and less toxic antifouling hull coatings. To the greatest extent practicable, use antifouling hull coatings with the lowest effective biocide release rates, rapidly biodegradable components (once separated from the hull surface), or use non-biocidal alternatives, such as silicone coatings.

(h) To the greatest extent practicable, avoid use of antifouling hull coatings on vessels that are regularly removed from the water and unlikely to accumulate hull growth.

■ 9. Add § 1700.28 to read as follows:

§ 1700.28 Motor gasoline and compensating discharge.

(a) The discharge of motor gasoline and compensating effluent must not contain oil in quantities that:

(1) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines; or

(2) Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines; or

(3) Contain an oil content above 15 ppm as measured by EPA Method 1664a (as defined at 40 CFR136.3) or other appropriate method for determination of oil content as accepted by the International Maritime Organization (IMO) (*e.g.,* ISO Method 9377) or U.S. Coast Guard; or

(4) Otherwise are harmful to the public health or welfare of the United States.

(b) The discharge of motor gasoline and compensating effluent must be minimized in port. If an oily sheen is observed, any spill or overflow of oil must be cleaned up, recorded, and reported to the National Response Center immediately.

(c) The discharge of motor gasoline and compensating effluent is prohibited in federally-protected waters.

■ 10. Add § 1700.34 to read as follows:

§ 1700.34 Sonar dome discharge.

(a) The water inside the sonar dome must not be discharged for maintenance

activities unless the use of a drydock for the maintenance activity is not feasible.

(b) The water inside the sonar dome may be discharged for equalization of pressure between the interior and exterior of the dome.

(c) A biofouling chemical that is bioaccumulative should not be applied to the exterior of a sonar dome when a non-bioaccumulative alternative is available.

■ 11. Add § 1700.35 to read as follows:

§ 1700.35 Submarine bilgewater.

The discharge of submarine bilgewater:

(a) Must not contain oil in quantities that:

(1) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines; or

(2) Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines; or

(3) Contain an oil content above 15 parts per million (ppm) as measured by EPA Method 1664a (as defined at 40 CFR 136.3) or other appropriate method for determination of oil content as accepted by the International Maritime Organization (IMO) (*e.g.,* ISO Method 9377) or U.S. Coast Guard; or

(4) Otherwise are harmful to the public health or welfare of the United States.

(b) Must not contain dispersants, detergents, emulsifiers, chemicals, or other substances added for the purposes of removing the appearance of a visible sheen. This performance standard does not prohibit the use of these materials in machinery spaces for the purposes of cleaning and maintenance activities associated with vessel equipment and structures.

(c) Must only contain substances that are produced in the normal operation of a vessel. Oil solidifiers, flocculants or other additives (excluding any dispersants or surfactants) may be used to enhance oil-water separation during processing in an oil-water separator only if such solidifiers, flocculants, or other additives are minimized in the discharge and do not alter the chemical makeup of the oils being discharged. Solidifiers, flocculants, or other additives must not be directly added, or otherwise combined with, the water in the bilge. Additionally, the vessel must employ management practices that will minimize the leakage of oil and other harmful pollutants into the bilge.

(d) Must not occur in port if the port has the capability to collect and transfer the submarine bilgewater to an onshore facility.

(e) Must be minimized and, if technologically feasible, discharged as far from shore as possible.

(f) Must be minimized in federally-protected waters.

■ 12. Add § 1700.36 to read as follows:

§ 1700.36 Surface vessel bilgewater/oil-water separator effluent.

(a) All surface vessels must employ management practices that will minimize leakage of oil and other harmful pollutants into the bilge.

(b) Surface vessels equipped with an oil-water separator must not discharge bilgewater and must only discharge oil-water separator effluent through an oil-content monitor consistent with paragraph (c) of this section. All surface vessels greater than 400 gross tons must be equipped with an oil-water separator. Surface vessels not equipped with an oil-water separator must only discharge bilgewater consistent with paragraph (d) of this section.

(c) The discharge of oil-water separator effluent:

(1) Must not contain oil in quantities that:

(i) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines; or

(ii) Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines; or

(iii) Contain an oil content above 15 ppm as measured by EPA Method 1664a (as defined at 40 CFR 136.3) or other appropriate method for determination of oil content as accepted by the International Maritime Organization (IMO) (*e.g.,* ISO Method 9377) or U.S. Coast Guard; or

(iv) Otherwise are harmful to the public health or welfare of the United States.

(2) Must not contain dispersants, detergents, emulsifiers, chemicals, or other substances added for the purposes of removing the appearance of a visible sheen. This performance standard does not prohibit the use of these materials in machinery spaces for the purposes of cleaning and maintenance activities associated with vessel equipment and structures.

(3) Must only contain substances that are produced in the normal operation of a vessel. Oil solidifiers, flocculants or other additives (excluding any dispersants or surfactants) may be used to enhance oil-water separation during processing in an oil-water separator only if such solidifiers, flocculants, or other additives are minimized in the discharge and do not alter the chemical make-up of the oils being discharged. Solidifiers, flocculants, or other additives must not be directly added, or otherwise combined with, the water in the bilge.

(4) Must not occur in port if the vessel has the capability to collect and transfer oil-water separator effluent to an onshore facility.

(5) Must be minimized within one mile of shore.

(6) Must occur while sailing at speeds greater than six knots, if the vessel is underway.

(7) Must be minimized in federally-protected waters.

(d) The discharge of bilgewater (*i.e.,* wastewater from the bilge that has not been processed through an oil-water separator):

(1) Must not occur if the vessel has the capability to collect, hold, and transfer bilgewater to an onshore facility.

(2) Notwithstanding the prohibition of the discharge of bilgewater from vessels that have the capability to collect, hold, and transfer bilgewater to an onshore facility; the discharge of bilgewater:

(i) Must not contain dispersants, detergents, emulsifiers, chemicals, or other substances added for the purposes of removing the appearance of a visible sheen. This performance standard does not prohibit the use of these materials in machinery spaces for the purposes of cleaning and maintenance activities associated with vessel equipment and structures.

(ii) Must only contain substances that are produced in the normal operation of a vessel. Routine cleaning and maintenance activities associated with vessel equipment and structures are considered to be normal operation of a vessel.

(iii) Must not contain oil in quantities that:

(A) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines; or

(B) Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines; or

(C) Contain an oil content above 15 ppm as measured by EPA Method 1664a (as defined at 40CFR 136.3) or other appropriate method for determination of oil content as accepted by the International Maritime Organization (IMO) (*e.g.,* ISO Method 9377) or U.S. Coast Guard; or

(D) Otherwise are harmful to the public health or welfare of the United States.

(iv) Must be suspended immediately if a visible sheen is observed. Any spill or overflow of oil or other engine fluids must be cleaned up, recorded, and reported to the National Response Center immediately.

■ 13. Add § 1700.37 to read as follows:

§ 1700.37 Underwater ship husbandry.

(a) For discharges from vessels that are less than 79 feet in length:

(1) To the greatest extent practicable, vessel hulls with an antifouling hull coating must not be cleaned within 90 days after the antifouling coating application.

(2) Vessel hulls must be inspected, maintained, and cleaned to minimize the removal and discharge of antifouling coatings and the transport of fouling organisms. To the greatest extent practicable, rigorous vessel hull cleanings must take place in drydock or at a land-based facility where the removed fouling organisms or spent antifouling coatings can be disposed of onshore in accordance with any applicable solid waste or hazardous substance management and disposal requirements.

(3) Prior to the transport of the vessel overland from one body of water to another, vessel hulls must be inspected for any visible attached living organisms. If fouling organisms are found, they must be removed and disposed of onshore in accordance with any applicable solid waste and hazardous substance management and disposal requirements.

(4) Vessel hull cleanings must be conducted in a manner that minimizes the release of antifouling hull coatings and fouling organisms, including:

(i) Adhere to any applicable cleaning requirements found on the coatings' FIFRA label.

(ii) Use soft brushes or less abrasive cleaning techniques to the greatest extent practicable.

(iii) Use hard brushes only for the removal of hard growth.

(iv) Use a vacuum or other collection/control technology, when available and feasible. Residues filtered, precipitated, or otherwise removed by any vacuum technology must be disposed of onshore in accordance with any applicable solid waste and hazardous substance management and disposal requirements.

(b) For discharges from vessels that are greater than or equal to 79 feet in length:

(1) To the greatest extent practicable, vessel hulls with an antifouling hull coating must not be cleaned within 90 days after the antifouling coating application. To the greatest extent practicable, vessel hulls with copper-based antifouling coatings must not be cleaned within 365 days after coating application.

(2) Vessel hulls must be inspected, maintained, and cleaned to minimize the removal and discharge of antifouling coatings and the transport of fouling organisms. To the greatest extent practicable, rigorous vessel hull cleanings must take place in drydock or at a land-based facility where the removed fouling organisms or spent antifouling coatings can be disposed of onshore in accordance with any applicable solid waste or hazardous substance management and disposal requirements.

(3) Vessel hull cleanings must be conducted in a manner that minimizes the release of antifouling hull coatings and fouling organisms, including:

(i) Adhere to any applicable cleaning requirements found on the coatings' FIFRA label.

(ii) Use soft brushes or less abrasive cleaning techniques to the greatest extent practicable.

(iii) Use hard brushes only for the removal of hard growth.

(iv) Use a vacuum or other collection/control technology, when available and feasible. Residues filtered, precipitated, or otherwise removed by any vacuum technology must be disposed of onshore in accordance with any applicable solid waste and hazardous substance management and disposal requirements.

[FR Doc. 2020–12571 Filed 7–16–20; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 73 and 74

[GN Docket No. 16–142; FCC 20–72; FRS 16880]

Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission resolves the pending issues in this proceeding that authorized broadcasters to use ATSC 3.0, the ''Next Generation'' broadcast television (Next Gen TV) transmission standard. First, the FCC addresses the three issues raised in the Further Notice of Proposed Rulemaking that was issued in conjunction with the *Next Gen TV Report and Order.* Specifically, we provide additional guidance to broadcasters deploying Next Gen TV that wish to receive a waiver of our local simulcasting rules, decline to permit at this time the use of vacant broadcast channels for purposes of Next Gen TV deployment, and clarify the ''significantly viewed'' status of Next Gen TV stations. Second, we dismiss and, on alternative and independent grounds, deny the two petitions for reconsideration of the *Next Gen TV Report and Order.*

DATES: Effective August 17, 2020.

FOR FURTHER INFORMATION CONTACT: For additional information, contact Evan Baranoff, *Evan.Baranoff@fcc.gov,* of the Media Bureau, Policy Division, (202) 418–7142. Direct press inquiries to Janice Wise at (202) 418–8165.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Second Report and Order and Order on Reconsideration, FCC 20–72, adopted on June 3, 2020 and released on June 16, 2020. The full text of this document is available electronically via the FCC's Electronic Document Management System (EDOCS) website at *https://www.fcc.gov/edocs* or via the FCC's Electronic Comment Filing System (ECFS) website at *https://www.fcc.gov/ecfs.* (Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.) This document is also available for public inspection and copying during regular business hours in the FCC Reference Information Center, which is located in Room CY–A257 at FCC Headquarters, 445 12th Street SW, Washington, DC 20554. The Reference Information Center is open to the public Monday through Thursday from 8:00 a.m. to 4:30 p.m. and Friday from 8:00 a.m. to 11:30 a.m. The complete text may be purchased from the Commission's copy contractor, 445 12th Street, SW, Room CY–B402, Washington, DC 20554. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format), by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

I. Introduction

1. In this Second Report and Order and Order on Reconsideration, we resolve the pending issues in this proceeding that authorized broadcasters to use the ''Next Generation'' broadcast television (Next Gen TV) transmission standard. First, we address the three issues raised in the Further Notice of Proposed Rulemaking that was issued in conjunction with the *Next Gen TV Report and Order.* Specifically, we provide additional guidance to broadcasters deploying Next Gen TV that wish to receive a waiver of our local simulcasting rules, decline to permit at this time the use of vacant broadcast channels for purposes of Next Gen TV deployment, and clarify the

''significantly viewed'' status of Next Gen TV stations. Second, we dismiss and, on alternative and independent grounds, deny the two petitions for reconsideration of the *Next Gen TV Report and Order.*

II. Background

2. In the *Next Gen TV Report and Order,* the Commission authorized television broadcasters to use the Next Gen TV transmission standard, also called ''ATSC 3.0'' or ''3.0,'' on a voluntary, market-driven basis. ATSC 3.0 is the TV transmission standard developed by the Advanced Television Systems Committee as the world's first internet Protocol (IP)-based broadcast transmission platform. The Commission determined in the *Next Gen TV Report and Order* that broadcasters deploying ATSC 3.0 generally must continue to deliver current-generation digital television (DTV) service, using the ATSC 1.0 transmission standard, also called ''ATSC 1.0'' or ''1.0,'' to their viewers through local simulcasting. Specifically, the Commission required full power and Class A television stations (Class A TV) deploying ATSC 3.0 service to simulcast the primary video programming stream of their ATSC 3.0 channels in an ATSC 1.0 format.

3. In the *Next Gen TV Report and Order,* the Commission determined that the local simulcasting requirement is crucial to the deployment of Next Gen TV service in order to minimize viewer disruption. This is because the Next Gen TV standard is not backward-compatible with existing TV sets or receivers, which have only ATSC 1.0 and analog tuners. This means that consumers will not be able to view ATSC 3.0 transmissions on their existing televisions without additional equipment. Thus, it is critical that Next Gen TV broadcasters continue to provide service using the current ATSC 1.0 standard to deliver DTV service while the marketplace adopts devices compatible with the new 3.0 transmission standard in order to avoid either forcing viewers to acquire new equipment or depriving them of television service. Because a TV station cannot, as a technical matter, simultaneously broadcast in both 1.0 and 3.0 format from the same facility on the same physical channel, local simulcasting will be effectuated through voluntary partnerships that broadcasters seeking to provide Next Gen TV service enter into with other broadcasters in their local markets. A Next Gen TV broadcaster must partner with another television station (*i.e.,* a temporary ''host'' station) in its local market to either: (1) Air an ATSC 3.0 channel at the temporary host's facility, while using its original facility to continue to provide an ATSC 1.0 simulcast channel, or (2) air an ATSC 1.0 simulcast channel at the temporary host's facility, while converting its original facility to the ATSC 3.0 standard in order to provide a 3.0 channel.

4. The Commission established a process for considering applications to deploy ATSC 3.0 service, which included, among other requirements, establishing coverage requirements for a Next Gen TV station's ATSC 1.0 simulcast signal. The Commission's ATSC 1.0 simulcast coverage requirement sought to minimize disruption to viewers resulting from the voluntary deployment of ATSC 3.0 by recognizing that if a station moves its ATSC 1.0 signal to a partner simulcast host station with a different transmitter location, some existing over-the-air (OTA) viewers may no longer be able to receive the 1.0 signal. Among other obligations, the Commission required the Next Gen TV station to select a partner 1.0 simulcast host station that is assigned to its same designated market area (DMA) and from which it would continue to provide ATSC 1.0 simulcast service to its entire community of license.

5. While the Commission's rules require that full power and Class A TV stations that convert their existing facility to ATSC 3.0 provide an ATSC 1.0 simulcast signal that covers a station's entire community of license, the Commission recognized that in certain circumstances such an arrangement may not be viable. Accordingly, the Commission established a waiver standard for the ATSC 1.0 simulcast requirement in order to facilitate the voluntary deployment of ATSC 3.0 service. Specifically, the Commission stated that it would favor requests for waiver of the obligation to provide ATSC 1.0 simulcast service if the station can demonstrate both that: (1) It has ''no viable local simulcasting partner'' in its market; and (2) it will ''make reasonable efforts to preserve 1.0 service to existing viewers in its community of license and/or otherwise minimize the impact on such viewers (for example, by providing free or low cost ATSC 3.0 converters to viewers).'' The Commission stated that it would consider waiver requests from full power and Class A TV stations to transition directly from ATSC 1.0 to ATSC 3.0 service on the station's existing facility without providing an ATSC 1.0 simulcast service at all. Alternatively, a station may request a waiver of the ATSC 1.0 simulcast requirement so it can air an ATSC 1.0 simulcast signal from a partner simulcast host that does not cover all or a portion of the station's community of license or can provide only a lower signal threshold over the station's community of license than that required by the rules. Thus, a station may seek a waiver to either provide no 1.0 simulcast service to its community of license or partial 1.0 simulcast service to its community of license. In both situations, a waiver of the community of license coverage requirement in 47 CFR 73.3801(c) is required and the waiver standard set forth in the *Next Gen TV Report and Order* applies.

6. In the *Next Gen TV Further Notice,* the Commission sought comment on three topics relating to local simulcasting rules. First, it sought further comment on issues related to waivers of, and exemptions from, the local simulcasting requirement. Specifically, the Commission sought comment on whether further guidance should be provided about the circumstances in which it would grant such a waiver, including how to define whether a station has ''no viable local simulcasting partner'' and whether a station has taken ''reasonable efforts to preserve service and/or minimize impact on viewers.'' Second, the Commission sought further comment on whether to let full power broadcasters use channels in the television broadcast band that are vacant to facilitate the transition to ATSC 3.0. Third, the Commission tentatively concluded that local simulcasting should not change the ''significantly viewed status'' of a Next Gen TV station for purposes of determining MVPD carriage and sought comment on that conclusion.

7. The Commission received 19 comments and eight reply comments in response to the *Next Gen TV Further Notice.* Broadcaster commenters again urged the Commission to continue to provide broadcasters with ''flexibility'' to facilitate their deployment of ATSC 3.0 service, such as through waivers of, and/or additional exemptions from, the local simulcasting rules and by permitting broadcasters to temporarily use vacant channels. Meanwhile, MVPD commenters urged the Commission to exercise restraint in issuing waivers of, or granting additional exemptions from, the local simulcasting rules. And public interest groups, white space proponents, and NCTA opposed the use of vacant channels as temporary transition channels by broadcasters.

8. The Commission also received two petitions for reconsideration of the *Next Gen TV Report and Order:* One filed by

the American Television Alliance (ATVA) and the other filed by NCTA—The internet & Television Association (NCTA). NCTA and ATVA seek reconsideration of various aspects of the local simulcasting rules, as well as the Commission's decisions concerning voluntary carriage of ATSC 3.0 signals through retransmission consent, patent licensing, and the sunset of the A/322 standard. We received eight oppositions to these petitions and three replies to the oppositions.

III. Second Report and Order

9. In this Second Report and Order, we provide guidance on how Commission staff will evaluate petitions for waiver of our local simulcasting rules. In addition, we decline at this time to permit broadcasters to use vacant in-band channels for purposes of voluntary ATSC 3.0 deployment. Finally, we adopt the Commission's tentative conclusion that the ''significantly viewed'' status of a Next Gen TV station will not change if it moves its ATSC 1.0 simulcast channel to a host facility.

A. Local Simulcasting Waivers and Exemptions

10. We affirm and clarify the local simulcasting waiver standard adopted in the *Next Gen TV Report and Order.* As explained below, we will presume that a station satisfies the first element of our waiver standard, which is that it has no ''viable simulcasting partner,'' if it has fewer than three potential simulcasting partners within its DMA that can cover its entire community of license. To satisfy the second part of our waiver standard, which is to provide ''reasonable efforts to preserve 1.0 service,'' we will look favorably on waiver applicants that take steps to ensure their viewers have the ability to continue watching the station. For example, waiver applicants may provide, upon request, free or low-cost ATSC 3.0 converter devices to over-the-air viewers within the station's community of license who otherwise no longer would be able to receive the station's 1.0 signal over the air as a result of the station's conversion to ATSC 3.0.[1] Stations choosing to provide such devices will be expected to inform viewers about the availability of such free or low-cost ATSC 3.0 converter devices and how to request or obtain such equipment. In addition, we decline to adopt a blanket exemption from the local simulcasting requirement for noncommercial educational (NCE) or Class A TV stations, preferring instead to rely on our waiver standard to afford these stations with any additional flexibility. Finally, we clarify that the Bureau has delegated authority to consider requests for waivers of the local simulcasting requirement and, consistent with the timing for reviewing non-expedited applications seeking authorization to deploy ATSC 3.0, the Bureau generally will process applications with waiver requests within 60 business days after giving public notice of the waiver request. Waiver requests that comply with the criteria as explained in this Order will be viewed favorably.

11. We recognize that some stations, such as public television and other NCE stations, Class A TV stations, and stations in small markets or in rural, remote, and isolated areas, may face unique challenges in securing local simulcasting partners. We seek to provide such stations with greater flexibility to deploy ATSC 3.0 service, provided they take steps to protect their viewers from the potential loss of ATSC 1.0 service resulting from a waiver. With these principles in mind, we provide, below, additional guidance on the waiver standard adopted in the *Next Gen TV Report and Order.*

1. ''No Viable Local Simulcasting Partner''

12. With respect to the first prong of our waiver test, we will presume that a full power Next Gen TV station has ''no viable local simulcasting partner'' if it has fewer than three (*i.e.,* zero to two) *potential* full power simulcasting partners in the same DMA that can cover its entire community of license. If a full power station seeking a waiver is found to have fewer than three full power stations in its DMA that can meet the local simulcasting coverage requirements in 47 CFR 73.3801(c), then the station will receive a presumption that it meets the ''no viable local simulcasting partner'' prong of the waiver standard.[2] On the other hand, we will presume that full power stations with at least three potential simulcast partners have viable simulcasting partners and, thus, are not eligible for a waiver of 47 CFR 73.3801(c), absent compelling circumstances.

13. We adopt this criteria based on the proposals of several commenters, including the National Association of Broadcasters (NAB) and the joint comments of Public Broadcasting Service (PBS), Corporation for Public Broadcasting (CPB), and America's Public Television Stations (APTS), collectively ''PTV.'' Adopting this presumption will provide stakeholders increased predictability regarding what stations may be eligible for a waiver. In adopting a threshold of fewer than three potential partners, we recognize that not all stations will have an interest in serving as a 1.0 simulcast host, and we avoid the need for a broadcast station to demonstrate individually to the Commission that no station is willing to be its simulcast partner. We also find that the threshold of fewer than three potential simulcasting partners will provide transitioning stations with a reasonable opportunity to find suitable simulcast partners.[3] At the same time, the threshold will generally limit waiver relief to stations in rural, remote, and isolated areas—those stations that we believe will face the most significant challenges in finding local simulcasting partners.[4] Consistent with NAB's proposal, we will consider only full power stations in our calculation of available 1.0 simulcast partners in considering a waiver request submitted by a full power station, because Class A TV and LPTV stations do not cover comparable service areas and LPTV

[1] Generally, we expect that a station seeking a waiver of the community of license coverage requirement will not be able to satisfy the standard for expedited processing, which requires a station to provide ATSC 1.0 simulcast service to at least 95 percent of the predicted population within the station's original noise limited service contour (NLSC). Thus, we remind prospective waiver applicants that a station that needs a waiver of the community of license coverage requirement will also need to make the showing required for non-expedited applications established by the *Next Gen TV Report and Order,* which includes providing information about what steps, if any, the station plans to take to minimize the impact of the service loss Accordingly, as a practical matter, we expect that a station choosing to provide ATSC 3.0 converter devices as a means to minimize the impact of not simulcasting on viewers will choose to provide such devices throughout its entire NLSC.

[2] Commission staff estimates that, initially, about 8 percent of NCE stations and about 5 percent of commercial stations will be able to meet this threshold. This estimate was determined using LMS data. Staff calculated NLSCs using TVStudy for stations remaining on-air following the Incentive Auction. For each station under the test, the boundaries of the community of license were determined by matching the community to a Census Place or Census Designated Place. The number of viable sharing partners was determined by counting the number of other stations in the same DMA as the station under the test whose NLSC completely covered the boundaries of the community of license.

[3] We agree with NAB's reasoning that ''[i]f there are only one or two other stations in a market, a station that is eager to move forward now to improve its service may be unable to find a willing negotiating partner. If there are at least three other full power stations in the market, however, a transitioning station would be assured of having at least some possibility of moving forward even if one or two of those stations was not interested in a partnership at the time.''

[4] The record shows that stations in rural, remote, and isolated areas most merit a waiver of the local simulcasting requirement.

stations constitute a secondary service that does not receive the same interference protection afforded to full power stations.[5]

14. We prefer the threshold approach of fewer than three potential partners to ONE Media's certification proposal, which would allow a station simply to certify ''that it has contacted all technically viable prospective partners and been rejected, or has not been able to make sufficient progress in negotiations, despite good faith efforts to do so.'' We find that our objective approach is more administratively efficient as it is readily demonstrable. Thus, we reject the certification proposal as an overly subjective standard that could provide opportunities for stations to overuse or abuse the waiver process. We note that the objective threshold approach also avoids having the Commission ''engage in qualitative market-by-market evaluations of simulcasting plans,'' which was a key concern of ONE Media. Given the difficulties associated with persuading another station in the DMA to relinquish its multicast capabilities to permit a competing station to deploy ATSC 3.0 by using the host station's facilities for its ATSC 1.0 simulcast, and the challenges associated with negotiating the terms of an agreement to do so, we believe the record demonstrates that it is unlikely for a station to be able to reach such an agreement with only one or two candidates available to do so. For the reasons stated above, we believe that this bright line test appropriately balances the likelihood of availability with the need to avoid a large number of subjective evaluations of how diligent the prospective ATSC 3.0 licensee has been in seeking out such arrangements.

15. With respect to Class A TV stations, we will presume that a Class A TV station has ''no viable local simulcasting partner'' if it has fewer than three *potential* Class A TV simulcasting partners in the same DMA that: (1) Can provide overlap to its protected contour (47 CFR 73.6010(c)); and (2) are not more than 30 miles from the reference coordinates of the transitioning station's existing antenna location.[6] This is the same contour overlap standard that we apply in our rule specifying permissible simulcast partners for Class A stations seeking to provide ATSC 3.0 service. We recognize that many Class A TV stations will be able to satisfy this prong of our waiver standard, because few markets have three or more Class A stations. However, we find that it is appropriate to create a lower bar for this class of stations to make a showing under this prong as they likely face many of the same challenges in finding a suitable simulcasting partner as do LPTV stations.[7] We will not consider LPTV/translator stations in our calculation of available 1.0 simulcast partners for Class A TV stations because they are secondary services that do not receive the same interference protection afforded to Class A TV stations. Nevertheless, Class A TV stations may choose to partner with LPTV/translator stations as a means to mitigate the harm to viewers, and we encourage Class A TV stations to do so.

2. ''Reasonable Efforts'' To Preserve Service

16. In addition to demonstrating that a station lacks a viable partner, successful waiver applicants must commit to take certain affirmative steps to satisfy the second prong of our waiver test, by demonstrating that it is making ''reasonable efforts'' to preserve 1.0 service and minimize impact on viewers. It is critical that stations seeking a waiver of the simulcasting requirement can still achieve the purpose of our simulcasting rule—ensuring that viewers can continue to watch their channels during the transition period—through some alternate means, in order to serve viewers that can no longer receive the station over-the-air as a result of a station's conversion to ATSC 3.0.

17. The only alternative to local simulcasting raised or discussed in the record that is consistent with the purpose of the rule is for waiver applicants to provide free or low-cost ATSC 3.0 converter devices to affected over-the-air viewers. We believe that providing free or low-cost 3.0 converter devices could help ensure that viewers in a station's coverage area can continue to watch a station over-the-air. Below, in an effort to provide greater predictability to prospective waiver applicants, we provide more detail about our expectations in this regard. We note, however, that we will consider other alternatives offered by waiver applicants on a case-by-case basis, provided the waiver applicant can demonstrate that such proposals would achieve the purpose of our local simulcasting rule.

18. We will look favorably on a waiver applicant choosing to provide ATSC 3.0 converter devices at no cost or low cost to over-the-air households located within its community of license which will no longer receive the station's ATSC 1.0 signal as a means to minimize the impact of not simulcasting on viewers. Although such equipment distribution is not a requirement to obtain a waiver, we find that this method provides one way to ensure that any disruption to viewers is minimized to the fullest extent possible. In order for us to evaluate this prong of our waiver standard, we expect waiver applicants will explain in detail their plans for providing converter devices to eligible viewers, including: (1) What types of devices they intend to provide; (2) the cost, if any, that eligible viewers will be required to pay in order to receive the device; (3) how the applicant intends to inform viewers of the need for, and availability of, devices; and (4) how viewers will be able to request and obtain the device. The Bureau will consider a waiver applicant's plan for providing ATSC 3.0 converters to affected viewers on a case-by-case basis based on the unique circumstances confronting the applicant.[8]

19. To provide greater predictability to applicants that chose to voluntarily provide ATSC 3.0 converters, the Bureau will look favorably on a plan in

[5] We also note that a review of available data by Commission staff suggests that limiting potential partners to only full power stations (*i.e.,* excluding Class A TV stations) resulted in only a very slight increase in the number of full power stations that would be able to demonstrate ''no viable local simulcasting partner.''

[6] In other words, if a station seeking a waiver to transition to ATSC 3.0 has only between zero and two stations in its market that can meet the Commission's local simulcasting coverage requirements in 47 CFR 73.6029(c), then the station will receive a presumption that it meets the ''no viable local simulcasting partner'' prong of the waiver standard. Commission staff estimates that, initially, about 71 percent of Class A stations will be able to meet this threshold.

[7] For example, like LPTV stations, Class A TV stations may not be attractive simulcast partners for full power stations because of their lower power and coverage area, as well as their frequent financial constraints. We note that, in any event, Class A TV stations would still need to comply with the second prong of our waiver standard.

[8] We agree with PTV that ''[i]n situations where a station does simulcast ATSC 1.0 programming to part of its community, it should only be expected to provide free or low-cost converters to viewers unable to receive the ATSC 1.0 signal.'' In addition, we disagree with ATVA to the extent it contends that a waiver applicant must simulcast to part of its community of license in order to be eligible for a waiver. We do not require a waiver applicant to simulcast to part of its community of license, but we find that a waiver applicant that chooses to simulcast to part of its community of license will have mitigated the harm to those viewers in such area that receives the simulcast signal. For example, a waiver applicant may mitigate harm to viewers by simulcasting to part of its community of license and providing ATSC 3.0 converters to those areas not reached by the partial simulcast, or it may mitigate harm to viewers by providing ATSC 3.0 converters to its entire community of license. We note that ATVA does appear to agree that the harm to viewers can be mitigated by providing free or low-cost ATSC 3.0 converter devices to viewers, which we expect waiver applicants will do to satisfy the second prong of our waiver test.

which the waiver applicant would provide affected over-the-air households,[9] upon request, with one ATSC 3.0 converter at no cost. To the extent waiver applicants choose to charge a low cost to consumers for devices, we will consider the particular circumstances surrounding this charge, as well as the amount of the charge, on a case-by-case basis. A waiver applicant choosing to provide ATSC 3.0 converter devices would be expected to agree to provide an ATSC 3.0 converter upon request to each affected over-the-air household for as long as it operates pursuant to the waiver. A waiver applicant choosing to provide ATSC 3.0 converter devices would also be expected to inform viewers how they can obtain an ATSC 3.0 converter from the station.[10] We note that some waiver applicants choosing to provide ATSC 3.0 converter devices may opt to partner with equipment manufacturers, retailers, and even other broadcasters in their local markets in order to provide the free or low-cost ATSC 3.0 converters. While nothing precludes waiver applicants from partnering with third parties to establish their ATSC 3.0 converter programs, we remind applicants that they remain ultimately responsible for complying with any commitments made as part of their waiver requests. Finally, we remind waiver applicants that a station that transitions directly to ATSC 3.0 must air daily Public Service Announcements (PSAs) or crawls every day for 30 days prior to the date that it will terminate ATSC 1.0 operations.[11]

20. Broadcasters contend that, while the Commission should look favorably on waiver applicants that offer to provide free or low-cost ATSC 3.0 converters to viewers in their coverage area, the Commission should not require broadcasters to provide free or low-cost ATSC 3.0 converters to viewers as a condition for a waiver of the local simulcasting requirements. NAB asserts that requiring waiver applicants to provide ATSC 3.0 converters ''would risk adding unreasonable costs'' on broadcasters, and ONE Media similarly contends that ''such a costly requirement might deter innovation in some markets without corresponding benefits.'' As stated above, we do not *require* waiver applicants to provide ATSC 3.0 converter devices and will consider alternative proposals that would achieve the purpose of the local simulcasting rule. There were, however, no such alternatives mentioned in the record. The Commission authorized the deployment of ATSC 3.0 service in a manner that is voluntary for all stakeholders. We find it unreasonable for consumers to bear significant expense for these devices or to be left without service in the event devices are not readily available in the marketplace when a station wishes to deploy ATSC 3.0 service. Broadcasters seeking waiver of the simulcasting requirement must demonstrate that they have taken steps to minimize any disruption to consumers. Broadcasters have stated in the record that they expect 20 different television models from three manufacturers, to be available with built-in ATSC 3.0 tuners as well as other types of conversion equipment, such as adapters and gateway devices, by the end of 2020. To the extent this comes to pass, we expect broadcasters will have adequate access to ATSC 3.0 converter devices and other equipment so that they can provide such equipment to their viewers in support of any simulcasting waiver requests.[12]

21. We reject NCTA's argument that it is premature for us to consider waivers of the local simulcasting requirement. Because our waiver standard targets relief to stations in rural, remote, and isolated areas and requires applicants to make ''reasonable efforts'' to preserve 1.0 service and minimize impact on viewers, we disagree with NCTA that our waiver standard will undermine the purpose of the local simulcasting rule.[13] We find that viewers in small and rural markets should have an opportunity to enjoy the benefits of ATSC 3.0 service as quickly as practicable and that stations lacking a simulcast partner that wish to innovate and invest in ATSC 3.0 technology should be afforded an opportunity to do so.

22. NTCA—The Rural Broadband Association (NTCA) also expressed concern that were the Commission to waive simulcasting requirements, broadcasters may try to enforce their mandatory carriage rights with respect to their ATSC 3.0 signals, potentially imposing significant costs on cable operators. We clarify that stations that receive a waiver of the local simulcasting rule are not allowed to assert mandatory carriage rights for their ATSC 3.0 signals. In the *Next Gen TV Report and Order,* the Commission stated that ''a Next Gen TV broadcaster will not be able to exercise mandatory carriage rights with respect to its 3.0 signal instead of its 1.0 signal, nor will it have mandatory carriage rights even if its 3.0 signal is the only signal being broadcast. In other words, under no circumstances will we recognize mandatory carriage rights for 3.0 signals while the Commission requires local simulcasting.'' We clarify that the reference to ''while the Commission requires local simulcasting'' was intended to refer to the time period during which the general simulcasting rule remains in effect and was not meant to confer ATSC 3.0 carriage rights to stations excused from the general rule. At this time, there are no mandatory carriage rights for ATSC 3.0 signals.

23. In addition, NTCA expresses concern that stations which are granted waivers and elect retransmission consent can and likely would shift the costs of carrying ATSC 3.0 signals onto small and rural MVPDs. More specifically, NTCA avers that, because small and rural MVPDs generally rely on receiving broadcast signals over-the-air at their headend (as fiber is generally not an option), these MVPDs would have to upgrade their equipment to receive the signal of a 3.0 station that is not simulcasting in order to continue to carry the station. NTCA claims that, in such situations, broadcasters will have little incentive to share in the cost of such upgrades. NTCA maintains that, when considering a waiver request, the Bureau should consider the impact on MVPDs and their subscribers, particularly in situations in which such subscribers cannot receive any over-the-air broadcast signals and rely solely on MVPD service to receive a station. The Commission rejected suggestions that it should intervene in the retransmission

[9] ''Affected over-the-air households'' are households exclusively receiving television broadcast stations over the air with an antenna. This definition does not include households that subscribe to cable or satellite service.

[10] For example, as part of this notice, we expect stations choosing to provide ATSC 3.0 converter devices will provide information on their websites about how viewers can request and obtain any free or low-cost ATSC 3.0 converter devices that may be offered.

[11] Waiver applicants must provide all pertinent information to viewers in their PSAs or crawls, including information about how viewers can request and obtain any free or low-cost ATSC 3.0 converter devices to the extent such devices are offered.

[12] We disagree with ONE Media's further assertion that we should not require a waiver applicant to provide ATSC 3.0 converter devices if it is ''in a market that is already well-penetrated with ATSC 3.0 devices and [has] arranged for all MVPDs to carry its signal.'' If most viewers in a market already have ATSC 3.0 devices, then it should not be overly burdensome for waiver applicants to provide ATSC 3.0 converters to the remaining few viewers in the market that do not. Further, carriage on all MVPDs in a market does not mean that all viewers would have access to the Next Gen TV station's signal unless they are a subscriber to MVPD service. Requiring that a viewer subscribe to an MVPD service in order to retain access to a station's free over-the-air signal would unreasonably shift the burden of what is supposed to be a voluntary transition onto viewers.

[13] We also find that our targeted waiver approach addresses ATVA's concerns that waivers will not be sufficiently narrow to address situations where stations cannot comply with the simulcasting rules.

consent process vis-à-vis ATSC 3.0 signals in the *Next Gen TV Report and Order,* and in so doing, it decided that it was premature to consider arguments that Next Gen TV broadcasters could use the retransmission consent process to compel carriage of ATSC 3.0 signals before consumer demand and market circumstances warrant. Nevertheless, we expect waiver stations that are granted waivers of the simulcasting requirements will actively coordinate and work cooperatively and in good faith with all affected MVPDs to help ensure that MVPD subscribers can continue to watch the station.

3. No Additional Simulcast Exemptions

24. We conclude that it is not necessary and would not serve the public interest to grant exemptions to any additional classes of stations at this time. In the *Next Gen TV Further Notice,* the Commission sought comment on whether to exempt NCE and/or Class A TV stations as a class from the local simulcasting requirement. Given the flexibility afforded by our waiver standard, we decline to give NCE and Class A TV stations a class-based exemption from our local simulcasting requirement, as we did for LPTV/translator stations.[14]

25. As an initial matter, unlike LPTV/translator stations, NCE and Class A TV stations are considered primary under the Commission's rules. Primary television stations (primary stations) are treated differently from secondary television stations (secondary stations) in many respects under the rules. Among other things, primary stations are afforded interference protection from other services and, in contrast to secondary services like LPTV/translators, are not subject to displacement by other primary licensees.[15] In addition, primary stations tend to carry programming more relied upon by viewers.[16] Consequently, if we were to afford NCE, Class A TV, or any other class of primary station a blanket exemption of the local simulcasting rule, the potential adverse impact caused by service loss would be inherently greater than it is for secondary classes of stations. We therefore find it appropriate to afford NCE and Class A TV stations less flexibility than secondary stations with respect to local simulcasting obligations.

26. In advocating for a blanket exemption from the local simulcasting rules, public television commenters emphasize that they are particularly likely to lack viable simulcasting partners because they often are not sited near other stations in the market. We find that our waiver standard, which is based on a proposal supported by PTV,[17] adequately addresses this concern by providing that any station that lacks fewer than three potential partners presumptively satisfies the ''no viable local simulcasting partner'' prong of our waiver test. We find that our waiver standard will provide targeted relief to NCE stations in rural or other isolated areas without risking the loss of television service on which viewers currently rely. PTV also contends that the Public Broadcasting Act of 1967 (PBA) creates a statutory mandate for PTV stations ''to provide service to 'all citizens of the United States,' particularly 'unserved and underserved audiences''' and, therefore, public television stations do not need a simulcasting requirement because the PBA will ensure that public television stations ''will only transition to the ATSC 3.0 standard after ensuring that their viewers will not be left behind.'' However, the sections of the PBA cited by PTV are not statutory mandates that are binding on public television stations, but rather a Congressional declaration of policy, and, in fact, we find that our waiver standard will buttress this Congressional statement of policy by ensuring that waivers are granted only in appropriate circumstances and that reasonable efforts will be made to prevent loss of public television service. We do not, however, find the Congressional statement of policy in the PBA to be a rationale for providing additional regulatory relief to NCE stations.[18]

27. Likewise, we find the waiver approach is more appropriate for Class A TV stations than a class-based exemption. WatchTV states that the Commission should exempt Class A TV stations ''because most of the rationale behind the [simulcast requirement] does not apply to Class A (TV) stations.'' We acknowledge that Class A TV stations—unlike most other primary stations—are not generally carried by MVPDs, and thus their only way to access viewers is via over-the-air reception. Although we recognize they have incentives to maintain ATSC 1.0 service without a mandate, we disagree with WatchTV that these marketplace incentives justify a class-based exemption for Class A TV stations. By virtue of their status, Class A TV stations are required to provide locally-produced programming that is relied upon by viewers. We are reluctant to allow Class A TV stations to stop providing such service in ATSC 1.0 without a public interest showing. Thus, while most Class A TV waiver applicants will presumptively meet the first prong of the waiver standard, Class A TV waiver applicants will be required under the second prong of the waiver standard to minimize the impact on viewers, ensuring that viewers can maintain access to the locally-produced programming offered by these stations.[19]

4. Waiver Processing

28. We clarify that the Media Bureau has delegated authority to consider requests for waiver of the local simulcasting requirement and that waiver requests should be made when filing a Next Gen TV license application. Consistent with the timing for reviewing non-expedited applications seeking authorization to deploy ATSC 3.0, we expect the Bureau will process applications with waiver requests within 60 business days after giving public notice of the waiver request.[20] Some broadcaster commenters have requested much faster processing times for waiver requests, but such timeframes would provide staff insufficient time to verify that deviation from the established rule is warranted and in the public interest. So long as

[14] In this regard, we agree with ATVA that our targeted waiver approach is more appropriate than a class-based exemption.

[15] We note that secondary stations also do not have principal community coverage obligations.

[16] For example, we note that Class A TV stations are required to broadcast a minimum of 18 hours per day and provide an average of at least three hours per week of locally-produced programming each quarter.

[17] Although PTV would prefer an exemption for public television stations, it indicated that it would support, in the alternative, a presumptive waiver for such stations.

[18] PTV also argues that ''public television stations have a strong financial incentive for ensuring that viewers are able to continue receiving their broadcast signals'' because ''public television stations rely on direct financial support from viewers.'' We also do not find this argument grounds for additional regulatory relief to public television stations. Our goal is to ensure viewers are protected during the transition to ATSC 3.0 service. We see no reason to treat viewers of full power public television stations differently from other full power stations.

[19] We note that WatchTV has indicated its ability to provide low-cost 3.0 devices to viewers, suggesting that the waiver standard would not prove too onerous for Class A stations. WatchTV ''contemplates being able to acquire dongles for as little as $10 in quantity, so that a station may sell them for a nominal amount or even simply give them away to viewers as a promotion.''

[20] As explained above, a non-expedited applicant refers to a Next Gen TV station whose application does not propose to provide ATSC 1.0 simulcast service to at least 95 percent of the predicted population within the station's original noise limited service contour (NLSC) and, thus, would not qualify for ''expedited processing'' for its application. A non-expedited applicant must provide a more robust public interest showing with its application and will be considered on a case-by-case basis.

information provided by waiver applicants is complete, we expect staff will be able to process the applications within the 60 business-day time period.

B. Temporary Use of Vacant Channels

29. We decline to adopt new rules at this time to authorize full power broadcast licensees to use available or vacant channels in the television band for purposes of their voluntary ATSC 3.0 deployment. The Commission declined to authorize such use in the *Next Gen TV Report and Order,* but sought additional comment on this issue in the *Next Gen TV Further Notice.* In particular, the Commission sought comment on ONE Media's request that, in markets where such vacant channels are available, the Commission should allow full power broadcasters to use these channels as ''dedicated transition channels to ensure maximum continuity of service, just as it did during the transition from analog to digital.'' In support of this proposal, ONE Media and other broadcaster commenters argue that allowing Next Gen broadcasters to use vacant channels would facilitate the transition to ATSC 3.0 and ''minimize consumer disruption and preserve service to viewers.'' They contend that television band spectrum is reserved for licensed broadcast use and that existing broadcasters should be given priority to use vacant channels as temporary transition channels in the band.[21]

30. We find that it is premature to consider allowing broadcasters to use vacant channels as temporary transition channels to deploy ATSC 3.0 service. At this time, deployment of ATSC 3.0 service is voluntary, and there is no certainty if or when it will replace ATSC 1.0 service; rather, it will be adopted by stakeholders based on marketplace considerations. For this reason, we reject ONE Media's comparison to the DTV transition in which a second channel was provided to most broadcasters in order to accomplish a mandatory transition from analog to digital service. We also agree with MVPD providers, wireless microphone interests, and proponents of white space devices that authorizing widespread use of vacant channels as dedicated transition channels would be inconsistent with the premise of the broadcasters' Next Gen TV Petition, which stated that local simulcasting would be the ''core of the voluntary, market-driven implementation of ATSC 3.0'' and that no additional spectrum would be needed for the voluntary deployment of ATSC 3.0 service.[22] Further, the fact that no additional spectrum would be required for the voluntary use of ATSC 3.0 was a key consideration in the *Next Gen TV Report and Order.* Allowing widespread use of vacant channels as transition channels would likely discourage reliance on local simulcasting arrangements, which are intended to accomplish the voluntary deployment of ATSC 3.0 service in a spectrally efficient manner.

31. Moreover, any benefits of allowing broadcasters to use vacant channels as temporary transition channels appear outweighed by the costs to other stakeholders. Broadcasters maintain that vacant channel use may be particularly helpful to stations in rural, remote, and isolated areas. However, such broadcasters already have significant flexibility in complying with our local simulcasting rules by virtue of the waiver standard. Further, we are skeptical that rural, remote, and isolated broadcasters would even want to incur the costs of constructing and operating a second facility on a vacant channel. Instead, such broadcasters may find partnering with LPTV/translator stations, which are exempt from the simulcasting requirement, to be a more affordable and practical option for their initial deployment of ATSC 3.0 service.

32. In addition, we are not persuaded that the benefits of allowing broadcasters to use vacant channels as temporary transition channels outweigh the potential costs and harms to other stakeholders that operate in the band. Authorizing widespread use of vacant channels by broadcasters could have a significant adverse impact on these other stakeholders. First, permitting vacant channel use at this time, even for only 3.0 service, could have negative effects on the incentive auction reorganization of spectrum (repacking). The resources needed to use vacant channels for such purposes could strain resources needed to support the construction of facilities on channels assigned in the post-incentive auction repacking, including transitioning stations and stations moving from interim to permanent facilities post-transition. Second, permitting widespread vacant channel use could adversely impact LPTV and TV translator stations, particularly those displaced by the post-Incentive Auction repacking process that are currently receiving federal funds to modify or construct new facilities on channels for which they hold construction permits. Although we recognize that full power stations are primary and LPTV and TV translator stations are not, during this repacking transition we strive to be good stewards in overseeing efficient use of federal reimbursement funds. By opting not to allow full power vacant channel use at this time, we reduce the potential of inefficiently allocated reimbursement expenses to relocating LPTV stations by further displacing those stations already receiving federal funds. Finally, permitting widespread vacant channel use for ATSC 1.0 simulcasting could impose costs on an MVPD that may need to receive a signal from a new ATSC 1.0 facility that it does not currently carry. To the extent broadcasters were to move from one vacant channel to another, MVPDs could incur such expenses multiple times with respect to a single station.[23]

33. Accordingly, we decline to allow the use of vacant channels for the ATSC 3.0 transition at this time. If warranted by market conditions in the future, we may revisit the need for permitting broadcasters to use vacant channels as transition channels.

C. ''Significantly Viewed'' Status of Next Gen TV Stations

34. We adopt our tentative conclusion that the significantly viewed status of a Next Gen TV station should not change if it moves its ATSC 1.0 simulcast channel to a temporary host facility. All commenters on this issue support this conclusion. Accordingly, a commercial television station that relocates its ATSC 1.0 simulcast channel cannot seek to gain significantly viewed status in new communities or counties and such station cannot lose significantly viewed status in communities or counties for which it qualified prior to the move of its ATSC 1.0 simulcast channel.

35. Significantly viewed stations are commercial television stations that the Commission has determined have

[21] In addition to priority over unlicensed uses, ONE Media advocates giving existing broadcasters priority over applicants for new television station licenses as well as over secondary users, including displacement applications of LPTV and TV translator stations.

[22] The Next Gen TV Petition stated that it ''does not ask the Commission to give broadcasters additional spectrum to roll out Next Generation TV and does not seek any changes to the current DTV standard. Instead, broadcasters will use market-based solutions to introduce this enhanced capability on existing spectrum while not disenfranchising viewers using ATSC 1.0 equipment, and consumer electronics manufacturers will implement the new standard in response to market demands rather than regulatory mandates.''

[23] We recognize that parties supporting use of vacant channels for unlicensed white space operations and wireless microphone operations also expressed concern about the potential adverse impact on such uses. In response, broadcasters contend that white space use should yield to broadcast operations in the television band. Because we decline on other grounds to adopt the proposal to allow full power vacant channel use, we do not address that issue here.

''significant'' over-the-air (*i.e.,* non-cable and non-satellite) viewing and are thus treated as local stations in certain respects with regard to a particular community in another television market. Significantly viewed status allows the significantly viewed station to be (1) carried by a satellite carrier in such community in the other market; (2) carried in such community by cable and satellite operators at the reduced copyright payment applicable to local (in-market) stations; and (3) exempt in such community from another station's assertion of its network non-duplication or syndicated exclusivity rights. A station that varies its signal strength or changes its location as a result of moving its ATSC 1.0 signal to a simulcast partner may raise the question of how this change affects its status as ''significantly viewed'' in a certain community or county under 47 CFR 76.5(i) and 76.54.

36. We agree with MVPDs and broadcasters that we should maintain the status quo in the significantly viewed context with respect to ATSC 1.0 simulcast signals and thereby avoid disruptions to the carriage obligations of MVPDs and the carriage rights of broadcasters, and note that no commenter opposes this approach. Any changes in significantly viewed status due to local simulcasting would be temporary, and our approach will avoid disruptions to cable and satellite television viewers who have come to rely on such signals. This approach will not impose added mandatory carriage burdens on MVPDs and avoids burdening MVPDs with numerous changes to their carriage obligations. We note that significantly viewed status does not confer mandatory carriage rights to the station, but rather only allows carriage of the station via retransmission consent. Thus, maintaining the status quo with respect to eligibility for significantly viewed carriage presents no mandatory carriage burdens on MVPDs. We also conclude that expansion of eligibility for significantly viewed carriage due to the relocation of the ATSC 1.0 simulcast signal would not be consistent with the purpose of local simulcasting, which is intended to serve the goal of maintaining existing television service to viewers within the station's original coverage area, not expanding service into new areas.

37. Although our approach here differs from how we addressed this issue in the channel sharing context, we find that it is appropriate to treat significantly viewed status differently in these two contexts. In the *Incentive Auction Report and Order,* the Commission found that because significantly viewed status is largely a function of signal availability, a station moving to a new channel should lose its status at the relinquished location. But unlike in the channel sharing context, Next Gen TV broadcasters are not relinquishing their original channel. While they are relocating their ATSC 1.0 signal to a simulcast partner, they will continue to operate on their existing channel in ATSC 3.0 and will ultimately return to operating solely on their existing channel when the local simulcasting period ends. Moreover, a Next Gen TV broadcaster will continue to reach the communities or counties in which it is significantly viewed with an ATSC 3.0 over-the-air signal during the period in which it is simulcasting.

IV. Order On Reconsideration

38. In this *Order on Reconsideration,* we dismiss and, on alternative and independent grounds, deny the NCTA and ATVA petitions for reconsideration.[24] NCTA and ATVA seek reconsideration of various aspects of the local simulcasting rules, as well as the Commission's decisions concerning voluntary carriage of ATSC 3.0 signals through retransmission consent, patent licensing, and the sunset of the A/322 standard.[25] All of the requests raised in the petitions have been considered and rejected already by the Commission in the underlying order. As discussed below, the NCTA and ATVA petitions repeat issues that commenters, including NCTA and ATVA, raised earlier in the proceeding, and that we fully considered and rejected in the *Next Gen TV Report and Order.* Further, we disagree that these petitions raise any errors or omissions that warrant reconsideration. (The Bureau has the authority to dismiss petitions for reconsideration that ''fail to identify any material error, omission, or reason warranting reconsideration,'', or which ''rely on arguments that have been fully considered and rejected by the Commission within the same proceeding.'' Because we also address the petitions on the merits, we have no occasion to rely on that delegation of authority here.)

A. Retention of Sunset Dates

1. Sunset of ''Substantially Similar'' Requirement

39. We dismiss and, on alternative and independent grounds, deny NCTA's request to reconsider the five-year sunset of the ''substantially similar'' requirement. While we retain the July 17, 2023 sunset date for this rule, approximately one year before the requirement is set to expire, we will seek comment on whether it should be extended based on marketplace conditions at that time.[26]

40. In the *Next Gen TV Report and Order,* the Commission required that the programming aired on a Next Gen TV station's ATSC 1.0 simulcast channel be ''substantially similar'' to that of the primary video programming stream on the ATSC 3.0 channel. As the Commission explained, the programming must be the same, except for programming features that are based on the enhanced capabilities of ATSC 3.0, advertisements, and promotions for upcoming programs. The Commission stated that this approach ''will help ensure that viewers do not lose access to the broadcast programming they receive today, while still providing flexibility for broadcasters to innovate and experiment with new, innovative programming features using Next Gen TV technology.'' The Commission decided, however, that the substantially similar requirement would sunset five years from its effective date absent further action by the Commission to extend it. In this regard, the Commission concluded that, while ''this [substantially similar] requirement is necessary in the early stages of ATSC 3.0 deployment, it could unnecessarily impede Next Gen TV programming innovations as the deployment of ATSC

[24] Pursuant to Commission policy, petitions for reconsideration are not to be used merely to reargue points previously advanced and rejected.

[25] Specifically, ATVA seeks reconsideration of three issues, including: (1) The Commission's rejection of ATVA's proposal to require separate negotiations for first-time carriage of ATSC 3.0 signals; (2) the Commission's exemption from the simulcasting requirement for low power and TV translator stations; and (3) the Commission's decision not to require stations to provide prior notice to viewers and MVPDs before changing their signal formats on their ATSC 1.0 simulcasts. NCTA seeks reconsideration of five issues, including: (1) The Commission's decision to sunset after five years the ''substantially similar'' requirement; (2) the Commission's decision to sunset after five years the requirement that a Next Gen TV broadcaster's primary video programming stream adheres to the ATSC A/322 standard; (3) the Commission's decision not to require Next Gen TV broadcasters to simulcast ATSC 1.0 signals in high definition (HD) format to the extent they are currently broadcasting such signals in HD; (4) the Commission's decision not to prohibit broadcasters from using retransmission consent negotiations to obtain carriage of their ATSC 3.0 signals by withholding the ATSC 1.0 signal; and (5) the Commission's decision not to require that patents relevant to the ATSC 3.0 standard must be licensed on a reasonable and non-discriminatory (RAND) basis.

[26] We note that, while the Commission stated that the ''substantially similar'' requirement would expire five years after its effective date, the Commission had inadvertently omitted to codify the sunset date in the rule. We take this opportunity to correct this oversight and amend our rules to reflect the sunset date.

3.0 progresses.'' The Commission further stated that it ''intend[ed] to monitor the ATSC 3.0 marketplace,'' and would ''extend the substantially similar requirement if necessary.'' The substantially similar rule took effect July 17, 2018, so it will expire on July 17, 2023, unless extended by the Commission.

41. In its petition, NCTA repeats its and other commenters' earlier opposition in this proceeding to an automatic sunset of the substantially similar requirement. NCTA contends that the Commission's decision to sunset the substantially similar requirement was ''arbitrary'' and ''has no basis in the record.'' [27] NCTA further asserts that, ''[g]iven the current state of the marketplace, the rational policy would be for the Commission to monitor the roll-out of ATSC 3.0 and maintain the substantially similar requirement until the use of ATSC 3.0 is further along'' before ''determin[ing] the appropriate sunset.''

42. The Commission fully considered this issue in the *Next Gen TV Report and Order* and decided to establish a sunset for the substantially similar requirement. Because NCTA repeats arguments that have already been considered, we dismiss NCTA's Petition on this issue. On alternative and independent grounds, we deny NCTA's Petition on this issue because we disagree that the Commission erred. We continue to believe a sunset date is appropriate and, thus, affirm the decision in the *Next Gen TV Report and Order.* We reject NCTA's request that we should either delay establishing a sunset for the substantially similar requirement or retain it indefinitely. As explained in the *Next Gen TV Report and Order,* without an expiration date, this rule could become stale and impede the very Next Gen TV programming innovations that we seek to promote by authorizing the deployment of ATSC 3.0. In any event, we note that only the ''substantially similar'' requirement will expire and not the requirement to broadcast in 1.0, so viewers will not lose access to ATSC 1.0 signals. Thus, contrary to NCTA's suggestion, consumers will not need to invest in 3.0 technology before they are ready. We also agree with Pearl TV that broadcasters understand their communities and have strong market incentives to be responsive to their needs, both to those viewers seeking the enhancements of ATSC 3.0 service and those choosing to continue watching in ATSC 1.0 format. Therefore, we expect broadcasters will use any additional flexibility resulting from the rule's eventual sunset to offer innovative programming on their ATSC 3.0 signals, rather than to ''diminish[] the quality of the content on their ATSC 1.0 simulcast signal,'' as NCTA fears.

43. While we acknowledge that there have been limited marketplace developments since the *Next Gen TV Report and Order* was released in November 2017, given the dynamic nature of the broadcast and consumer electronics industries, we find a better approach is to defer a decision regarding any extension until the year prior to the current sunset. We find this approach to be particularly sound given that it accounts for unanticipated events, such as the novel coronavirus (COVID–19), whose impact we are unable to discern at this time. We note, prior to the recent pandemic, the industry expected that many stations would begin broadcasting in ATSC 3.0 this year. According to NAB and Pearl TV, broadcasters intended to launch ATSC 3.0 service in 61 markets in 2020. It is not clear whether these plans remain intact.[28] Moreover, although consumer reception equipment is not currently commercially available, the industry has represented that such equipment will be available to consumers in the fourth quarter of this year. Again, we do not know whether this target holds true today. Thus, we will continue to monitor the ATSC 3.0 marketplace and, when we get closer to the sunset date, we will initiate a proceeding to determine whether it is necessary to extend the substantially similar requirement.

2. ATSC A/322 Standard Sunset

44. We dismiss and, on alternative and independent grounds, deny NCTA's request to reconsider the five-year sunset of the requirement that broadcasters' primary free over-the-air Next Gen TV video programming streams adhere to the ATSC A/322 standard.[29] While we retain the March 6, 2023, sunset for this rule, approximately one year before the rule is set to expire we will seek comment on whether it should be extended based on marketplace conditions at that time.[30]

45. In the *Next Gen TV Report and Order,* the Commission incorporated two parts of the ATSC 3.0 ''physical layer'' standard into the rules: (1) ATSC A/321:2016 ''System Discovery & Signaling'' (A/321), which is the standard used to communicate the RF signal type that the ATSC 3.0 signal will use, and (2) A/322:2017 ''Physical Layer Protocol'' (A/322), which is the standard that defines the waveforms that ATSC 3.0 signals may take. With respect to the A/322 standard, the Commission applied the standard only to a Next Gen TV station's primary free over-the-air video programming stream and incorporated it by reference into the rules for a period of five years, unless the Commission extends the requirement via rulemaking. The Commission decided that it was not appropriate at the time ''to require broadcasters to adhere to A/322 indefinitely,'' explaining that ''the ATSC 3.0 standard could evolve, and stagnant Commission rules could prevent broadcasters from taking advantage of that evolution.'' In establishing a sunset for A/322 compliance, the Commission sought to ''balance [its] goals of protecting consumers while promoting innovation.''

46. In its petition, NCTA repeats its and other commenters' earlier argument that we should incorporate the A/322 standard into our rules without a sunset date. NCTA claimed that the Commission's decision to sunset

[27] NCTA claims in its reply to oppositions that ''the Commission did not seek comment on the notion that the [substantially similar] requirement would sunset five years after its adoption.'' In the *Next Gen TV NPRM,* the Commission sought comment on whether ''a 'simulcast' means a stream with identical content to the video programming aired on the originating station's primary ATSC 3.0 stream'' and further asked ''[i]f the simulcast content will not be identical to the originating station's primary video programming stream, . . . explain the reasons for any deviations in content and/or format (*i.e.,* high definition (HD) versus SD) and the impact of such deviations on television viewers and the regulatory implications.'' In response, broadcasters opposed an identical content requirement. Persuaded by broadcasters' comments, the Commission opted against an identical content requirement and instead established the ''substantially similar'' requirement and determined that such requirement appeared necessary only in the early stages of ATSC 3.0 deployment. We find that the NPRM provided adequate notice that the Commission was considering whether (or not) to require identical content and the length of time any such requirement might be necessary.

[28] That is, we do not know the extent to which the pandemic has affected broadcasters' plans for ATSC 3.0 deployment.

[29] NCTA contends in its petition that the Commission's requirement to comply with the A/322 standard ''arbitrarily lifts . . . after five years.'' Moreover, NCTA's argument that there have been limited marketplace developments since 2017 applies equally to the A/322 standard sunset.

[30] The amendments to 47 CFR 73.682(f), including the incorporation of the A/322 standard, took effect on March 5, 2018, *i.e.,* 30 days after the rule's publication in the **Federal Register**. We note that the rule incorrectly reflects a sunset date of February 2, 2023, instead of March 6, 2023, which date is five years from the effective date of the rule (pushed to the next business day). We take this opportunity to correct this mistake and amend 47 CFR 73.682(f) to reflect the true sunset date.

compliance with the A/322 standard was arbitrary. NCTA restated the Commission's recognition that ''device manufacturers and MVPDs may not be able to reliably predict what signal modulation a broadcast is using unless broadcasters are required to follow A/322'' and asserted that the Commission ''offer[ed] no compelling reason to believe that the need for that certainty will vanish in 2023.''

47. The Commission fully considered this issue in the *Next Gen TV Report and Order* and decided to require compliance with the A/322 standard only for a transitional period, after which the requirement will sunset absent Commission action to extend it. Because NCTA repeats arguments that have already been considered, we dismiss NCTA's Petition on this issue. On alternative and independent grounds, we deny NCTA's Petition on this issue because we disagree that the Commission erred. Thus, we affirm the decision in the *Next Gen TV Report and Order.* We reject NCTA's claim that the Commission's decision to sunset compliance with the A/322 standard was arbitrary. In establishing a sunset for A/322 compliance, the Commission sought to balance the competing goals raised in the record of providing certainty to device manufacturers, MVPDs, and consumers while promoting broadcaster innovation.[31] The Commission determined five years struck the right balance at the time to ensure stations had ''a reasonable opportunity to implement Next Gen TV broadcasting'' before the A/322 requirement sunsets. We expect that once broadcasters begin to implement the ATSC 3.0 standard in compliance with A/322, it will establish a measure of certainty for device manufacturers and MVPDs. Although device manufacturers, MVPDs, and consumers may want continued certainty, we think at some point the rule must sunset to allow for broadcast innovation outside of the A/322 standard. Even when the rule sunsets, as a practical matter, broadcasters will have to coordinate with device manufacturers and MVPDs if they want to deviate from A/322 to ensure their broadcasts can be received and viewed on devices and MVPD systems. We also note that broadcasters have no incentive to change their implementation of ATSC 3.0 in a way that would render existing consumer equipment obsolete. Finally, consistent with our decision above concerning the ''substantially similar'' sunset, we will wait to consider the state of the marketplace a year before the rule sunsets to determine whether there is any need to extend it.

B. High Definition (HD) Service and Notice to Viewers

48. We dismiss and, on alternative and independent grounds, deny NCTA's request to require broadcasters to simulcast ATSC 1.0 signals in high definition (HD) format to the extent they are currently broadcasting such signals in HD. We also dismiss and, on alternative and independent grounds, deny ATVA's request to require a station to provide prior notice to viewers and MVPDs before changing its signal format or picture quality.

49. In its petition, NCTA repeats its earlier request in this proceeding to require Next Gen TV broadcasters that are currently broadcasting in HD to continue to provide HD service on 1.0 simulcast signals. NCTA asserts that the Commission erred in not doing so and by instead relying on broadcasters' marketplace incentives.[32] Specifically, NCTA contends that the Commission's acknowledgement in the *Next Gen TV Report and Order* that ''stations may have less capacity for HD programming'' because of local simulcasting partnerships ''undermines [the Commission's] conclusion that a rule is unnecessary because broadcasters have 'market-based incentives' to continue to provide HD programming on the ATSC 1.0 signal.'' NCTA further contends that the *Next Gen TV Report and Order* ''does not acknowledge the harms to consumers identified in [NCTA's] comments, much less explain why they are outweighed by a broadcaster's voluntary experimentation with ATSC 3.0.'' [33]

50. The Commission fully considered this issue in the *Next Gen TV Report and Order* and decided not to require Next Gen TV broadcasters that are currently broadcasting in HD to continue to provide HD service on 1.0 simulcast signals. Because NCTA repeats arguments that have already been considered, we dismiss NCTA's Petition on this issue. On alternative and independent grounds, we deny NCTA's Petition on this issue because we disagree that the Commission erred. Thus, we affirm the decision in the *Next Gen TV Report and Order.* As explained in the *Next Gen TV Report and Order,* the Commission's existing rules do not require broadcasters to provide their signals in HD and they can change format at any time.[34] We acknowledge that a broadcaster seeking to meet its community's demands for ATSC 3.0 service (including 4K or Ultra High Definition format) may choose to deploy ATSC 3.0 service, even if that means it will be able to air an ATSC 1.0 simulcast signal only in SD format. We also recognize that this may mean that consumers who want to continue to receive HD programming will need to purchase a 3.0 converter device. However, we find such decisions would be a response to competitive marketplace conditions, not contrary to them. We agree with NAB that ''broadcasters have strong market incentives to maintain HD service to the maximum extent possible.'' Broadcasters that choose to deploy 3.0 service even though they will only be able to simulcast an ATSC 1.0 signal in SD will likely be doing so to meet consumer demands for 4K/UHD service and other enhancements, and we believe that broadcasters should have the flexibility to innovate and respond to marketplace demands.[35] We agree with broadcasters that mandating HD format for 1.0 simulcasts could hamper the deployment of 3.0 service to communities in which there is significant market demand for such service. We thus decline to substitute our own judgment for that of local television stations that best know their communities' needs. Accordingly, we remain unpersuaded that new rules are needed to mandate HD service on simulcasts.

51. In its Petition, ATVA asks the Commission to reconsider its decision not to require stations to provide prior notice to viewers and MVPDs before changing their signal formats on their

[31] The *Next Gen TV Report and Order* explained the Commission's intent to ''establish a period of certainty for manufacturers, MVPDs, and consumers that will prevent broadcasting standards from splintering and will speed the overall adoption of ATSC 3.0.''

[32] NCTA states that ''[b]ecause a high definition (HD) ATSC 1.0 signal consumes more bandwidth than a standard definition ATSC 1.0 signal, there is reason to fear that broadcasters launching an ATSC 3.0 signal will have strong incentives to degrade their over-the-air HD ATSC 1.0 signal so that more streams can be squeezed into another 6 MHz channel.''

[33] NCTA asserts that ''if a broadcaster has voluntarily chosen to transmit its 1.0 signal in HD, it should not be allowed to downgrade that signal to SD at least in the initial phases of launching a 3.0 signal'' because ''[s]uch downgrading would deprive viewers of the programming to which they have become accustomed and would force them and MVPDs to incur costs to recapture the HD quality that they have come to expect.''

[34] Although NCTA seeks the status quo for broadcasters currently broadcasting in HD, the status quo includes the right to change format at any time.

[35] As Pearl TV explains, ''[l]ocal stations will consider the types of technology their viewers have and their viewers' appetite for various options as they weigh the trade-offs of different deployment approaches.''

1.0 simulcasts.[36] The Commission fully considered this issue in the *Next Gen TV Report and Order* and decided not to require stations to provide such notice. Because ATVA repeats arguments that have already been considered, we dismiss ATVA's Petition on this issue. We also reject ATVA's argument that its request involves a new fact that justifies reconsideration. ATVA contends that the Commission's decision not to require prior notice in this regard ''constitutes a 'material fact' that was 'not known' to ATVA until the Order was released'' because the draft order the Commission circulated a few weeks before it adopted the final Order would have required broadcasters to provide such notice. We disagree. A draft order the Commission circulates before adopting a final order is not binding. We agree with NAB that ''ATVA's suggestion that any changes from the draft to the final order serve as a basis for reconsideration would be an unworkable standard that would greatly burden the Commission and its staff.'' Given that another commenter was able to make the argument in favor of a notice requirement for HD service, we see no reason ATVA could not have done so as well.

52. On alternative and independent grounds, we deny ATVA's Petition on this issue and affirm our findings on this issue in the *Next Gen TV Report and Order.* As discussed in the *Next Gen TV Report and Order,* broadcasters may have legitimate market incentives to deploy 3.0 service even though they will only be able to simulcast in SD. In these situations, viewers will continue to receive 1.0 service in SD, as is required by our rules, so we see no need for notice requirements like those mandated for stations that relocate their ATSC 1.0 signals. Instead, we will rely on broadcasters' market incentives to inform viewers how they can receive Next Gen TV service enhancements.[37] To the extent MVPDs are concerned, there is nothing to prevent them from providing notice to their subscribers that a station's channel is no longer being provided in HD as a result of the broadcasters' decision to deploy 3.0 service.

C. LPTV/Translator Exemption

53. We dismiss and, on alternative and independent grounds deny, ATVA's request that the Commission reconsider its decision in the *Next Gen TV Report and Order* to exempt LPTV and TV translator (LPTV/translator) stations from the local simulcasting requirement.

54. In its Petition, ATVA repeats its earlier opposition to permitting LPTV/translator stations to transition directly to ATSC 3.0 and contends that this decision constituted ''material error.'' (ATVA argues that ''allowing low power stations to flash-cut causes exactly the same harm as does allowing full power stations to flash cut—especially since a large and increasing number of stations maintain major-network affiliations.'') The Commission fully considered this issue in the *Next Gen TV Report and Order* and, based on the record, decided to exempt such stations from the local simulcasting requirement. Because ATVA repeats arguments that have already been considered, we dismiss ATVA's Petition on this issue. On alternative and independent grounds, we deny ATVA's Petition on this issue because we disagree that the Commission erred in this regard and affirm the decision in the *Next Gen TV Report and Order.* In addition, we reject ATVA's contention that the Commission should adopt a waiver approach for LPTV/translator stations instead of maintaining a blanket exemption. We continue to believe that a class-based exemption from the simulcast requirement for LPTV/translator stations is more appropriate in this situation than the waiver approach suggested by ATVA. As ATVA concedes, a waiver process for LPTV/translator stations would be an inefficient and burdensome means of providing widespread relief to LPTV/translator stations. Such a process would slow deployment of 3.0 service to the public, and, ultimately, is unnecessary because we can rely on market incentives to protect viewers against significant LPTV/translator service loss.

55. In any case, ATVA appears to be primarily concerned with precluding direct transitions by LPTV/translator stations that are affiliated with a Big-4 network (*i.e.,* ABC, CBS, FOX, NBC).[38] According to staff review of S&P data on February 19, 2020, only about 2.5 percent of LPTV stations are affiliated with a Big-4 network.[39] We agree with LPTV/translator commenters that requiring thousands of simulcast waiver requests because of a limited number of Big-4 affiliated LPTV/translator stations that might choose to transition directly to ATSC 3.0 would be inefficient and unnecessarily burdensome for both LPTV/translator stations as a whole and Commission staff who would need to process potentially thousands of such requests. Moreover, even if some of these Big-4 network affiliated stations have greater viewership and resources than unaffiliated LPTV/translator stations, it still would be the exception rather than the rule that an LPTV/translator station would both be able to find a suitable simulcast partner and to afford simulcasting.[40] We agree with LPTV/translator commenters that LPTV/translator stations affiliated with a Big-4 network will have strong market incentives to maintain 1.0 service because of their reliance on advertising revenues. Consequently, we agree with the LPTV/translator groups that ''[o]ut of necessity these few LPTV/translator stations [affiliated with top four networks] will simulcast voluntarily if and when they transition to ATSC 3.0,'' a consideration that lends further support to our prior conclusion that a class-based exemption for LPTV/translator stations is more appropriate than a waiver process.

56. Finally, we also agree with LPTV/translator commenters that LPTV/translator stations would better serve their role as initial 3.0 hosts for full power stations if they were immediately available through an exemption, rather than having to request a waiver prior to becoming available to serve as 3.0 hosts. Indeed, Alliance points out that the

[36] We note that this issue was raised by another commenter in this proceeding.

[37] We note that there is nothing in our rules that prohibits stations changing their signal format without notice. Indeed, ATVA concedes as much. ATVA contends that the ATSC 3.0 transition represents a special case in which broadcasters may have an incentive to degrade their signals. We are not persuaded and see no reliable record evidence to suggest that broadcasters are likely to change signal formats in the manner that ATVA suggests.

[38] ATVA acknowledges that a waiver process would ''increase costs and burdens on low power broadcasters at least to some extent'' and therefore states that it would ''not object to reasonable steps to relieve such burdens for LPTV/translator stations unaffiliated with a Big Four network, such as presumptions in favor of waivers in certain cases, shot-clocks, and paperwork simplification.'' We note that ATVA previously argued in its reply comments and an *ex parte* to the *Next Gen TV NPRM* that it took ''no position'' on whether the simulcast requirement should apply to an LPTV/translator or Class A TV station, if such station ''is not carried by any MVPD, is not required to be carried by any MVPD under the must-carry statute, and remains unaffiliated with any network.''

[39] According to staff review of S&P data on February 19, 2020, about 46 of the 1,892 LPTV stations are affiliated with a Big-4 network. We note that this data is consistent with the data provided by ATVA, which stated, based on its review of 2017 SNL Kagan data, that about 55 LPTV and Class A stations were affiliated with a Big-4 network in September 2017. (As we do not exempt Class A stations, we did not include the 14 of 387 Class A stations affiliated with a Big-4 network in our total.) We note that the *Next Gen TV Report and Order* incorrectly indicated that there were 258 LPTV stations in September 2017. In fact, there were 1,964 LPTV stations in September 2017.

[40] This is because LPTV/translator stations generally serve rural, remote, and isolated areas that are not served by other stations. Indeed, as PTV points out, such is the nature and purpose of TV translators.

costs and uncertainty of a waiver process would not only slow 3.0 deployment, but also potentially dissuade LPTV/translator stations from seeking such relief.

D. Retransmission Consent Issues

57. We dismiss and, on alternative and independent grounds deny, the requests by ATVA and NCTA to adopt new rules related to the voluntary carriage of 3.0 signals through retransmission consent. Specifically, ATVA repeats its request to require separate negotiations for first-time carriage of ATSC 3.0 signals, and NCTA repeats its request to prohibit broadcasters from using retransmission consent negotiations to obtain carriage of their ATSC 3.0 signals by withholding the ATSC 1.0 signal.

58. ATVA and NCTA merely repeat their earlier concerns that Next Gen TV broadcasters could use the retransmission consent process to compel carriage of 3.0 signals before consumer demand and market circumstances warrant. ATVA contends that it was a ''material error'' for the Commission not to require separate negotiations for first-time MVPD carriage of ATSC 3.0 signals. NCTA contends that it ''makes no sense'' for the Commission to have concluded that it is premature to address any issues that may arise with respect to the voluntary carriage of ATSC 3.0 signals, saying MVPDs are at risk now of having to ''prematurely invest in ATSC 3.0 technology.'' ATVA also disagrees with the Commission that it is premature to address such issues, citing some examples it previously provided in the proceeding where broadcasters have already began to seek bundling arrangements in contract negotiations.

59. The Commission fully considered this issue in the *Next Gen TV Report and Order* and declined to adopt new rules related to the voluntary carriage of 3.0 signals through retransmission consent. We agree with NAB that ''NCTA and ATVA offer nothing more in their petitions than a summary of their previous arguments.'' Because NCTA and ATVA repeat arguments that have already been considered, we dismiss their Petitions on this issue. On alternative and independent grounds, we deny the NCTA and ATVA Petitions on this issue because we disagree that the Commission erred in this regard and affirm the decision in the *Next Gen TV Report and Order.* We continue to believe that it is premature to address any issues that may arise with respect to the voluntary carriage of ATSC 3.0 signals before broadcasters begin widespread transmission in this new voluntary standard. Determining whether our retransmission consent rules have been violated in the context of a particular negotiation is inherently a fact-specific inquiry. There is no basis in this record for us to adopt rules of general applicability. To the extent a cable operator or satellite carrier believes that the Commission's retransmission consent rules have been violated, they may file a complaint.

E. Patent Issue

60. We dismiss and, on alternative and independent grounds deny, NCTA's request to reconsider the Commission's decision in the *Next Gen TV Report and Order* not to require that patents relevant to the ATSC 3.0 standard must be licensed on a reasonable and non-discriminatory (RAND) basis.[41] The Commission fully considered this issue in the *Next Gen TV Report and Order* and rejected requests for such a requirement. Because NCTA's arguments have already been considered, we dismiss their Petitions on this issue.

61. On alternative and independent grounds, we deny NCTA's Petitions on this issue and affirm the decision in the *Next Gen TV Report and Order.* We disagree with NCTA's contention that the Commission's decision not to require RAND licensing for standards-essential patents is inconsistent with the Commission's decision approving the current DTV standard, ATSC 1.0. Although we do not believe that different approaches in the two contexts would necessarily be a cause for reconsideration, especially because ATSC 3.0 is voluntary at this time, we agree with NAB and ONE Media that the decision is consistent with the Commission's decision in the DTV context. In the order adopting the ATSC 1.0 standard for digital television broadcasting, the Commission stated that it did not believe that licensing of the patents for the ATSC standard would impede the development of DTV products. The Commission also stated that the adoption of the standard was ''premised'' on ''reasonable and non-discriminatory'' licensing, but determined that Commission rules were not necessary. The Commission emphasized that if a problem with patent licensing arises and is brought to the Commission's attention, it would ''consider it and take appropriate action.'' Similarly, in the *Next Gen TV Report and Order,* the Commission observed that the ATSC requires a commitment to RAND licensing and stated that it would ''monitor how the marketplace handles patent royalties for essential patents.'' Thus, we find the two decisions are consistent.

[41] NCTA repeats its earlier request in this proceeding for the Commission to require RAND licensing.

V. Procedural Matters

A. Final Regulatory Flexibility Act Analysis

62. As required by the Regulatory Flexibility Act of 1980 (RFA), as amended, an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the Further Notice of Proposed Rulemaking in this proceeding. The Federal Communications Commission (Commission) sought written public comment on the proposals in the FNPRM, including comment on the IRFA. The Commission received no comments in response to the IRFA. This present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA. We note that this FRFA addresses only the matters considered in the Second Report and Order portion of the Second Report and Order and Order on Reconsideration. No FRFA is necessary for the Order on Reconsideration portion. The only rule revisions adopted in the Order on Reconsideration are made to accurately reflect the sunset dates adopted in the 2017 Order. Because these rule changes are editorial and non-substantive, we find good cause to conclude that notice and comment are unnecessary for their adoption. Because these revisions do not require notice and comment, the Regulatory Flexibility Act does not apply to these changes. We also note that a FRFA adopting these sunset dates was included with the 2017 Order.

1. Need for, and Objectives of, the Report and Order

63. In the first *Next Gen TV Report and Order,* the Commission authorized television broadcasters to use the Next Gen TV transmission standard, also called ''ATSC 3.0'' or ''3.0,'' on a voluntary, market-driven basis. ATSC 3.0 is the new TV transmission standard developed by the Advanced Television Systems Committee as the world's first internet Protocol (IP)-based broadcast transmission platform. The Commission determined in the *Next Gen TV Report and Order* that broadcasters that deploy ATSC 3.0 generally must continue to deliver current-generation digital television (DTV) service, using the ATSC 1.0 transmission standard, also called ''ATSC 1.0'' or ''1.0,'' to their viewers through local simulcasting. Specifically, the Commission required full power and Class A TV stations

deploying ATSC 3.0 service to simulcast the primary video programming stream of their ATSC 3.0 channel in an ATSC 1.0 format.

64. The Commission determined in the *Next Gen TV Report and Order* that the local simulcasting requirement is crucial to the deployment of Next Gen TV service in order to minimize viewer disruption. This is because the Next Gen TV standard is not backward-compatible with existing TV sets or receivers, which have only ATSC 1.0 and analog tuners. This means that consumers will not be able to view ATSC 3.0 transmissions on their existing televisions without additional equipment. Thus, it is critical that Next Gen TV broadcasters continue to provide service using the current ATSC 1.0 standard to deliver DTV service while the marketplace adopts devices compatible with the new 3.0 transmission standard in order to avoid either forcing viewers to acquire new equipment or depriving them of television service. Because a TV station cannot, as a technical matter, broadcast in both 1.0 and 3.0 format from the same facility, local simulcasting will be effectuated through voluntary partnerships that broadcasters that wish to provide Next Gen TV service must enter into with other broadcasters in their local markets. Next Gen TV broadcasters must partner with another television station (*i.e.,* a temporary ''host'' station) in their local market to either: (1) Air an ATSC 3.0 channel at the temporary host's facility, while using their original facility to continue to provide an ATSC 1.0 simulcast channel, or (2) air an ATSC 1.0 simulcast channel at the temporary host's facility, while converting their original facility to the ATSC 3.0 standard in order to provide a 3.0 channel.

65. The Commission in the *Next Gen TV Report and Order* established a process for considering applications to deploy ATSC 3.0 service, which included, among other requirements, establishing coverage requirements for a Next Gen TV station's ATSC 1.0 simulcast signal. The Commission's ATSC 1.0 simulcast coverage requirement sought to minimize disruption to viewers resulting from the voluntary deployment of ATSC 3.0 by recognizing that if a station moves its ATSC 1.0 signal to a partner simulcast host station with a different transmitter location, some existing over-the-air (OTA) viewers may no longer be able to receive the 1.0 signal. Among other obligations, the Commission required the Next Gen TV station to select a partner 1.0 simulcast host station that is assigned to its same DMA and from which it would continue to provide ATSC 1.0 simulcast service to its entire community of license.

66. While the Commission's rules require that all full power and Class A TV stations that convert their existing facility to ATSC 3.0 are required to provide an ATSC 1.0 simulcast signal that covers a station's entire community of license, the Commission recognized that in certain circumstances such an arrangement may not be viable and in order to facilitate the voluntary deployment of ATSC 3.0 service established a waiver standard for the ATSC 1.0 simulcast requirement. Specifically, the Commission stated that it would favor requests for waiver of the obligation to provide ATSC 1.0 simulcast service if the station can demonstrate both that (1) it has ''no viable local simulcasting partner'' in its market; and (2) it will ''make reasonable efforts to preserve 1.0 service to existing viewers in its community of license and/or otherwise minimize the impact on such viewers (for example, by providing free or low cost ATSC 3.0 converters to viewers).'' Specifically, the Commission stated it would consider waiver requests from full power and Class A TV stations to transition directly from ATSC 1.0 to ATSC 3.0 service on the station's existing facility without providing an ATSC 1.0 simulcast service at all. Alternatively, a station may request a waiver of the ATSC 1.0 simulcast requirement so it could air an ATSC 1.0 simulcast signal from a partner simulcast host that does not cover all or a portion of the station's community of license or can provide only a lower signal threshold over the station's community of license than that required by the rules.

67. In the *Next Gen TV Further Notice,* the Commission sought comment on three topics relating to local simulcasting rules. First, it sought further comment on issues related to waivers of, and exemptions from, the local simulcasting requirement. In particular, the Commission sought comment on whether further guidance should be provided about the circumstances in which it would grant such a waiver, including how to define whether a station has ''no viable local simulcasting partner'' and whether a station has taken ''reasonable efforts to preserve service and/or minimize impact on viewers.'' Second, the *Next Gen TV Further Notice* sought further comment on whether to let full power broadcasters use channels in the television broadcast band that are vacant to facilitate the transition to ATSC 3.0. Third, it tentatively concluded that local simulcasting should not change the ''significantly viewed status'' of a Next Gen TV station for purposes of determining MVPD carriage.

68. In the Second Report and Order, we address the three issues raised in the *Next Gen TV Further Notice.* First, we provide guidance on how Commission staff will evaluate petitions for waiver of our local simulcasting rules. Second, we decline at this time to permit broadcasters to use vacant in-band channels for purposes of voluntary ATSC 3.0 deployment. Third, we adopt our tentative conclusion that the significantly viewed status of a Next Gen TV station should not change if it moves its ATSC 1.0 simulcast channel to a host facility.

2. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

69. There were no comments filed that specifically addressed the rules and policies proposed in the IRFA.

3. Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

70. The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

4. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

71. The types of small entities that may be affected by the Second Report and Order fall within the following categories: (1) Wired Telecommunications Carriers; Cable Companies and Systems (Rate Regulation); (2) Cable System Operators (Telecom Act Standard); (3) Direct Broadcast Satellite Service; (4) Satellite Master Antenna Television (SMATV) Systems, also known as Private Cable Operators (PCOs); (5) Home Satellite Dish (HSD) Service, (6) Open Video Services; (7) Wireless Cable Systems—Broadband Radio Service and Educational Broadband Service; (8) Incumbent Local Exchange Carriers (ILECs) and Small Incumbent Local Exchange Carriers; Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing; (9) Audio and Video Equipment Manufacturing; (10) and Television Broadcasting.

5. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

72. The Second Report and Order imposes no new reporting, recordkeeping or other compliance

requirements beyond those already established in the first *Next Gen TV Report and Order.*

6. Steps Taken To Minimize Significant Economic Impact on Small Entities and Significant Alternatives Considered

73. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): ''(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.''

74. As an initial matter, the decision to deploy ATSC 3.0 service is a voluntary choice for each broadcaster. For this reason, broadcasters, including small entities, do not need to undertake any costs or burdens associated with providing ATSC 3.0 service unless they choose to do so.

75. *Local Simulcasting Waivers.* The first *Next Gen TV Report and Order* established a waiver standard for the local simulcast requirement. Specifically, the Commission stated that it would favor requests for waiver of the obligation to provide ATSC 1.0 simulcast service if the station can demonstrate both that (1) it has ''no viable local simulcasting partner'' in its market; and (2) it will ''make reasonable efforts to preserve 1.0 service to existing viewers in its community of license and/or otherwise minimize the impact on such viewers (for example, by providing free or low cost ATSC 3.0 converters to viewers).'' The Second Report and Order provides additional guidance on how Commission staff will evaluate requests for waiver of the local simulcasting rules. The waiver process provides broadcast television stations, including small entities, with an alternative means of deploying ATSC 3.0 service in a manner that would still achieve the purpose of the local simulcasting requirement. The Second Report and Order clarifies but does not adopt any new rules with respect to the waiver standard. By clarifying the circumstances in which a waiver request might be granted, the Commission is seeking to provide predictability to broadcasters, including small entities, which should reduce costs for broadcasters contemplating seeking waivers. In the Second Report and Order, the Commission considered whether to exempt noncommercial educational (NCE) TV stations and Class A TV stations from the local simulcasting requirement. The Commission decided against affording an exemption for these entities, preferring instead to rely on the waiver standard to afford these stations with any additional flexibility.

76. *Temporary Use of Vacant Channels.* In the Second Report and Order, the Commission declined to adopt new rules to allow full power broadcasters to use vacant channels in the television broadcast band as transition channels in order to facilitate the deployment to ATSC 3.0 service. Accordingly, the Second Report and Order does not create or change rules in this regard.

77. *Significantly Viewed Status of Next Gen TV Stations.* In the Second Report and Order, the Commission decided that the significantly viewed status of a Next Gen TV station should not change if it moves its ATSC 1.0 simulcast channel to a temporary host facility. Under this proposal, a commercial television station that relocates its 1.0 simulcast channel could not seek to gain significantly viewed status in new communities or counties and such station could not lose significantly viewed status in communities or counties for which it qualified prior to the move of its 1.0 simulcast channel. By maintaining the status quo in the significantly viewed context with respect to ATSC 1.0 simulcast signals, the Commission avoids complications and disruptions to MVPDs and broadcasters, including small entities. The Commission reasoned that any changes in significantly viewed status due to local simulcasting would be temporary, and this approach will avoid disruptions to cable and satellite television viewers who have come to rely on such signals. This approach will not impose new mandatory carriage burdens on MVPDs and avoids burdening MVPDs with numerous changes to their carriage obligations.

B. Final Paperwork Reduction Act Analysis

78. This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002 (SBPRA), Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

C. Congressional Review Act

79. The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs that this rule is ''non-major'' under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of the Order to Congress and the Government Accountability Office, pursuant to 5 U.S.C. 801(a)(1)(A).

D. Additional Information

80. For additional information, contact Evan Baranoff, *Evan.Baranoff@fcc.gov,* of the Media Bureau, Policy Division, (202) 418–7142. Direct press inquiries to Janice Wise at (202) 418–8165.

VI. Ordering Clauses

81. *It is ordered,* pursuant to the authority found in sections 1, 4, 7, 301, 303, 307, 308, 309, 316, 319, 325(b), 336, 338, 399b, 403, 534, and 535 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 157, 301, 303, 307, 308, 309, 316, 319, 325(b), 336, 338, 399b, 403, 534, and 535, this Second Report and Order and Order on Reconsideration *is hereby adopted,* effective thirty (30) days after the date of publication in the **Federal Register**.

82. *It is further ordered* that the Commission's Rules *are hereby amended* as set forth in Appendix B and *will become effective* 30 days after publication in the **Federal Register**.

83. *It is further ordered* that pursuant to sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 405, and § 1.429 of the Commission's rules, 47 CFR 1.429, NCTA's and ATVA's Petitions for Reconsideration are *dismissed* and, on alternative and independent grounds, *denied.*

84. *It is further ordered* that the Commission *shall send* a copy of this Second Report and Order and Order on Reconsideration in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Parts 73 and 74

Communications equipment, Television.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Final Rules

For the reasons stated in the preamble, the Federal Communications Commission amends 47 CFR parts 73 and 74 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, and 339.

§ 73.682 [Amended]

■ 2. Amend § 73.682(f)(2) by removing ''February 2, 2023'' and adding in its place ''March 6, 2023''.

■ 3. Amend § 73.3801 by adding paragraph (b)(3) to read as follows:

§ 73.3801 Full Power Television Simulcasting During the ATSC 3.0 (Next Gen TV) Transition.

* * * * *

(b) * * *

(3) The ''substantially similar'' requirement in paragraph (b)(1) of this section will sunset on July 17, 2023.

* * * * *

■ 4. Amend § 73.6029 by adding paragraph (b)(3) to read as follows:

§ 73.6029 Class A Television Simulcasting During the ATSC 3.0 (Next Gen TV) Transition

* * * * *

(b) * * *

(3) The ''substantially similar'' requirement in paragraph (b)(1) of this section will sunset on July 17, 2023.

* * * * *

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

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

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

■ 6. Amend § 74.782 by adding paragraph (b)(3) to read as follows:

§ 74.782 Low Power Television and TV Translator Simulcasting During the ATSC 3.0 (Next Gen TV) Transition

* * * * *

(b) * * *

(3) The ''substantially similar'' requirement in paragraph (b)(1) of this section will sunset on July 17, 2023.

* * * * *

[FR Doc. 2020–13837 Filed 7–16–20; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 200227–0066]

RTID 0648–XA291

Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting retention of non-Community Development Quota (CDQ) sablefish by vessels using trawl gear in the Aleutian Islands subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary because the 2020 non-CDQ sablefish initial total allowable catch (ITAC) in the Aleutian Islands subarea of the BSAI will be reached.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), July 14, 2020, through 2400 hours, A.l.t., December 31, 2020.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (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 2020 non-CDQ sablefish trawl ITAC in the Aleutian Islands subarea of the BSAI is 433 metric tons (mt) as established by the final 2020 and 2021 harvest specifications for groundfish in the BSAI (85 FR 13553, March 9, 2020). In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2020 non-CDQ sablefish trawl ITAC in the Aleutian Islands subarea of the BSAI will soon be reached. Therefore, NMFS is requiring that non-CDQ sablefish caught with vessels using trawl gear in the Aleutian Islands subarea of the BSAI be treated as prohibited species in accordance with § 679.21(a).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be 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 the prohibited retention of non-CDQ sablefish by vessels using trawl gear in the Aleutian Islands subarea of the BSAI.

NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of July 13, 2020.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 14, 2020.

Hélène M.N. Scalliet,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2020–15538 Filed 7–14–20; 5:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 85, No. 138
Friday, July 17, 2020

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF ENERGY

10 CFR Part 430

[EERE–2011–BT–NOA–0013]

Energy Conservation Program: Data Collection and Comparison With Forecasted Unit Sales of Five Lamp Types

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

ACTION: Notice of data availability.

SUMMARY: The U.S. Department of Energy (''DOE'') is informing the public of its collection of shipment data and creation of spreadsheet models to provide comparisons between 2019 unit sales and benchmark estimate unit sales of five lamp types (*i.e.,* rough service lamps, vibration service lamps, 3-way incandescent lamps, 2,601–3,300 lumen general service incandescent lamps, and shatter-resistant lamps). For 3-way incandescent lamps, 2,601–3,300 lumen general service incandescent lamps, and shatter-resistant lamps, the 2019 sales are not greater than 200 percent of the forecasted estimates. The 2019 unit sales for vibration service lamps are greater than the benchmark unit sales estimate but less than 200 percent of the benchmark unit sales estimate. The 2019 unit sales for rough service lamps are below the benchmark unit sales estimate. DOE has prepared, and is making available on its website, a spreadsheet showing the comparisons of projected sales versus 2019 sales, as well as the model used to generate the original sales estimates. The spreadsheet is available online at: *https://www1.eere.energy.gov/buildings/appliance_standards/standards.aspx?productid=16.*

DATES: The data is available July 17, 2020.

FOR FURTHER INFORMATION CONTACT:
Ms. Lucy deButts, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies, EE–2J, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1604. Email: *five_lamp_types@ee.doe.gov.*

Mr. Pete Cochran, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–9496. Email: *peter.cochran@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background

The Energy Independence and Security Act of 2007 (''EISA 2007''; Pub. L. 110–140) was enacted on December 19, 2007. Among the requirements of subtitle B (''Lighting Energy Efficiency'') of title III of EISA 2007 were provisions directing DOE to collect, analyze, and monitor unit sales of five lamp types (*i.e.,* rough service lamps, vibration service lamps, 3-way incandescent lamps, 2,601–3,300 lumen general service incandescent lamps, and shatter-resistant lamps). In relevant part, section 321(a)(3)(B) of EISA 2007 amended section 325(l) of the Energy Policy and Conservation Act of 1975 (''EPCA'') by adding paragraph (4)(B), which generally directs DOE, in consultation with the National Electrical Manufacturers Association (''NEMA''), to: (1) Collect unit sales data for each of the five lamp types for calendar years 1990 through 2006 in order to determine the historical growth rate for each lamp type; and (2) construct a model for each of the five lamp types based on coincident economic indicators that closely match the historical annual growth rates of each lamp type to provide a neutral comparison benchmark estimate of future unit sales. (42 U.S.C. 6295(l)(4)(B)) Section 321(a)(3)(B) of EISA 2007 also amends section 325(l) of EPCA by adding paragraph (4)(C), which, in relevant part, directs DOE to collect unit sales data for calendar years 2010 through 2025, in consultation with NEMA, for each of the five lamp types. DOE must then compare the actual lamp sales in that year with the benchmark estimate. (42 U.S.C. 6295(l)(4)(C)) If DOE finds that the unit sales for a given lamp type in any year between 2010 and 2025 exceed the benchmark estimate of unit sales by at least 100 percent (*i.e.,* are greater than 200 percent of the anticipated sales), DOE must issue a finding within 90 days of the end of the analyzed calendar year that the estimate has been exceeded. (42 U.S.C. 6295(l)(4)(D)(i)(I), (E)(i)(I), (F)(i)(I), and (H)(i)(I)) [1]

On December 18, 2008, DOE issued a notice of data availability (''NODA'') for the *Report on Data Collection and Estimated Future Unit Sales of Five Lamp Types* (hereafter the ''2008 analysis''), which was published in the **Federal Register** on December 24, 2008. 73 FR 79072. The 2008 analysis presented the 1990 through 2006 shipment data collected in consultation with NEMA, the spreadsheet model DOE constructed for each lamp type, and the benchmark unit sales estimates for 2010 through 2025. On April 4, 2011, DOE published a NODA in the **Federal Register** announcing the availability of updated spreadsheet models presenting the benchmark estimates from the 2008 analysis and the collected sales data from 2010 for the first annual comparison. 76 FR 18425. Similarly, DOE published seven NODAs in the **Federal Register** in the following eight years announcing the updated spreadsheet models and sales data for the annual comparisons. 77 FR 16183 (March 20, 2012); 78 FR 15891 (March 13, 2013); 79 FR 15058 (March 18, 2014); 80 FR 13791 (March 17, 2015); 81 FR 20261 (April 7, 2016); 83 FR 36479 (July 30, 2018; contained 2016 and 2017 data); 84 FR 17362 (April 25, 2019). This NODA presents the tenth comparison; specifically, section IV of this report compares the actual unit

[1] For 2,601–3,300 lumen general service incandescent lamps, EPCA does not specify a requirement to publish such findings, but as discussed further in this notice, EPCA does establish requirements upon the benchmark estimate being exceeded.

sales against benchmark unit sales estimates for 2019.[2]

EISA 2007 also amended section 325(l) of EPCA by adding paragraphs (4)(D) through (4)(H), which state that if DOE finds that the unit sales for a given lamp type in any year between 2010 and 2025 exceed the benchmark estimate of unit sales by at least 100 percent (*i.e.,* are greater than 200 percent of the anticipated sales), then DOE must take regulatory action for such lamps. (42 U.S.C. 6295(l)(4)(D) through (H)) For 2,601–3,300 lumen general service incandescent lamps, DOE must impose a statutorily prescribed maximum-wattage level and packaging requirement. (42 U.S.C. 6295(l)(4)(G)) For the other four types of lamps, the statute requires DOE to initiate an accelerated rulemaking to establish energy conservation standards. If the Secretary does not complete the accelerated rulemakings within one year from the end of the previous calendar year, EPCA specifies maximum wattage and related requirements (*i.e.,* a ''backstop requirement'') for each lamp type. (42 U.S.C. 6295(l)(4)(D)(ii), (E)(ii), (F)(ii), and (H)(ii))

As in the 2008 analysis and previous comparisons, DOE uses manufacturer shipments as a surrogate for unit sales in this NODA because manufacturer shipment data are tracked and aggregated by the trade organization, NEMA. DOE believes that annual shipments track closely with actual unit sales of these five lamp types, as DOE presumes that retailer inventories remain constant from year to year. DOE believes this is a reasonable assumption because the markets for these five lamp types have existed for many years, thereby enabling manufacturers and retailers to establish appropriate inventory levels that reflect market demand. In addition, increasing unit sales must eventually result in increasing manufacturer shipments. This is the same methodology presented in DOE's 2008 analysis and subsequent annual comparisons, and DOE did not receive any comments challenging this assumption or the general approach.

II. Definitions

A. Rough Service Lamps

Section 321(a)(1)(B) of EISA 2007 amended section 321(30) of EPCA by adding the definition of a ''rough service lamp.'' A ''rough service lamp'' means a lamp that—(i) has a minimum of 5 supports with filament configurations that are C–7A, C–11, C–17, and C–22 as listed in Figure 6–12 of the 9th edition of the IESNA [Illuminating Engineering Society of North America] Lighting handbook, or similar configurations where lead wires are not counted as supports; and (ii) is designated and marketed specifically for ''rough service'' applications, with—(I) the designation appearing on the lamp packaging; and (II) marketing materials that identify the lamp as being for rough service. (42 U.S.C. 6291(30)(X))

As noted above, rough service incandescent lamps must have a minimum of five filament support wires (not counting the two connecting leads at the beginning and end of the filament), and must be designated and marketed for ''rough service'' applications. This type of incandescent lamp can be used in applications where the lamp would be subject to mechanical shock or vibration while it is operating. Other incandescent lamps have only two support wires (which also serve as conductors), one at each end of the filament coil. When operating (*i.e.,* when the tungsten filament is glowing so hot that it emits light), rough service applications could cause an incandescent lamp's filament to break prematurely. To address this problem, lamp manufacturers developed lamp designs that incorporate additional support wires along the length of the filament to ensure that it has support not just at each end, but at several other points as well. The additional support protects the filament during operation and enables longer operating life for incandescent lamps in rough service applications.

B. Vibration Service Lamps

Section 321(a)(1)(B) of EISA 2007 amended section 321(30) of EPCA by adding the definition of a ''vibration service lamp.'' A ''vibration service lamp'' means a lamp that—(i) has filament configurations that are C–5, C–7A, or C–9, as listed in Figure 6–12 of the 9th Edition of the IESNA Lighting Handbook or similar configurations; (ii) has a maximum wattage of 60 watts; (iii) is sold at retail in packages of 2 lamps or less; and (iv) is designated and marketed specifically for vibration service or vibration-resistant applications, with—(I) the designation appearing on the lamp packaging; and (II) marketing materials that identify the lamp as being vibration service only. (42 U.S.C. 6291(30)(AA))

The statute mentions three examples of filament configurations for vibration service lamps in Figure 6–12 of the *IESNA Lighting Handbook,* one of which, C–7A, is also listed in the statutory definition of ''rough service lamp.'' The definition of ''vibration service lamp'' requires that such lamps have a maximum wattage of 60 watts and be sold at a retail level in packages of two lamps or fewer. Vibration service lamps must be designated and marketed for vibration service or vibration-resistant applications. As the name suggests, this type of incandescent lamp can be used in applications where the incandescent lamp would be subject to a continuous low level of vibration, such as in a ceiling fan light kit. In such applications, incandescent lamps without additional filament support wires may not achieve the full rated life, because the filament wire is brittle and would be subject to breakage at typical operating temperature. To address this problem, lamp manufacturers typically use a more malleable tungsten filament to avoid damage and short circuits between coils.

C. Three-Way Incandescent Lamps

Section 321(a)(1)(B) of EISA 2007 amended section 321(30) of EPCA by adding the definition of a ''3-way incandescent lamp.'' A ''3-way incandescent lamp'' includes an incandescent lamp that—(i) employs 2 filaments, operated separately and in combination, to provide 3 light levels; and (ii) is designated on the lamp packaging and marketing materials as being a 3-way incandescent lamp. (42 U.S.C. 6291(30)(Y))

Three-way lamps are commonly found in wattage combinations such as 50, 100, and 150 watts or 30, 70, and 100 watts. These lamps use two filaments (*e.g.,* a 30-watt and a 70-watt filament) and can be operated separately or together to produce three different lumen outputs (*e.g.,* 305 lumens with one filament, 995 lumens with the other, or 1,300 lumens using the filaments together). When used in three-way sockets, these lamps allow users to control the light level. Three-way incandescent lamps are typically used in residential multi-purpose areas, where consumers may adjust the light level to be appropriate for the task they are performing.

D. 2,601–3,300 Lumen General Service Incandescent Lamps

The statute does not provide a definition of ''2,601–3,300 Lumen General Service Incandescent Lamps;'' however, DOE is interpreting this term to be a general service incandescent

[2] The notices and related documents for the 2008 analysis and successive annual comparisons, including this NODA, are available through the DOE website at: *https://www1.eere.energy.gov/buildings/appliance_standards/standards.aspx?productid=16.*

lamp [3] that emits light between 2,601 and 3,300 lumens. These lamps are used in general service applications when high light output is needed.

E. Shatter-Resistant Lamps

Section 321(a)(1)(B) of EISA 2007 amended section 321(30) of EPCA by adding the definition of a ''shatter-resistant lamp, shatter-proof lamp, or shatter-protected lamp.'' ''Shatter-resistant lamp, shatter-proof lamp, and shatter-protected lamp'' mean a lamp that—(i) has a coating or equivalent technology that is compliant with NSF/ANSI 51 [National Sanitation Foundation/American National Standards Institute] and is designed to contain the glass if the glass envelope of the lamp is broken; and (ii) is designated and marketed for the intended application, with—(I) the designation on the lamp packaging; and (II) marketing materials that identify the lamp as being shatter-resistant, shatter-proof, or shatter-protected. (42 U.S.C. 6291(30)(Z)) Although the definition provides three names commonly used to refer to these lamps, DOE simply refers to them collectively as ''shatter-resistant lamps.''

Shatter-resistant lamps incorporate a special coating designed to prevent glass shards from being dispersed if a lamp's glass envelope breaks. Shatter-resistant lamps incorporate a coating compliant with industry standard NSF/ANSI 51,[4] ''Food Equipment Materials,'' and are labeled and marketed as shatter-resistant, shatter-proof, or shatter-protected. Some types of the coatings can also protect the lamp from breakage in applications subject to heat and thermal shock that may occur from water, sleet, snow, soldering, or welding.

III. Comparison Methodology

In the 2008 analysis, DOE reviewed each of the five sets of shipment data that was collected in consultation with NEMA and applied two curve fits to generate unit sales estimates for the five lamp types after calendar year 2006. One curve fit applied a linear regression to the historical data and extended that line into the future. The other curve fit applied an exponential growth function to the shipment data and projected unit sales into the future. For this calculation, linear regression treats the year as a dependent variable and shipments as the independent variable. The linear regression curve fit is modeled by minimizing the differences among the data points and the best curve-fit linear line using the least squares function.[5] The exponential curve fit is also a regression function and uses the same least squares function to find the best fit. For some data sets, an exponential curve provides a better characterization of the historical data, and, therefore, a better projection of the future data.

For 3-way incandescent lamps, 2,601–3,300 lumen general service incandescent lamps, and shatter-resistant lamps, DOE found that the linear regression and exponential growth curve fits produced nearly the same estimates of unit sales (*i.e.,* the difference between the two forecasted values was less than 1 or 2 percent). However, for rough service and vibration service lamps, the linear regression curve fit projected lamp unit sales would decline to zero for both lamp types by 2018. In contrast, the exponential growth curve fit projected a more gradual decline in unit sales, such that lamps would still be sold beyond 2018, and it was, therefore, considered the more realistic forecast. While DOE was satisfied that either the linear regression or exponential growth spreadsheet model generated a reasonable benchmark unit sales estimate for 3-way incandescent lamps, 2,601–3,300 lumen general service incandescent lamps, and shatter-resistant lamps, DOE selected the exponential growth curve fit for these lamp types for consistency with the selection made for rough service and vibration service lamps.[6] DOE examines the benchmark unit sales estimates and actual sales for each of the five lamp types in the following section and also makes the comparisons available in a spreadsheet online: *https://www1.eere.energy.gov/buildings/appliance_standards/standards.aspx?productid=16.*

IV. Comparison Results

A. Rough Service Lamps

On October 18, 2016, DOE published a notice announcing that the actual unit sales for rough service lamps were 219.7 percent of the benchmark estimate for the 2015 calendar year. 81 FR 71794, 71800.[7] Since unit sales for rough service lamps exceeded 200 percent of the benchmark estimate in 2015, and DOE did not complete an energy conservation standards rulemaking for these lamps by the end of calendar year 2016, the backstop requirement was triggered. DOE published a final rule on December 26, 2017 to adopt the statutory backstop requirements for rough service lamps which require that rough service lamps: (I) Have a shatter-proof coating or equivalent technology that is compliant with NSF/ANSI 51 and is designed to contain the glass if the glass envelope of the lamp is broken and to provide effective containment over the life of the lamp; (II) have a maximum 40-watt limitation; and (III) be sold at retail only in a package containing 1 lamp. 42 U.S.C. 6295(l)(4)(D)(ii)

DOE stated in the December 2017 final rule that it will continue to collect and model data for rough service lamps for two years after the effective date of January 25, 2018, in accordance with 42 U.S.C. 6295(l)(4)(I)(ii). 82 FR 60845, 60846 (December 26, 2017). For the 2019 calendar year, the exponential growth forecast projected the benchmark unit sales estimate for rough service lamps to be 4,057,000 units. The NEMA-provided shipment data reported shipments of 2,265,000 units in 2019, which is 55.8 percent of the benchmark estimate. DOE has satisfied its 2-year obligation and will no longer collect and model data for rough service lamps.

B. Vibration Service Lamps

On April 7, 2016, DOE published a notice announcing that the actual unit sales for vibration service lamps were 272.5 percent of the benchmark estimate for the 2015 calendar year. 81 FR 20261. Similar to rough service lamps, since unit sales for vibration service lamps exceeded 200 percent of the benchmark estimate in 2015, and DOE did not complete an energy conservation standards rulemaking for these lamps by the end of calendar year 2016, the backstop requirement was triggered. DOE published a final rule on December

[3] ''The term 'general service incandescent lamp' means a standard incandescent or halogen type lamp that—(I) is intended for general service applications; (II) has a medium screw base; (III) has a lumen range of not less than 310 lumens and not more than 2,600 lumens or, in the case of a modified spectrum lamp, not less than 232 lumens and not more than 1,950 lumens; and (IV) is capable of being operated at a voltage range at least partially within 110 and 130 volts.'' (42 U.S.C. 6291(30)(D)(i)).

[4] NSF/ANSI 51 applies specifically to materials and coatings used in the manufacturing of equipment and objects destined for contact with foodstuffs.

[5] The least squares function is an analytical tool that DOE uses to minimize the sum of the squared residual differences between the actual historical data points and the modeled value (*i.e.,* the linear curve fit). In minimizing this value, the resulting curve fit will represent the best fit possible to the data provided.

[6] This selection is consistent with the previous annual comparisons. See DOE's 2008 forecast spreadsheet models of the lamp types for greater detail on the estimates.

[7] The October 2016 finding for rough service lamps was the result of a correction by NEMA to the data it initially submitted and relied upon by DOE for the April 7, 2016 notice. See, *https://www.regulations.gov/document?D=EERE-2013-BT-STD-0051-0075.*

26, 2017 to adopt the statutory backstop requirements for vibration service lamps which require that vibration service lamps: (I) Have a maximum 40-watt limitation; and (II) be sold at retail only in a package containing 1 lamp. 42 U.S.C. 6295(l)(4)(E)(ii)

DOE stated in the December 2017 final rule that it will continue to collect and model data for vibration service lamps for two years after the effective date of January 25, 2018, in accordance with 42 U.S.C. 6295(l)(4)(I)(ii). 82 FR 60845, 60846 (December 26, 2017). For the 2019 calendar year, the exponential growth forecast projected the benchmark unit sales estimate for vibration service lamps to be 2,119,000 units. The NEMA-provided shipment data reported shipments of 2,208,000 units in 2019, which is 104.2 percent of the benchmark estimate. DOE has satisfied its 2-year obligation and will no longer collect and model data for vibration service lamps.

C. Three-Way Incandescent Lamps

For 3-way incandescent lamps, the exponential growth forecast projected the benchmark unit sales estimate for 2019 to be 46,637,000 units. The NEMA-provided shipment data reported shipments of 16,532,000 units in 2019. As the NEMA-provided shipment data reported is only 35.4 percent the benchmark estimate, DOE will continue to track 3-way incandescent lamp sales data and will not initiate an accelerated standards rulemaking for this lamp type at this time.

D. 2,601–3,300 Lumen General Service Incandescent Lamps

For 2,601–3,300 lumen general service incandescent lamps, the exponential growth forecast projected the benchmark unit sales estimate for 2019 to be 34,439,000 units. The NEMA-provided shipment data reported shipments of 2,194,000 units in 2019. As the NEMA-provided shipment data reported is only 6.4 percent of the benchmark estimate, DOE will continue to track 2,601–3,300 lumen general service incandescent lamp sales data and will not impose statutory requirements for this lamp type at this time.

E. Shatter-Resistant Lamps

For shatter-resistant lamps, the exponential growth forecast projected the benchmark unit sales estimate for 2019 to be 1,692,000 units. The NEMA-provided shipment data reported shipments of 489,000 units in 2019. As the NEMA-provided shipment data reported is only 28.9 percent of the benchmark estimate, DOE will continue to track shatter-resistant lamp sales data and will not initiate an accelerated standards rulemaking for this lamp type at this time.

V. Conclusion

This NODA compares the 2019 shipments against benchmark unit sales estimates for rough service lamps, vibration service lamps, 3-way incandescent lamps, 2,601–3,300 lumen general service incandescent lamps, and shatter-resistant lamps. For 3-way incandescent lamps, 2,601–3,300 lumen general service incandescent lamps, and shatter-resistant lamps, the 2019 sales are not greater than 200 percent of the forecasted estimates. The 2019 unit sales for vibration service lamps are greater than the benchmark unit sales estimate but less than 200 percent of the benchmark unit sales estimate. The 2019 unit sales for rough service lamps are below the benchmark unit sales estimate. DOE will continue to monitor 3-way incandescent lamps, 2,601–3,300 lumen general service incandescent lamps, and shatter-resistant lamps and will assess 2020 unit sales next year.

Signing Authority

This document of the Department of Energy was signed on July 1, 2020, by Alexander N. Fitzsimmons, Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register.**

Signed in Washington, DC, on July 2, 2020.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2020–14647 Filed 7–16–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0584; Product Identifier 2020–NM–069–AD]

RIN 2120–AA64

Airworthiness Directives; Embraer S.A. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Embraer S.A. Model EMB–550 and EMB–545 airplanes. This proposed AD was prompted by reports of cracks, delamination, and failure of the flight deck side windows during certification fatigue tests. This proposed AD would require repetitive inspections of the flight deck side windows for any cracking or delamination, corrective action if necessary, and eventual replacement of the windows, as specified in an Agência Nacional de Aviação Civil (ANAC) AD, which will be incorporated by reference. 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 August 31, 2020.

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 *https://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 material incorporated by reference (IBR) in this AD, contact National Civil Aviation Agency, Aeronautical Products Certification Branch (GGCP), Rua Laurent Martins, n°209, Jardim Esplanada, CEP 12242–431—São José dos Campos—SP, Brazil; telephone 55 (12) 3203–6600; email *pac@anac.gov.br;* internet *www.anac.gov.br/en/.* You may find this IBR material on the ANAC website at *https://sistemas.anac.gov.br/certificacao/DA/DAE.asp.* For service information identified in this final rule,

contact Embraer S.A., Technical Publications Section (PC 560), Rodovia Presidente Dutra, km 134, 12247–004 Distrito Eugênio de Melo—São José dos Campos—SP—Brazil; telephone +55 12 3927–0386; email *distrib@embraer.com.br;* internet *https://www.mytechcare.embraer.com*. You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St. Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0584.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0584; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, 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: Kathleen Arrigotti, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218; *Kathleen.Arrigotti@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–2020–0584; Product Identifier 2020–NM–069–AD'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this NPRM based on those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments the FAA receives, without change, to *https://www.regulations.gov,* including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact the FAA receives about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to the person identified in the **FOR FURTHER INFORMATION CONTACT** section. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

The ANAC, which is the aviation authority for Brazil, has issued Brazilian AD 2020–04–01R01, effective May 22, 2020 (''Brazilian AD 2020–04–01R01'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Embraer S.A. Model EMB–550 and EMB–545 airplanes.

This proposed AD was prompted by reports of cracks, delamination, and failure of the flight deck side windows during certification fatigue tests. The FAA is proposing this AD to address such cracks and delamination, which could cause the flight deck side windows to fail and lead to an in-flight depressurization event. See the MCAI for additional background information.

Related IBR Material Under 1 CFR Part 51

Brazilian AD 2020–04–01R01 describes procedures for repetitive detailed inspections of the flight deck side windows for any cracking or delamination, and replacement of the windows. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI referenced above. The FAA is proposing this AD because the FAA 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 accomplishing the actions specified in Brazilian AD 2020–04–01R01 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, Brazilian AD 2020–04–01R01 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with Brazilian AD 2020–04–01R01 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Service information specified in Brazilian AD 2020–04–01R01 that is required for compliance with Brazilian AD 2020–04–01R01 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0584 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD affects 49 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
10 work-hour × $85 per hour = $850	$0	$850	$41,650

The FAA estimates the following costs to do any necessary on-condition action that would be required based on the results of any required actions. The FAA has no way of determining the number of aircraft that might need this on-condition action:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
9 work-hours × $85 per hour = $765	$9,280 per window	$10,045

According to the manufacturer, some or all of the costs of this proposed 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.

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):

Embraer S.A.: Docket No. FAA–2020–0584; Product Identifier 2020–NM–069–AD.

(a) Comments Due Date

The FAA must receive comments by August 31, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Embraer S.A. Model EMB–550 and EMB–545 airplanes, certificated in any category, as identified in Agência Nacional de Aviação Civil (ANAC) AD 2020–04–01R01, effective May 22, 2020 (''Brazilian AD 2020–04–01R01'').

(d) Subject

Air Transport Association (ATA) of America Code 56, Windows.

(e) Reason

This AD was prompted by reports of cracks, delamination, and failure of the flight deck side windows during certification fatigue tests. The FAA is issuing this AD to address such cracks and delamination, which could cause the flight deck side windows to fail and lead to an in-flight depressurization event.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Brazilian AD 2020–04–01R01.

(h) Exceptions and Clarifications to Brazilian AD 2020–04–01R01

(1) Where Brazilian AD 2020–04–01R01 refers to its effective date, or ''17 April, 2020, the effective date of the original issue of this AD,'' this AD requires using the effective date of this AD.

(2) Where Brazilian AD 2020–04–01R01 refers to the compliance time of the repetitive inspections, ''at each 750 Flight Hours (FH),'' this AD requires a compliance time of, ''at intervals not to exceed 750 flight hours.''

(3) Where Brazilian AD 2020–04–01R01 refers to, ''in case of no crack, delamination or any other damage which do not allow to properly perform the required inspection by this AD, no action is required at this time,'' this AD requires that in the case of no crack or delamination that no further action is required until the next inspection interval.

(4) Where Brazilian AD 2020–04–01R01 refers to the compliance time for the replacement of the flight deck side windows as, ''before the airplane logs 3,400 Flight Cycles Since New (FCSN),'' this AD requires a compliance time of ''before the airplane logs 3,400 FCSN, or within 50 flight cycles, whichever occurs later.''

(5) Replacement of the flight deck side windows as specified in paragraph (c)(1) of Brazilian AD 2020–04–01R01 terminates the repetitive inspections for the flight deck side windows specified in paragraph (b)(2) of Brazilian AD 2020–04–01R01.

(6) The ''Alternative method of compliance (AMOC)'' section of Brazilian AD 2020–04–01R01 does not apply to this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, International Validation 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 Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (j)(2) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov*. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or ANAC; or ANAC's authorized Designee. If approved by the ANAC Designee, the approval must include the Designee's authorized signature.

(j) Related Information

(1) For information about Brazilian AD 2020–04–01R01, contact National Civil Aviation Agency, Aeronautical Products Certification Branch (GGCP), Rua Laurent Martins, no 209, Jardim Esplanada, CEP 12242–431—São José dos Campos—SP, Brazil; telephone 55 (12) 3203–6600; email *pac@anac.gov.br;* internet *www.anac.gov.br/en/*. You may find this Brazilian AD on the ANAC website at *https://sistemas.anac.gov.br/certificacao/DA/DAE.asp*. You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0584.

(2) For more information about this AD, contact Kathleen Arrigotti, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218; *Kathleen.Arrigotti@faa.gov*.

Issued on July 9, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–15333 Filed 7–16–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0581; Product Identifier 2020–NM–057–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2015–22–08, which applies to all Airbus SAS Model A318 series airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –231, –232, and –233 airplanes. The FAA also proposes to supersede AD 2018–17–19, which applies to certain Airbus SAS Model A318 series airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –216, –231, –232, –233, –251N, and –271N airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –253N, and –271N airplanes. The FAA also proposes to supersede AD 2019–19–15, which applies to certain Airbus SAS Model A318 series airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –216, –231, –232, –233, –251N, and –271N airplanes; and Model A321 series airplanes. AD 2019–19–15 requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. Since the FAA issued AD 2019–19–15, the FAA has determined that new or more restrictive airworthiness limitations are necessary. This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in a European Union Aviation Safety Agency (EASA) AD, which will be incorporated by reference. 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 August 31, 2020.

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 *https://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 EASA material that will be incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 1000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.*

For the Airbus material identified in this proposed AD that will continue to be incorporated by reference, contact Airbus SAS, Airworthiness Office—EIAS, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* internet *https://www.airbus.com.*

You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0581.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0581; 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, 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: Sanjay Ralhan, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223; email *sanjay.ralhan@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–2020–0581; Product Identifier 2020–NM–057–AD'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this NPRM based on those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments that are received, without change, to *https://www.regulations.gov,* including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact the FAA receives about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to the attention of the person identified in the **FOR FURTHER INFORMATION CONTACT** section. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

The FAA issued AD 2019–19–15, Amendment 39–19751 (84 FR 54480, October 10, 2019) (''AD 2019–19–15''), for certain Airbus SAS Model A318 series airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –216, –231, –232, –233, –251N, and –271N airplanes; and Model A321 series airplanes. AD 2019–19–15 requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA issued AD 2019–19–15 to address the failure of certain life-limited parts, which could result in reduced structural integrity of the airplane. AD 2019–19–15 specifies that accomplishing the revision required by that AD terminates all requirements of AD 2018–17–19, Amendment 39–19373 (83 FR 44460, August 31, 2018) (''AD 2018–17–19''). AD 2018–17–19 specifies that accomplishing the revisions required by that AD terminates all requirements of AD 2015–22–08, Amendment 39–18313 (80 FR 68434, November 5, 2015) (''AD 2015–22–08'') and AD 2015–05–02, Amendment 39–18112 (80 FR 15152, March 23, 2015) (''AD 2015–05–02''). AD 2015–05–02 was already superseded by AD 2017–22–03, Amendment 39–19083 (82 FR 49091, October 24, 2017) (''AD 2017–22–03'').

AD 2018–17–19 corresponds to EASA AD 2017–0215, dated October 24, 2017 (''EASA AD 2017–0215''), and requires revising the maintenance or inspection program to incorporate Airbus A318/A319/A320/A321 Airworthiness Limitations Section (ALS) Part 1 Safe Life Airworthiness Limitations (SL–ALI), Revision 05, Issue 02, dated April 19, 2017 (''ALS Part 1, Revision 05''). EASA AD 2017–0215 superseded EASA AD 2014–0141, dated June 4, 2014 (''EASA AD 2014–0141''), which corresponds with FAA AD 2015–22–08. EASA AD 2017–0215 stated it supersedes EASA AD 2014–0141 and requires accomplishment of the actions specified in A318/A319/A320/A321 ALS Part 1 Revision 05 (which includes the life limits required by EASA AD 2014–0141).

Although the applicability of EASA AD 2017–0215 was all airplanes, the corresponding FAA AD 2018–17–19 only applied to airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before April 19, 2017 (the date of approval of ALS Part 1, Revision 05). Airplanes with an original airworthiness certificate or original export certificate of airworthiness issued after April 19, 2017, must comply with the airworthiness limitations specified as part of the approved type design and referenced on the type certificate data sheet.

This proposed AD would supersede AD 2019–19–15, AD 2018–17–19, and AD 2015–22–08.

Actions Since AD 2019–19–15 Was Issued

Since the FAA issued AD 2019–19–15, the FAA has determined that new or more restrictive airworthiness limitations are necessary.

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0080, dated April 1, 2020 (''EASA AD 2020–0080'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Model A318–111, –112, –121, and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, and –153N airplanes; Model A320–211, –212, –214, –215, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –252N, –253N, –271N, –272N, –251NX, –252NX, –253NX, –271NX, and –272NX airplanes. Model A320–215 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this AD therefore does not include those airplanes in the applicability.

Airplanes with an original airworthiness certificate or original export certificate of airworthiness issued after November 13, 2019, must comply with the airworthiness limitations specified as part of the approved type design and referenced on the type certificate data sheet; this AD therefore does not include those airplanes in the applicability.

This proposed AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is proposing this AD to address the failure of certain life-limited parts, which could result in reduced structural integrity of the airplane. See the MCAI for additional background information.

Related IBR Material Under 1 CFR Part 51

EASA AD 2020–0080 describes new or more restrictive airworthiness limitations for airplane structures and safe life limits.

This AD would also require Airbus A318/A319/A320/A321 Airworthiness

Limitations Section (ALS) Part 1 Safe Life Airworthiness Limitations (SL–ALI), Revision 06, Issue 02, dated November 30, 2018, which the Director of the Federal Register approved for incorporation by reference as of November 14, 2019 (84 FR 54480, October 10, 2019).

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

FAA's Determination and Requirements of This Proposed AD

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

Proposed AD Requirements

This proposed AD would retain the requirements of AD 2019–19–15. This proposed AD would also require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, which are specified in EASA AD 2020–0080 described previously, as incorporated by reference. Any differences with EASA AD 2020–0080 are identified as exceptions in the regulatory text of this AD.

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

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2020–0080 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2020–0080 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in the EASA AD.

Service information specified in EASA AD 2020–0080 that is required for compliance with EASA AD 2020–0080 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0581 after the FAA final rule is published.

Airworthiness Limitation ADs Using the New Process

The FAA's process of incorporating by reference MCAI ADs as the primary source of information for compliance with corresponding FAA ADs has been limited to certain MCAI ADs (primarily those with service bulletins as the primary source of information for accomplishing the actions required by the FAA AD). However, the FAA is now expanding the process to include MCAI ADs that require a change to airworthiness limitation documents, such as airworthiness limitation sections.

For these ADs that incorporate by reference an MCAI AD that changes airworthiness limitations, the FAA requirements are unchanged. Operators must revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in the new airworthiness limitation document. The airworthiness limitations must be followed according to 14 CFR 91.403(c).

Costs of Compliance

The FAA estimates that this proposed AD affects 1,553 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

The FAA estimates the total cost per operator for the retained actions from AD 2019–19–15 to be $7,650 (90 work-hours × $85 per work-hour).

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. In the past, the agency has estimated that this action takes 1 work-hour per airplane. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate.

The FAA estimates the total cost per operator for the new proposed actions to be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

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

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

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:

■ a. Removing Airworthiness Directive (AD) 2015–22–08, Amendment 39–18313 (80 FR 68434, November 5, 2015); AD 2018–17–19, Amendment 39–19373 (83 FR 44460, August 31, 2018); and AD 2019–19–15, Amendment 39–19751 (84 FR 54480, October 10, 2019); and

■ b. Adding the following new AD:

Airbus SAS: Docket No. FAA–2020–0581; Product Identifier 2020–NM–057–AD.

(a) Comments Due Date

The FAA must receive comments by August 31, 2020.

(b) Affected ADs

This AD replaces AD 2015–22–08, Amendment 39–18313 (80 FR 68434, November 5, 2015) (''AD 2015–22–08''); AD 2018–17–19, Amendment 39–19373 (83 FR 44460, August 31, 2018) (''AD 2018–17–19''); and AD 2019–19–15, Amendment 39–19751 (84 FR 54480, October 10, 2019) (''AD 2019–19–15'').

(c) Applicability

This AD applies to the Airbus SAS airplanes specified in paragraphs (c)(1) through (4) of this AD, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before November 13, 2019.

(1) Model A318–111, –112, –121, and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, and –153N airplanes.

(3) Model A320–211, –212, –214, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes.

(4) Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –252N, –253N, –271N, –272N, –251NX, –252NX, –253NX, –271NX, and –272NX airplanes.

(d) Subject

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

(e) Reason

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address the failure of certain life-limited parts, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Retained Maintenance or Inspection Program Revision, With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2019–19–15, with no changes. For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before November 30, 2018: Within 90 days after November 14, 2019 (the effective date of AD 2019–19–15), revise the existing maintenance or inspection program, as applicable, to incorporate Airbus SAS A318/A319/A320/A321 Airworthiness Limitations Section (ALS) Part 1 Safe Life Airworthiness Limitations (SL–ALI), Revision 06, Issue 02, dated November 30, 2018. The initial compliance time for doing the revised actions is at the applicable time specified in Airbus SAS A318/A319/A320/A321 ALS Part 1 Safe Life Airworthiness Limitations (SL–ALI), Revision 06, Issue 02, dated November 30, 2018, or within 90 days after November 14, 2019, whichever occurs later. Accomplishing the maintenance or inspection program revision required by paragraph (i) of this AD terminates the requirements of this paragraph.

(h) Retained Restrictions on Alternative Actions and Intervals With a New Exception

This paragraph restates the requirements of paragraph (h) of AD 2019–19–15, with a new exception. Except as required by paragraph (i) of this AD, after the maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative life limits may be used unless approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (l)(1) of this AD.

(i) New Maintenance or Inspection Program Revision

Except as specified in paragraph (j) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2020–0080, dated April 1, 2020 (''EASA AD 2020–0080''). Accomplishing the maintenance or inspection program revision required by this paragraph terminates the requirements of paragraph (g) of this AD.

(j) Exceptions to EASA AD 2020–0080

(1) The requirements specified in paragraph (1), (3), and (4) of EASA AD 2020–0080 do not apply to this AD.

(2) Paragraph (2) of EASA AD 2020–0080 specifies revising ''the AMP'' within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, to incorporate the ''limitations'' specified in paragraph (3) of EASA AD 2020–0080 within 90 days after the effective date of this AD.

(3) The initial compliance time for doing the tasks specified in paragraph (2) of EASA AD 2020–0080 is at the applicable compliance times specified in paragraph (2) of EASA AD 2020–0080, or within 90 days after the effective date of this AD, whichever occurs later.

(4) The ''Remarks'' section of EASA AD 2020–0080 does not apply to this AD.

(k) New Provisions for Alternative Actions and Intervals

After the maintenance or inspection program has been revised as required by paragraph (i) of this AD, no alternative actions (*e.g.,* inspections) or intervals are allowed except as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2020–0080.

(l) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, International Validation 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 Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (m)(4) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.*

(i) 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.

(ii) AMOCs approved previously for AD 2019–19–15 are approved as AMOCs for the corresponding provisions of EASA AD 2020–0080 that are required by paragraph (g) of this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* For any service information referenced in EASA AD 2020–0080 that contains RC procedures and tests: Except as required by paragraph (l)(2) of this AD, RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be

done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(m) Related Information

(1) For information about EASA AD 2020–0080, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 6017; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.*

(2) For information about the Airbus material identified in this AD, contact Airbus SAS, Airworthiness Office—EIAS, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* internet *https://www.airbus.com.*

(3) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0581.

(4) For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223; email *sanjay.ralhan@faa.gov.*

Issued on July 9, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–15335 Filed 7–16–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0583; Product Identifier 2020–NM–071–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2019–14–09, which applies to all Airbus SAS Model A330–200 Freighter series airplanes. AD 2019–14–09 requires repetitive detailed inspections, including functional testing, of the oxygen crew and courier distribution system (OCCDS) and replacement of affected part(s) if necessary. Since the FAA issued AD 2019–14–09, the FAA has determined that all affected parts must be replaced with improved flexible oxygen hoses in order to address the unsafe condition. This proposed AD would retain the requirements of AD 2019–14–09 and require replacement of all affected parts with improved serviceable parts, which is terminating action for the repetitive inspections, as specified in a European Union Aviation Safety Agency (EASA) AD, which will be incorporated by reference. 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 August 31, 2020.

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 *https://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 the material identified in this proposed AD that will be incorporated by reference (IBR), contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 1000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0583.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0583; 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, 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: Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3229; email *Vladimir.Ulyanov@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–2020–0583; Product Identifier 2020–NM–071–AD'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this NPRM based on those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *https://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.

Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, International Validation

Branch, FAA, 2200 South 216th St., Des Moines, WA 98198. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

The FAA issued AD 2019–14–09, Amendment 39–19687 (84 FR 37957, August 5, 2019) (''AD 2019–14–09''), which applies to all Airbus SAS Model A330–200 Freighter series airplanes. AD 2019–14–09 requires repetitive detailed inspections, including functional testing, of the OCCDS and replacement of affected part(s) if necessary. The FAA issued AD 2019–14–09 to address cracked oxygen hoses. This condition, if not addressed, could lead to oxygen leakage in the flexible hose of the OCCDS, which, in combination with inflight depressurization, smoke in the flight deck, or a smoke evacuation procedure, could result in crew injury and reduced control of the airplane.

Actions Since AD 2019–14–09 Was Issued

Since AD 2019–14–09 was issued, improved flexible oxygen hoses were developed, and Airbus issued additional service information providing instructions for modifying an airplane by replacing all affected parts with improved flexible oxygen hoses.

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0092, dated April 24, 2020 (''EASA AD 2020–0092'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus SAS Model A330–223F and A330–243F airplanes. EASA AD 2020–0092 supersedes EASA AD 2019–0027, dated February 4, 2019 (''EASA AD 2019–0027'') (which corresponds to FAA AD 2019–14–09).

EASA AD 2020–0092 clarified the applicability by identifying airplanes having certain serial numbers instead of specifying all airplanes because it was determined that only airplanes having serial numbers identified in Airbus Service Bulletin A330–35–3054, dated September 25, 2018 (which was referred to as the appropriate source of service information for accomplishing the actions specified in EASA AD 2019–0027) are affected by the unsafe condition. The applicability of EASA AD 2020–0092 refers to the same serial numbers as those specified in Airbus Service Bulletin A330–35–3054, dated September 25, 2018.

This proposed AD was prompted by reports of cracked flexible hoses of the OCCDS on Model A330 freighter airplanes and the FAA's determination that all affected parts must be replaced with improved flexible oxygen hoses in order to address the unsafe condition. The FAA is proposing this AD to address cracked oxygen hoses. This condition, if not addressed, could lead to oxygen leakage in the flexible hose of the OCCDS, which, in combination with in-flight depressurization, smoke in the flight deck, or a smoke evacuation procedure, could result in crew injury and reduced control of the airplane. See the MCAI for additional background information.

Explanation of Retained Requirements

Although this proposed AD does not explicitly restate the requirements of AD 2019–14–09, this proposed AD would retain all of the requirements of AD 2019–14–09. Those requirements are referenced in EASA AD 2020–0092, which, in turn, is referenced in paragraph (g) of this proposed AD.

Related IBR Material Under 1 CFR Part 51

EASA AD 2020–0092 describes procedures for repetitive detailed inspections, including functional testing, of the OCCDS, replacement of affected part(s) if necessary, and modification of the airplane by replacing all remaining affected parts with improved serviceable parts. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

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

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in EASA AD 2020–0092 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process.

As a result, EASA AD 2020–0092 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2020–0092 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in the EASA AD. Service information specified in EASA AD 2020–0092 that is required for compliance with EASA AD 2020–0092 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0583 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD affects 6 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2019–14–09	14 work-hours × $85 per hour = $1,190	$0	$1,190	$7,140

ESTIMATED COSTS FOR REQUIRED ACTIONS—Continued

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
New proposed actions	Up to 26 work-hours × $85 per hour = $2,210.	9,800	Up to $12,010 ..	72,060

According to the manufacturer, some or all of the costs of this proposed 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.

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 removing Airworthiness Directive (AD) 2019–14–09, Amendment 39–19687 (84 FR 37957, August 5, 2019), and adding the following new AD:

Airbus SAS: Docket No. FAA–2020–0583; Product Identifier 2020–NM–071–AD.

(a) Comments Due Date

The FAA must receive comments by August 31, 2020.

(b) Affected ADs

This AD replaces AD 2019–14–09, Amendment 39–19687 (84 FR 37957, August 5, 2019) (''AD 2019–14–09'').

(c) Applicability

This AD applies to Airbus SAS Model A330–223F and –243F airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2020–0092, dated April 24, 2020 (''EASA AD 2020–0092'').

(d) Subject

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

(e) Reason

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

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2020–0092.

(h) Exceptions to EASA AD 2020–0092

(1) Where EASA AD 2020–0092 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2020–0092 refers to February 18, 2019 (the effective date of EASA AD 2019–0027), this AD requires using September 9, 2019 (the effective date of AD 2019–14–09).

(3) The ''Remarks'' section of EASA AD 2020–0092 does not apply to this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, International Validation 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 Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (j)(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 instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* For any service information referenced in EASA AD 2020–0092 that contains RC procedures and tests: Except as required by paragraph (i)(2) of this AD, RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or

inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Related Information

(1) For information about EASA AD 2020–0092, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 6017; email *ADs@easa.europa.eu;* Internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0583.

(2) For more information about this AD, contact Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3229; email *Vladimir.Ulyanov@faa.gov.*

Issued on July 9, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–15334 Filed 7–16–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0696; Product Identifier 2018–SW–019–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters Deutschland GmbH (Type Certificate Previously Held by Eurocopter Deutschland GmbH and Eurocopter Canada Ltd.) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 97–26–02 for Eurocopter Deutschland GmbH Model BO–105A, BO–105C, BO–105S, BO–105LS A–1, and BO–105LS A–3 helicopters; and Eurocopter Canada Ltd. Model BO–105LS A–3 helicopters. AD 97–26–02 requires a repetitive visual inspection for cracks in the ribbed area of the main rotor (M/R) mast flange (flange), and depending on the outcome, replacing the M/R mast. Since the FAA issued AD 97–26–02, it has been determined that a certain reinforced M/R mast is not affected by this unsafe condition. This proposed AD would retain the requirements of AD 97–26–02 and remove the reinforced M/R mast from the applicability. The actions of this proposed AD are intended to address an unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by August 31, 2020.

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

- *Federal eRulemaking Docket:* Go to *https://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments 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 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0696; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD, the Transport Canada AD, 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 service information identified in this proposed rule, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone 972–641–0000 or 800–232–0323; fax 972–641–3775; or at *https://www.airbus.com/helicopters/services/technical-support.html.* You may view this referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Matt Fuller, Senior Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *Matthew.fuller@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to participate in this rulemaking by submitting written comments, data, or views. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will file in the docket all comments received, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments received on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments received.

Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Matt Fuller, Senior Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *Matthew.fuller@faa.gov.* Any commentary that the FAA receives which is not specifically designated as

CBI will be placed in the public docket for this rulemaking.

Discussion

The FAA issued AD 97–26–02, Amendment 39–10245 (62 FR 65749, December 16, 1997) (''AD 97–26–02'') for Eurocopter Deutschland GmbH Model BO–105A, BO–105C, BO–105LS A–1, and BO–105LS A–3 helicopters and Eurocopter Canada Ltd. Model BO–105LS A–3 helicopters. AD 97–26–02 requires a repetitive visual inspection for cracks in the ribbed area of the M/R flange and replacing the M/R mast if there is a crack. AD 97–26–02 was prompted by Luftfahrt-Bundesamt (LBA) AD 97–275, effective September 25, 1997, issued by LBA, which is the airworthiness authority for Germany, to correct an unsafe condition for Eurocopter Deutschland GmbH Model BO 105 helicopters; and Transport Canada AD No. CF–97–18, dated September 30, 1997 (Transport Canada AD CF–97–18), issued by Transport Canada, which is the aviation authority for Canada, to correct an unsafe condition for Eurocopter Canada Ltd. Model BO 105LS A–3 helicopters. The LBA and Transport Canada ADs required an immediate and repetitive visual inspection for a crack in the flange area after an M/R mast was found to have cracks of critical magnitude. The actions of AD 97–26–02 are intended to detect cracks in the flange, which could result in failure of the flange and subsequent loss of control of the helicopter.

Actions Since AD 97–26–02 Was Issued

Since the FAA issued AD 97–26–02, EASA, which is the Technical Agent for the Member States of the European Union, issued EASA AD No. 2018–0056, dated March 14, 2018, to correct an unsafe condition for Airbus Helicopters Deutschland GmbH (previously Eurocopter Deutschland GmbH, Eurocopter Hubschrauber GmbH, Messerschmitt-Bölkow-Blohm GmbH, Eurocopter Canada Ltd, Messerschmitt-Bölkow-Blohm Helicopter Canada Ltd.) Model BO105 A, BO105 C, BO105 D, BO105 LS A–1, BO105 LS A–3 and BO105 S helicopters. The EASA AD advises of the transfer of type certificate responsibility of Eurocopter Canada Ltd. Model BO–105LS A–3 helicopters to Eurocopter Deutschland GmbH and the determination that reinforced M/R mast part number (P/N) 4639 305 095 of M/R mast assembly P/N 4639 205 017, is not affected by this unsafe condition. The EASA AD retains the repetitive visual inspection requirements but only for helicopters with M/R mast P/N 4619 305 032 of M/R mast assembly P/N 4638 205 005, and M/R mast P/N 4639 305 002 of M/R mast assembly P/N 4639 205 017. With the transfer of type certificate responsibility of Eurocopter Canada Ltd. Model BO–105LS A–3 helicopters, Transport Canada issued Transport Canada AD No. CF–1997–18R1, dated March 12, 2018, to cancel Transport Canada AD CF–97–18.

Also, since the FAA issued AD 97–26–02, Eurocopter Deutschland GmbH changed its name to Airbus Helicopters Deutschland GmbH. This proposed AD reflects that change and updates the contact information to obtain service documentation.

FAA's Determination

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA about the unsafe condition described in its AD. The FAA is proposing this AD after evaluating all known relevant information and determining that an unsafe condition is likely to exist or develop on other products of the same type designs.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Eurocopter Deutschland GmbH Alert Service Bulletin No. ASB–BO 105–10–110, dated August 27, 1997. This service information specifies procedures for repetitive visual inspections of the flange for cracks.

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.

Proposed AD Requirements

This proposed AD would require, before further flight and thereafter at intervals not to exceed 100 hours time-in-service, visually inspecting the flange in the ribbed area for a crack using a 5-power or higher magnifying glass. If a crack exists, this proposed AD would require removing from service the M/R mast and replacing it with an airworthy M/R mast.

Differences Between This Proposed AD and the EASA AD

The EASA AD specifies contacting Airbus Helicopters if there is a crack in the flange, whereas this proposed AD would require replacing the M/R mast instead. Also, the EASA AD applies to Model BO105 D and BO105 S helicopters; the proposed AD does not as these model helicopters are not type-certificated in the U.S.

Costs of Compliance

The FAA estimates that this proposed AD would affect 21 helicopters of U.S. Registry. The FAA estimates that operators may incur the following costs in order to comply with this proposed AD. Labor costs are estimated at $85 per work-hour.

Inspecting the flange would take about 0.25 work-hour for an estimated cost of $21 per helicopter and $441 for the U.S. fleet per inspection cycle.

Replacing the M/R mast would take about 8 work-hours and parts would cost about $30,000 for an estimated cost of $30,680 per helicopter.

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.

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, 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:

■ a. Removing Airworthiness Directive (AD) 97–26–02, Amendment 39–10245 (62 FR 65749, December 16, 1997); and

■ b. Adding the following new AD:

Airbus Helicopters Deutschland GmbH (Type Certificate Previously Held by Eurocopter Deutschland GmbH and Eurocopter Canada Ltd.): Docket No. FAA–2020–0696; Product Identifier 2018–SW–019–AD.

(a) Applicability

This AD applies to Airbus Helicopters Deutschland GmbH Model BO–105A, BO–105C, BO–105S, BO–105LS A–1, and BO–105LS A–3 helicopters, certificated in any category, with a main rotor (M/R) mast part number (P/N) 4619 305 032 of M/R mast assembly P/N 4638 205 005, or M/R mast P/N 4639 305 002 of M/R mast assembly P/N 4639 205 017.

Note 1 to paragraph (a) of this AD: M/R mast assembly P/N 4639 205 017 may also contain reinforced M/R mast P/N 4639 305 095, which is not affected by this AD.

(b) Unsafe Condition

This AD defines the unsafe condition as cracks in the M/R mast flange (flange). This condition could result in failure of the flange and subsequent loss of control of the helicopter.

(c) Affected ADs

This AD replaces AD 97–26–02, Amendment 39–10245 (62 FR 65749, December 16, 1997).

(d) Comments Due Date

The FAA must receive comments by August 31, 2020.

(e) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(f) Required Actions

(1) Before further flight and thereafter at intervals not to exceed 100 hours time-in-service, visually inspect the flange in the ribbed area for cracks using a 5-power or higher magnifying glass in accordance with paragraphs 2.A.1. and 2.A.2. of the Accomplishment Instructions in Eurocopter Deutschland GmbH Alert Service Bulletin No. ASB–BO 105–10–110, dated August 27, 1997.

(2) If there is a crack, remove from service the cracked M/R mast and replace it with an airworthy M/R mast.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Rotorcraft Standards Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Matt Fuller, Senior Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *9-ASW-FTW-AMOC-Requests@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, the FAA suggests that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

(h) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD No. 2018–0056, dated March 14, 2018; and Transport Canada AD No. CF–1997–18R1, dated March 12, 2018. You may view the EASA and Transport Canada ADs on the internet at *https://www.regulations.gov* in the AD Docket.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 6230, Main Rotor Mast/Swashplate.

Issued on July 13, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–15352 Filed 7–16–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0627; Airspace Docket No. 19–ANM–29]

RIN 2120–AA66

Proposed Establishment of Class E Airspace; Granby, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace, extending upward from 700 feet above the surface, at Granby-Grand County Airport. This action would ensure the safety and management of IFR operations at the airport.

DATES: Comments must be received on or before August 31, 2020.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2020–0627; Airspace Docket No. 19–ANM–29, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

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

FOR FURTHER INFORMATION CONTACT: Matthew Van Der Wal, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–3695.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would establish Class E airspace at Granby-Grand County Airport, Granby, CO, to support instrument flight rules (IFR) operations at the airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis

supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2020–0627; Airspace Docket No. 19–ANM–29''. The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by establishing Class E airspace, extending upward from 700 feet above the surface, at Granby-Grand County Airport. This area is designed to contain IFR departures to 1,200 feet above the surface and IFR arrivals descending below 1,500 feet above the surface. This airspace area would be described as follows: That airspace extending upward from 700 feet above the surface within a 3.5-mile radius of the airport, and within 2.2 miles north and 1.6 miles south of the 110° bearing from the airport, extending from the 3.5-mile radius to 4.7 miles east of the airport, and within 2.1 miles north and 2.4 miles south of the 276° bearing from the airport, extending from the 3.5-mile radius to 4.3 miles west of the Granby-Grand County Airport.

Class E5 airspace designations are published in paragraph 6005 of FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

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

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ANM CO E5 Granby, CO [New]

Granby-Grand County Airport, CO
(lat. 40°05′24″ N, long. 105°55′00″ W)

That airspace extending upward from 700 feet above the surface within a 3.5-mile radius of the airport, and within 2.2 miles north and 1.6 miles south of the 110° bearing from the airport, extending from the 3.5-mile radius to 4.7 miles east of the airport, and within 2.1 miles north and 2.4 miles south of the 276° bearing from the airport, extending from the 3.5-mile radius to 4.3 miles west of the Granby-Grand County Airport.

Issued in Seattle, Washington, on July 13, 2020.

B.G. Chew,

Acting Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2020–15477 Filed 7–16–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0630; Airspace Docket No. 20–AGL–25]

RIN 2120–AA66

Proposed Amendment of Class E Airspace; Frankfort, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class E airspace extending upward from 700 feet above the surface at Frankfort Dow Memorial Field Airport, Frankfort, MI. The FAA is proposing this action as the result of an airspace review caused by the cancellation of instrument procedures at the airport. The geographic coordinates of the airport would also be updated to coincide with the FAA's aeronautical database.

DATES: Comments must be received on or before August 31, 2020.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2020–0630/Airspace Docket No. 20–AGL–25, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2020–0630/Airspace Docket No. 20–AGL–25.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by amending the Class E airspace extending upward from 700 feet above the surface to within a 7.2-mile (increased from a 6.4-mile) radius of Frankfort Dow Memorial Field Airport, Frankfort, MI; removing the Manistee VOR/DME and associated extension from the airspace legal description, as it is no longer required; and updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database.

This action is the result of an airspace review caused by the cancellation of instrument procedures at this airport.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

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

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth

* * * * *

AGL MI E5 Frankfort, MI [Amended]

Frankfort Dow Memorial Field Airport, MI (Lat. 44°37′31″ N, long. 86°12′03″ W)

That airspace extending upward from 700 feet above the surface within a 7.2-mile radius of the Frankfort Dow Memorial Field Airport.

Issued in Fort Worth, Texas, on July 13, 2020.

Martin A. Skinner,

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

[FR Doc. 2020–15365 Filed 7–16–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0626; Airspace Docket No. 20–ANM–23]

RIN 2120–AA66

Proposed Amendment of Class E Airspace; Leadville, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify Class E airspace, extending upward from 700 feet above the surface, at Lake County Airport by reducing the overall dimensions of the area. Also, this action proposes to make an administrative amendment to the airport's geographic coordinates. This action would ensure the safety and management of IFR operations at the airport.

DATES: Comments must be received on or before August 31, 2020.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2020–0626; Airspace Docket No. 20–ANM–23, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

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

FOR FURTHER INFORMATION CONTACT: Matthew Van Der Wal, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–3695.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would amend Class E airspace at Lake County Airport, Leadville, CO, to support instrument flight rules (IFR) operations at the airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to

Docket No. FAA–2020–0626; Airspace Docket No. 20–ANM–23''. The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by amending Class E airspace, extending upward from 700 feet above the surface, at Lake County Airport. The area is larger than required to contain IFR aircraft on the instrument procedures published for the airport. This area is designed to contain IFR departures to 1,200 feet above the surface and IFR arrivals descending below 1,500 feet above the surface. This airspace area would be described as follows: That airspace extending upward from 700 feet above the surface within a 3.5-mile radius of the airport, and within 3 miles each side of the 164° bearing from the airport, extending from the 3.5-mile radius to 14.5 miles south of the airport, and within 2.7 miles each side of the 350° bearing from the airport, extending from the 3.5-mile radius to 14.7 miles north of Lake County Airport.

Also, this action proposes to update the airport's geographic coordinates to ''lat. 39°13′10″ N, long. 106°18′59″ W.''

Class E5 airspace designations are published in paragraph 6005 of FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

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

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ANM CO E5 Leadville, CO [Amended]

Lake County Airport, CO
(lat. 39°13′10″ N, long. 106°18′59″ W)

That airspace extending upward from 700 feet above the surface within a 3.5-mile radius of the airport, and within 3 miles each side of the 164° bearing from the airport, extending from the 3.5-mile radius to 14.5 miles south of the airport, and within 2.7 miles each side of the 350° bearing from the airport, extending from the 3.5-mile radius to 14.7 miles north of Lake County Airport.

Issued in Seattle, Washington, on July 13, 2020.

Byron G. Chew,

Acting Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2020–15432 Filed 7–16–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–113295–18]

RIN 1545–BO87

Effect of Section 67(g) on Trusts and Estates; 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 clarifying that certain deductions allowed to an estate or non-grantor trust are not miscellaneous itemized deductions and thus are not affected by the suspension of the deductibility of miscellaneous itemized deductions for taxable years beginning

after December 31, 2017 and before January 1, 2026. The proposed regulations also provide guidance on determining the character, amount, and allocation of deductions in excess of gross income succeeded to by a beneficiary on the termination of an estate or non-grantor trust.

DATES: The public hearing is being held on Wednesday, August 12, 2020 at 10:00 a.m. The IRS must receive speakers' outlines of the topics to be discussed at the public hearing by Wednesday, July 29, 2020. If no outlines are received by July 29, 2020, the public hearing will be cancelled.

ADDRESSES: The public hearing is being held by teleconference. Individuals who want to testify (by telephone) at the public hearing must send an email to *publichearings@irs.gov* to receive the telephone number and access code for the hearing. The subject line of the email must contain the regulation number [REG–113295–18] and the word TESTIFY. For example, the subject line may say: Request to TESTIFY at Hearing for REG–113295–18. The email should also include a copy of the speaker's public comments and outline of topics. The email must be received by July 29, 2020.

Individuals who want to attend (by telephone) the public hearing must also send an email to *publichearings@irs.gov* to receive the telephone number and access code for the hearing. The subject line of the email must contain the regulation number [REG–113295–18] and the word ATTEND. For example, the subject line may say: Request to ATTEND Hearing for REG–113295–18. The email requesting to attend the public hearing must be received by 5:00 p.m. two (2) business days before the date that the hearing is scheduled.

The telephonic hearing will be made accessible to people with disabilities. To request special assistance during the telephonic hearing please contact the Publications and Regulations Branch of the Office of Associate Chief Counsel (Procedure and Administration) by sending an email to *publichearings@irs.gov* (preferred) or by telephone at (202) 317–5177 (not a toll-free number) at least three (3) days prior to the date that the telephonic hearing is scheduled.

Any questions regarding speaking at or attending a public hearing may also be emailed to *publichearings@irs.gov.*

Send outline submissions electronically via the Federal eRulemaking Portal at *www.regulations.gov* (IRS REG–113295–18).

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Margaret Burow, (202) 317–5279; concerning submissions of comments, the hearing, and the access code to attend the hearing by teleconferencing, Regina Johnson at (202) 317–5177 (not toll-free numbers) or *publichearings@irs.gov.* If emailing please put Attend, Testify, or Agenda Request and [REG–113295–18] in the email subject line.

SUPPLEMENTARY INFORMATION:

The subject of the public hearing is the notice of proposed rulemaking REG–113295–18 that was published in the **Federal Register** on Monday, May 11, 2020, 85 FR 27693.

The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who wish to present oral comments telephonically at the hearing that submitted written comments by June 25, 2020, must submit an outline of the topics to be addressed and the amount of time to be devoted to each topic by July 29, 2020.

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, on *Regulations.gov*, search IRS and REG–113295–18, or by emailing your request to *publichearings@irs.gov.* Please put ''REG–113295–18 Agenda Request'' in the subject line of the email.

Martin V. Franks,

Branch Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. 2020–15019 Filed 7–16–20; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Part 825

RIN 1235–AA30

Family and Medical Leave Act of 1993

AGENCY: Wage and Hour Division, U.S. Department of Labor.

ACTION: Request for information.

SUMMARY: The Department of Labor (Department) is seeking information from the public regarding the regulations implementing the Family and Medical Leave Act of 1993 (FMLA or the Act). The Department is publishing this Request for Information (RFI) to gather information concerning the effectiveness of the current regulations and to aid the Department in its administration of the FMLA. The information provided will help the Department identify topics for which additional compliance assistance could be helpful, including opportunities for outreach to ensure employers are aware of their obligations under the law and employees are informed about their rights and responsibilities in using FMLA leave.

DATES: Submit written comments on or before September 15, 2020.

ADDRESSES: To facilitate the receipt and processing of written comments on this RFI, the Department encourages interested persons to submit their comments electronically. You may submit comments, identified by Regulatory Information Number (RIN) 1235–AA30, by either of the following methods:

Electronic Comments: Follow the instructions for submitting comments on the Federal eRulemaking Portal *http://www.regulations.gov.*

Mail: Address written submissions to Amy DeBisschop, Director, Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20210.

Instructions: This RFI is available through the **Federal Register** and the *http://www.regulations.gov* website. You may also access this document via the Wage and Hour Division's (WHD) website at *http://www.dol.gov/whd/.* All comment submissions must include the agency name and Regulatory Information Number (RIN 1235–AA30) for this RFI. Response to this RFI is voluntary and respondents need not reply to all questions listed below. The Department requests that no business proprietary information, copyrighted information, individual medical information, or personally identifiable information be submitted in response to this RFI. Submit only one copy of your comment by only one method (*e.g.,* persons submitting comments electronically are encouraged not to submit paper copies). Anyone who submits a comment (including duplicate comments) should understand and expect that the comment will become a matter of public record and will be posted without change to *http://www.regulations.gov,* including any personal or medical information provided. All comments must be received by 11:59 p.m. on the date indicated for consideration in this RFI; comments received after the comment period closes will not be considered. Commenters should transmit comments

early to ensure timely receipt prior to the close of the comment period. Electronic submission via *http://www.regulations.gov* enables prompt receipt of comments submitted as the Department continues to experience delays in the receipt of mail in our area. For access to the docket to read background documents or comments, go to the Federal eRulemaking Portal at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Amy DeBisschop, Director, Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20210; telephone: (202) 693–0406 (this is not a toll-free number). Copies of this RFI may be obtained in alternative formats (Large Print, braille, Audio Tape or Disc), upon request, by calling (202) 693–0675 (this is not a toll-free number). TTY/TDD callers may dial toll-free 1 (877) 889–5627 to obtain information or request materials in alternative formats.

Questions concerning enforcement of the agency's regulations may be directed to the nearest WHD district office. Locate the nearest office by calling the WHD's toll-free help line at (866) 4US–WAGE ((866) 487–9243) between 8 a.m. and 5 p.m. in your local time zone, or visit WHD's website at *http://www.dol.gov/whd/america2.htm* for a nationwide listing of WHD district and area offices.

SUPPLEMENTARY INFORMATION:

I. Background

Administering the FMLA while responding to the COVID–19 public health emergency is an ongoing priority for the Department. Workplace flexibility ensured by job-protected leave is essential to American prosperity. Workers are more productive and more likely to remain employed if they do not have to choose between taking care of themselves or their loved ones and keeping their jobs. Likewise, businesses attract and retain the best talent when they give their workers flexibility that encourages productivity and retention.

In keeping with these principles, the FMLA, 29 U.S.C. 2601 *et seq.,* entitles eligible employees of covered employers to take up to a total of 12 workweeks of job-protected, unpaid leave, or to substitute accrued paid leave, during a 12-month period for the birth of the employee's child; for the placement of a child with the employee for adoption or foster care; to care for the newborn or newly-placed child; to care for the employee's spouse, parent, son, or daughter with a serious health condition; when the employee is unable to work due to the employee's own serious health condition; or for any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty. *See* 29 U.S.C. 2612(a)(1). An eligible employee may also take up to 26 workweeks of FMLA leave during a ''single 12-month period'' to care for a covered servicemember with a serious injury or illness when the employee is the spouse, son, daughter, parent, or next of kin of the servicemember. *See* 29 U.S.C. 2612(a)(3).

FMLA leave may be taken in a block or, under certain circumstances, intermittently or on a reduced leave schedule. *See* 29 U.S.C. 2612(b). In addition to providing job-protected leave, employers covered by the law must maintain for the employee any preexisting group health coverage during the leave period and, once the leave period has concluded, reinstate the employee to the same or an equivalent job with equivalent employment benefits, pay, and other terms and conditions of employment. *See* 29 U.S.C. 2614.

The Department issued an initial interim final rule after the FMLA became law in 1993, 58 FR 31794, and issued final FMLA regulations in 1995, 60 FR 2180. The Department published significant revisions to the FMLA regulations in 2008, 73 FR 67934, which were informed, in part, by a 2006 Request for Information, 71 FR 69504. The Department next changed the FMLA regulations in 2013 to implement statutory amendments affecting military family leave provisions and airline flight crew eligibility. 78 FR 8834. The FMLA regulations were last updated in 2015 to update the definition of spouse. 80 FR 9989.[1]

On August 5, 2019, the Department published a **Federal Register** notice seeking public comment on proposed revisions to its optional-use FMLA forms. 84 FR 38061. The Department created forms—WH–380–E, WH–380–F, WH–381, WH–382, WH–384, WH–385, and WH–385–V—to assist employers and employees in meeting their FMLA notification and certification obligations. The Department's proposed revisions to the forms were based on feedback from employees, employers, and health care professionals and are designed to reduce administrative burden, increase compliance with regulatory requirements, and improve customer service. We received 139 comments from employers, industry associations, individual employees, worker advocacy groups, law firms, and other interested members of the public during the notice and comment process and made additional revisions to incorporate this feedback. Additional revisions to incorporate that feedback are in the process of being finalized.

The Department notes that the new Families First Coronavirus Response Act (FFCRA), Public Law 116–127 (Mar. 18, 2020), which was passed in response to the public health emergency caused by COVID–19 and ensures that workers are not forced to choose between their paychecks and the public health measures needed to combat the coronavirus, includes temporary amendments to the FMLA.[2] The amended FMLA protections provided under the FFCRA are not addressed in this Request for Information, and the Department does not seek comment on them here. The most up-to-date information about the FFCRA is available at *https://www.dol.gov/agencies/whd/ffcra.*

II. Request for Public Comment

The Department is aware that its regulations need to be regularly reviewed to explore how such regulations can remain current with workplace and demographic changes. Further, the Department understands the need for compliance assistance, in particular in the form of written informational materials that provide the public with up-to-date information about the protections and requirements of the law in plain language.

Extensive compliance assistance regarding the FMLA is currently

[1] Additionally, the Department has regularly sought employer and employee feedback on the administration and use of the FMLA through surveys designed to understand the range of perspectives on the FMLA in the U.S. The Department has commissioned four series of these surveys; the fourth is currently underway. Information about the Wave 4 FMLA surveys may be found at *https://www.dol.gov/asp/evaluation/currentstudies/Family-and-Medical-Leave-Act-Wave-4-Surveys.htm.* Further, the results from the prior Wave 3 FMLA survey (referred to as the 2012 FMLA survey elsewhere in this document) may be found at *https://www.dol.gov/asp/evaluation/completed-studies/Family_Medical_Leave_Act_Survey/TECHNICAL_REPORT_family_medical_leave_act_survey.pdf.*

[2] The FFCRA amended the FMLA to permit certain employees to take up to ten weeks of paid expanded family and medical leave if the employee is unable to work because the employee is caring for his or her son or daughter whose school or place of care is closed or whose child care provider is unavailable for reasons related to COVID–19. This expanded family and medical leave entitlement, which became effective on April 1, 2020, will expire on December 31, 2020. The Department's regulations implementing paid leave under the FFCRA appear at 29 CFR part 826; all references in this document to FMLA regulations refer to those that appear at 29 CFR part 825.

available. In particular, the Department's FMLA web pages, which received more than 5 million views over the last year, contain a wealth of material including Frequently Asked Questions, Fact Sheets, Employee Guides, interactive online tools, and a comprehensive Employer's Guide developed for human resource managers and other leave administrators. Additionally, while the requirements of the FMLA are set by statute and regulations, as part of the administration of the Act, interested parties may seek an opinion (*i.e.,* an official written explanation) of what the FMLA requires in fact-specific situations. Opinion letters serve as an important means by which the public can develop a clearer understanding of what FMLA compliance entails. The Department has issued seven opinion letters [3] on FMLA-related topics since 2018.

Nevertheless, the results of employee and employer surveys continue to show an ongoing need for education and awareness in the administration and use of FMLA leave. Information from the public on what is and is not working well in the administration of the FMLA can further inform and guide the Department in issuing modernized tools to aid in understanding and applying the FMLA. As such, the Department seeks input from employers and employees on the current FMLA regulations, specifically:

- What would employees like to see changed in the FMLA regulations to better effectuate the rights and obligations under the FMLA?
- What would employers like to see changed in the FMLA regulations to better effectuate the rights and obligations under the FMLA?

The Department invites interested parties who have knowledge of, or experience with, the FMLA to submit comments, information, and data to provide a foundation for examining the effectiveness of the current regulations in meeting the statutory objectives of the FMLA. The Department suggests the following questions to frame the responses. These questions are not intended to be an exclusive list of issues for which the Departments seeks information.

1. A serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider. *See* 29 U.S.C. 2611(11); 29 CFR 825.113–.115. The regulations outline several types of serious health conditions involving continuing treatment by a health care provider: (1) Incapacity and treatment, with specific definitions and time-frames for the incapacity and the treatment; (2) pregnancy or prenatal care; (3) chronic conditions, which require, among other things, at least two visits for treatment by a health care provider per year; (4) permanent or long-term conditions; and (5) conditions that require multiple treatments. *See* 29 CFR 825.115. Several opinion letters issued by the Wage and Hour Division address questions related to the definition of serious health condition. For example, FMLA2018–2–A, issued on August 28, 2018, clarified that organ donation can qualify as a serious health condition when it involves either inpatient care or continuing treatment as defined by the FMLA regulations. While information provided in the 2012 FMLA survey indicates that most employers report that complying with the FMLA imposes minimal burden on their operations, the Department is aware that the medical certification process used to support the existence of a serious health condition can, at times, present challenges to both employers and employees.

What, if any, challenges have employers and employees experienced in applying the regulatory definition of a serious health condition? For example, what, if any, conditions or circumstances have employers encountered that meet the regulatory definition of a ''serious health condition'' but that they believe the statute does not cover? What, if any, difficulties have employers experienced in determining when an employee has a chronic condition that qualifies as a serious health condition under the regulations? Conversely, what, if any, conditions or circumstances have employees experienced that they believe the statute covers, but which their employer determined did not meet the regulatory definition of ''serious health condition''? What, if any, difficulties have employees experienced in establishing that a chronic condition qualifies as a serious health condition under the regulations? The Department welcomes information that will further its understanding of FMLA serious health conditions so it can better effectuate the purposes of the Act.

2. An employee may take FMLA leave on an intermittent basis (*i.e.,* taking leave in separate blocks of time for a single qualifying reason) or on a reduced leave schedule (*i.e.,* reducing the employee's usual weekly or daily work schedule) due to his or her own serious health condition, to care for an immediate family member who has a serious health condition, or to care for a covered servicemember with a serious illness or injury when such leave is medically necessary. *See* 29 U.S.C. 2612(b); 29 CFR 825.202–.205. Information provided in the 2012 FMLA employer survey indicated that unscheduled leave, particularly unplanned intermittent or episodic leave, was sometimes disruptive to the workplace.

What, if any, specific challenges or impacts do employers and employees experience when an employee takes FMLA leave on an intermittent basis or on a reduced leave schedule? For example, what, if any, specific challenges do employers experience when the timing or need for intermittent leave is unforeseeable? Similarly, what, if any, challenges do employees seeking or taking intermittent leave or using a reduced leave schedule experience? For example, do employees find it difficult to request and use intermittent leave in their workplaces? The Department also seeks information from employers and employees on best practices and suggestions to improve implementation of these intermittent leave provisions. The Department welcomes information that will further its understanding of FMLA leave usage so it can better effectuate the purposes of the Act.

3. The requirements regarding the notice that an employee must provide to an employer of his or her need for FMLA leave are set out at 29 U.S.C. 2612(e) and 29 CFR 825.302–.304. An employee seeking to use FMLA leave is required to provide 30-days advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable fewer than 30 days in advance, the employee must notify the employer as soon as practicable—generally, either the same or next business day. When the need for leave is not foreseeable, the employee must notify the employer as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, an employee must comply with the employer's usual and customary notice

[3] FMLA2020–1–A (Jan. 7, 2020), available at *https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/2020_01_07_1A_FMLA.pdf;* FMLA2019–3–A (Sept. 10, 2019), available at *https://www.dol.gov/whd/opinion/FMLA/2019/2019_09_10_3A_FMLA.pdf;* FMLA2019–2–A (Aug. 8, 2019), available at *https://www.dol.gov/whd/opinion/FMLA/2019/2019_08_08_2A_FMLA.pdf;* FMLA2019–1–A (Mar. 14, 2019), available at *https://www.dol.gov/whd/opinion/FMLA/2019/2019_03_14_1A_FMLA.pdf;* FMLA2018–2–A (Aug. 28, 2018) available at *https://www.dol.gov/whd/opinion/FMLA/2018/2018_08_28_2A_FMLA.pdf;* FMLA2018–1–A (Aug. 28, 2018), available at *https://www.dol.gov/whd/opinion/FMLA/2018/2018_08_28_1A_FMLA.pdf;* FLSA2018–19 (Apr. 12, 2018), available at *https://www.dol.gov/whd/opinion/FLSA/2018/2018_04_12_02_FLSA.pdf.*

and procedural requirements for requesting leave. An employee must provide sufficient information for an employer to reasonably determine whether the FMLA may apply to the leave request. When an employee seeks leave for an FMLA-qualifying reason for the first time, the employee need not expressly assert FMLA rights or even mention the FMLA. When an employee seeks leave due to an FMLA-qualifying reason for which the employer has previously provided the employee FMLA-protected leave, however, the employee must specifically reference either the qualifying reason for the leave or the need for FMLA leave.

What, if any, specific challenges do employers and employees experience when employees request leave or notify their employers of their need for leave? For example, do employees convey sufficient information to notify employers that the employee may have an FMLA-qualifying reason for leave or that the employee is requesting FMLA leave? Similarly, are employees aware of and able to comply with their employers' specific procedural requirements for providing such notice? Are they aware of the specific information they need to provide? The Department welcomes suggestions of how to better assist employers and employees in understanding their rights and obligations under the FMLA regulations. The Department also specifically seeks input on additional tools the Department could provide to facilitate FMLA compliance.

4. An employer may require an employee to provide a certification issued by a health care provider to support the need for leave for a serious health condition of the employee or the employee's immediate family member. *See* 29 U.S.C. 2613; 29 CFR 825.305–.308. The employer must allow the employee at least 15 calendar days to obtain the medical certification. If the employer determines the certification is incomplete or insufficient, the employer must advise the employee in writing of the additional information needed and allow the employee a reasonable opportunity to cure the deficiency. *See* 29 CFR 825.305.

As noted above, the Department recently published in the **Federal Register** proposed revisions to the optional-use forms employers and employees may use to meet their FMLA notification and certification obligations. The Department is interested in understanding what, if any, challenges employers and employees have experienced with the medical certification process that are not addressed by those proposed revisions. For example, what, if any, challenges have employers encountered in determining whether a certification establishes that the employee or employee's immediate family member has a serious health condition under the FMLA and the amount of leave needed? Similarly, what, if any, challenges have employees encountered in obtaining a certification that contains sufficient information to establish the existence of a serious health condition and the amount of leave needed? The Department welcomes suggestions regarding strategies to address challenges with the certification process.

5. As indicated above, the Department has issued seven opinion letters on FMLA topics since 2018. The first, FLSA2018–19, issued on April 12, 2018, concerned the compensability of frequent 15-minute rest breaks under the Fair Labor Standards Act when the breaks are necessary due to a serious health condition under the FMLA and concluded that such short periods of FMLA-protected leave may be unpaid. The letter noted, however, that employees are entitled to compensation for rest periods of short duration on the same basis as co-workers who take non-FMLA leave breaks during a work shift. FMLA2018–1–A, issued on August 28, 2018, addressed an employer's no-fault attendance policy which effectively froze, throughout the duration of an employee's FMLA leave, the number of attendance points that the employee accrued prior to taking his or her leave. The letter concluded that such a policy does not violate the FMLA, provided it is applied in a nondiscriminatory manner. As noted above, FMLA2018–2–A, also issued on August 28, 2018, stated that organ donation can be a qualifying serious health condition if it requires inpatient care or continuing treatment as defined by the FMLA regulations.

Two letters addressed designation of FMLA leave. FMLA2019–1–A, issued on March 14, 2019, stated that an employer may not delay designating an employee's leave as FMLA leave if the circumstances qualify for FMLA leave, even if the employee prefers to delay the designation. The letter also stated that, while nothing prevents an employer from providing more generous leave policies than those established in the FMLA, doing so does not expand an employee's FMLA entitlement. Therefore, an employer may not designate more than 12 weeks of leave as FMLA leave. FMLA2019–3–A, issued on September 10, 2019, similarly stated that an employer may not delay designating an employee's leave as FMLA leave if the circumstances qualify for FMLA leave, in this case, even if a collective bargaining agreement provides that an employee may exhaust paid leave before using unpaid FMLA leave. However, the letter noted that the paid leave could be substituted (*i.e.,* run concurrently) with the FMLA leave. This letter also stated that if an employer provides for the accrual of seniority when employees use paid leave, it must also permit employees to accrue seniority when they substitute FMLA leave for paid leave. FMLA2019–2–A, issued on August 8, 2019, concluded that a parent's need to attend an Individualized Education Plan meeting addressing the educational and special medical needs of his or her child who has a serious health condition is a qualifying reason for taking intermittent FMLA leave. FMLA2020–1–A, issued on January 7, 2020, addressed whether a combined general health district must count the employees of the County in which it is located for purposes of determining employee eligibility to take FMLA leave.

The Department requests comments about whether it would be helpful to provide additional guidance regarding the interpretations contained in any of these opinion letters through the regulatory process.

6. Please provide specific information and any available data regarding other specific challenges that employers experience in administering FMLA leave or that employees experience in taking or attempting to take FMLA leave. The Department welcomes any information on the administration and effectiveness of the current regulations and suggestions regarding specific strategies to address such challenges. The Department also welcomes information concerning best practices employees and employers may have experienced in using or administering the FMLA.

III. Conclusion

The Department invites interested parties to submit comments and data during the public comment period and welcomes any pertinent information and data that will provide a basis for analyzing the effectiveness of the current regulations in meeting the statutory objectives of the FMLA.

List of Subjects in 29 CFR Part 825

Administrative practice and procedure, Airmen, Employee benefit plans, Health, Health insurance, Labor management relations, Maternal and child health, Penalties, Reporting and recordkeeping requirements, Teachers.

Signed at Washington, DC, this 6th day of July, 2020.

Cheryl M. Stanton,

Administrator, Wage and Hour Division.

[FR Doc. 2020–14873 Filed 7–16–20; 8:45 am]

BILLING CODE 4510–27–P

LIBRARY OF CONGRESS

U.S. Copyright Office

37 CFR Part 210

[Docket No. 2020–12]

Music Modernization Act Transition Period Transfer and Reporting of Royalties to the Mechanical Licensing Collective

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Notice of proposed rulemaking.

SUMMARY: The U.S. Copyright Office is issuing a notice of proposed rulemaking regarding digital music providers' obligations to transfer and report accrued royalties for unmatched musical works (or shares) to the mechanical licensing collective for purposes of being eligible for the limitation on liability for prior unlicensed uses under title I of the Orrin G. Hatch–Bob Goodlatte Music Modernization Act. Having solicited public comments through multiple prior notices, the Office is now proposing an update to regulations concerning the transfer and reporting of such royalties, namely the content, format, and delivery of cumulative statements of account to be submitted by digital music providers to the mechanical licensing collective at the conclusion of the statutory transition period.

DATES: Written comments must be received no later than 11:59 p.m. Eastern Time on August 17, 2020.

ADDRESSES: For reasons of government efficiency, the Copyright Office is using the *regulations.gov* system for the submission and posting of public comments in this proceeding. All comments are therefore to be submitted electronically through *regulations.gov.* Specific instructions for submitting comments are available on the Copyright Office's website at *https://www.copyright.gov/rulemaking/mma-transition-reporting.* If electronic submission of comments is not feasible due to lack of access to a computer and/or the internet, please contact the Office using the contact information below for special instructions.

FOR FURTHER INFORMATION CONTACT: Regan A. Smith, General Counsel and Associate Register of Copyrights, by email at *regans@copyright.gov,* John R. Riley, Assistant General Counsel, by email at *jril@copyright.gov,* or Jason E. Sloan, Assistant General Counsel, by email at *jslo@copyright.gov.* Each can be contacted by telephone by calling (202) 707–8350.

SUPPLEMENTARY INFORMATION:

I. Background

This notice of proposed rulemaking (''NPRM'') is being issued subsequent to a notification of inquiry, published in the **Federal Register** on September 24, 2019, that describes in detail the legislative background and regulatory scope of the present rulemaking proceeding.[1] The Copyright Office assumes familiarity with that document, and encourages anyone reading this NPRM who has not reviewed that notice to do so before continuing here.

On October 11, 2018, the president signed into law the Orrin G. Hatch–Bob Goodlatte Music Modernization Act (''MMA'') which, among other things, substantially modifies the compulsory ''mechanical'' license for making and distributing phonorecords of nondramatic musical works under 17 U.S.C. 115.[2] It does so by switching from a song-by-song licensing system to a blanket licensing regime that will become available on January 1, 2021 (the ''license availability date''), and be administered by a mechanical licensing collective (''MLC'') designated by the Copyright Office. Digital music providers (''DMPs'') will be able to obtain the new compulsory blanket license to make digital phonorecord deliveries (''DPDs'') of musical works, including in the form of permanent downloads, limited downloads, or interactive streams (referred to in the statute as ''covered activity,'' where such activity qualifies for a compulsory license), subject to compliance with various requirements.[3]

Prior to the MMA, DMPs obtained a section 115 compulsory license on a per-work, song-by-song basis, by serving a notice of intention to obtain a compulsory license (''NOI'') on the copyright owner (or filing it with the Copyright Office if the Office's public records did not identify the copyright owner) and then paying applicable royalties accompanied by accounting statements.[4] The MMA includes a ''transition period'' for the period following the new law's enactment, before the blanket license becomes available.[5] During this transition period, anyone seeking to obtain a compulsory license to make DPDs must continue to do so on a song-by-song basis by serving NOIs on copyright owners ''if the identity and location of the musical work copyright owner is known,'' and paying them applicable royalties accompanied by statements of account.[6] If the musical work copyright owner is unknown, a DMP may no longer file an NOI with the Copyright Office, but instead may rely on a limitation on liability that requires the DMP to ''continue[ ] to search for the musical work copyright owner'' using good-faith, commercially reasonable efforts and bulk electronic matching processes.[7] The DMP must eventually either account for and pay accrued royalties to the relevant musical work copyright owner(s) when found or, if they are not found before the end of the transition period, account for and transfer the royalties to the MLC at that time.[8] Congress believed that the liability limitation, which limits recovery in lawsuits commenced on or after January 1, 2018 to the statutory royalty due, would ''ensure that more artist royalties will be paid than otherwise would be the case through continual litigation'' [9] and viewed this provision as a ''key component that was

[1] 84 FR 49966 (Sept. 24, 2019). All rulemaking activity, including public comments, as well as legislative history and educational material regarding the Music Modernization Act, can currently be accessed via navigation from *https://www.copyright.gov/music-modernization/.* Comments received in response to the September 2019 notification of inquiry are available at *https://www.regulations.gov/docketBrowser?rpp=25&po=0&dct=PS&D=COLC-2019-0002&refD=COLC-2019-0002-0001.* Related *ex parte* letters are available at *https://www.copyright.gov/rulemaking/mma-implementation/ex-parte-communications.html.* References to these comments and letters are by party name (abbreviated where appropriate), followed by ''Initial,'' ''Reply,'' or ''*Ex Parte* Letter'' as appropriate.

[2] Public Law 115–264, 132 Stat. 3676 (2018).

[3] As permitted under the MMA, the Office designated a digital licensee coordinator (''DLC'') to represent licensees in proceedings before the Copyright Royalty Judges (''CRJs'') and the Copyright Office, to serve as a non-voting member of the MLC, and to carry out other functions. 17 U.S.C. 115(d)(5)(B); 84 FR 32274 (July 8, 2019); *see also* 17 U.S.C. 115(d)(3)(D)(i)(IV), (d)(5)(C).

[4] *See* 17 U.S.C. 115(b)(1), (c)(5) (2017).

[5] H.R. Rep. No. 115–651, at 10 (2018); S. Rep. No. 115–339, at 10 (2018).

[6] 17 U.S.C. 115(b)(2)(A), (c)(2)(I); *see* H.R. Rep. No. 115–651, at 4; S. Rep. No. 115–339, at 3.

[7] 17 U.S.C. 115(b)(2)(A), (d)(9)(D)(i), (d)(10)(A)–(B); *see* H.R. Rep. No. 115–651, at 4, 10; S. Rep. No. 115–339, at 3, 10, 22.

[8] 17 U.S.C. 115(d)(10)(B); *see* H.R. Rep. No. 115–651, at 4, 10; S. Rep. No. 115–339, at 3, 10.

[9] H.R. Rep. No. 115–651, at 14; S. Rep. No. 115–339, at 14–15; Report and Section-by-Section Analysis of H.R. 1551 by the Chairmen and Ranking Members of Senate and House Judiciary Committees, at 12 (2018), *https://www.copyright.gov/legislation/mma_conference_report.pdf* (''Conf. Rep.'').

necessary'' to ensure support for legislative change.[10]

With respect to the specific reporting and payment requirements to be eligible for the limitation on liability, the statute details three scenarios. First, if the matching efforts are successful in identifying and locating a copyright owner of a musical work (or share) by the end of the calendar month in which the DMP first makes use of the work, the DMP must provide statements of account and pay royalties to that copyright owner in accordance with section 115 and applicable regulations.[11] The second and third scenarios apply if the copyright owner is not identified or located by the end of the calendar month in which the DMP first makes use of the work.[12] In such cases, the DMP must accrue and hold applicable statutory royalties in accordance with usage of the work, from the initial use of the work until these royalties can be paid to the copyright owner or are required to be transferred to the MLC.[13] If a copyright owner of an unmatched musical work (or share) is identified and located by or to the DMP before the license availability date, the DMP must, among other things, pay the copyright owner all accrued royalties accompanied by a cumulative statement of account that includes the information that would have been provided to the copyright owner had the DMP been providing monthly statements of account to the copyright owner from initial use of the work in accordance with section 115 and applicable regulations.[14] If a copyright owner of an unmatched musical work (or share) is not identified and located by the license availability date, the DMP must, among other things, transfer, no later than 45 calendar days after the license availability date, all accrued royalties to the MLC accompanied by a cumulative statement of account that includes the information that would have been provided to the copyright owner had the DMP been serving monthly statements of account on the copyright owner ''from initial use of the work in accordance with [section 115] and applicable regulations,'' including the certification that would have been provided to an identified copyright owner as well as an additional certification attesting to the DMP's matching efforts during the transition period.[15]

In December 2018, the Office published an interim rule and requested comments to address the current transition period.[16] With respect to the payment and reporting obligations to be eligible for the limitation on liability, the Office adopted regulations specifying that DMPs must pay royalties and provide cumulative statements of account to copyright owners and the MLC in compliance with the Office's preexisting monthly statement of account regulations in 37 CFR 210.16.[17] The Office required that cumulative statements of account include ''a clear identification of the total period covered by the cumulative statement and the total royalty payable for the period.'' [18] The Office did not receive any comments in response to this public rulemaking and finalized the rule in March 2019.[19] In promulgating the rule, the Office observed that ''[t]he intent of the legislation does not signal to the Office that it should be overhauling its existing regulations during the transition period before the blanket license becomes available.'' [20] But the rule did separate provisions regarding the reporting of cumulative statements of account and payment of royalties for matched works provided to copyright owners on the one hand from the reporting of cumulative unmatched usages and transfer of associated royalties to the MLC on the other. This approach includes the extra step of statutorily required certifications for reports provided to the MLC.[21]

Following the adoption of this rule, in September 2019, the Office issued a notification of inquiry regarding multiple topics related to MMA implementation.[22] Noting the ''persistent concern about the 'black box' of unclaimed royalties, including its amount and treatment by digital music providers and the MLC,'' the Office provided another opportunity for the public to comment on the regulations governing the reporting of cumulative statements of account and generally on ''any issues that should be considered relating to the transfer and reporting of unclaimed royalties by digital music providers to the MLC.'' [23]

In response to this later inquiry, both the MLC and the DLC provided comments. The MLC proposed that the cumulative statements of account to be delivered to the MLC at the end of the transition period, instead of complying with the Office's preexisting monthly statement of account regulations in 37 CFR 210.16, should include the same information and be in the same format as required for monthly reports of usage under the blanket license.[24] The MLC also proposed requiring these cumulative statements to include: (1) Per-play allocations or other applicable rates and amounts allocated to identified usage, and perpetually unique DMP transaction identifiers for usage; (2) information about matched shares of a musical work where unmatched shares for the work are reported; (3) information about any applicable earned interest; and (4) information about any claimed or applied deductions or adjustments to the aggregate accrued royalties payable.[25] The DLC proposed that DMPs not be ''required to accrue any royalties that are required to be paid to copyright owners of musical works pursuant to any agreements entered into prior to the effective date of the [MMA]'' and that those royalties not be treated as ''accrued royalties'' under the statute.[26]

Having reviewed and carefully considered all relevant comments, the Office now issues a proposed rule and invites further public comment. While all public comments are welcome, as applicable, should commenters disagree with language in the proposed rule, the Office encourages commenters to offer alternate potential regulatory language.

II. Proposed Rule

A. Cumulative Statement of Account Content and Format

General. The MLC proposed requiring cumulative statements of account to ''include[ ] all of the information, and [be] in the same format, as required to be provided in the monthly usage reports pursuant to [section] 115(d)(4)(A)(i)–(iii), as supplemented by [the reports of usage regulations].'' [27] The MLC explained that it needs the additional information to properly administer the transferred royalties.[28]

In response, the DLC suggested that the Copyright Office is restricted in its ability to require DMPs to provide

[10] H.R. Rep. No. 115–651, at 13; S. Rep. No. 115–339, at 14; Conf. Rep. at 12.

[11] 17 U.S.C. 115(d)(10)(B)(iii).

[12] *Id.* at 115(d)(10)(B)(iv).

[13] *Id.*

[14] *Id.* at 115(d)(10)(B)(iv)(II).

[15] *Id.* at 115(d)(10)(B)(iv)(III).

[16] 83 FR 63061 (Dec. 7, 2018).

[17] 37 CFR 210.20.

[18] *Id.* at 210.20(b)(2)(i), (3)(i).

[19] *See* 84 FR 10685 (Mar. 22, 2019).

[20] 83 FR at 63062.

[21] *See* 83 FR at 63065–66; 37 CFR 210.16, 210.20.

[22] 84 FR 49966 (Sept. 24, 2019).

[23] *Id.* at 49971.

[24] MLC Reply App. D at 19; *see also* MLC Initial at 23; MLC Reply at 27–28; MLC *Ex Parte* Letter at 2 (June 17, 2020).

[25] MLC Reply App. D at 19; *see also* MLC Initial at 22–23; MLC Reply at 27–28; MLC *Ex Parte* Letter at 3–4 (June 17, 2020).

[26] DLC Reply App. at A–24; *see also* DLC Initial at 18–19.

[27] MLC Reply App. D at 19.

[28] MLC Initial at 22; *see also* MLC *Ex Parte* Letter at 2 & n.1 (June 17, 2020).

additional information in a different format than what was required by the Office's preexisting monthly statement of account regulations, because doing so ''is contrary to the MMA, which requires the digital music provider to only provide 'the information that *would have been provided* to the copyright owner had the digital music provider been serving *monthly statements of account* on the copyright owner.' '' [29] The DLC further claimed that the MLC's proposal was ''impractical,'' explaining that ''digital music providers have maintained usage information . . . with the *existing* statement of account regulations in mind.'' [30]

The MLC noted that the cited clause ''does not imply that DMPs should not report anything additional or otherwise limit the Copyright Office's general authority under [s]ection 115(d)(12)(A) to adopt regulations necessary or appropriate to effectuate the provisions of [s]ection 115(d)'' and that regulations to ''effectuate the proper disposition of accrued unclaimed royalties'' are ''necessary or appropriate'' for the MLC to execute its functions under section 115(d).[31]

After considering the issue, the Office tentatively concludes that it would be within its regulatory authority and in clear furtherance of the statute's goals and the legislative intent to update the rule concerning cumulative statements of account as proposed below. In the course of analyzing these public comments and promulgating a related rule concerning post-blanket license monthly reporting of usage information, the Office's review indicates that updating certain requirements related to the content and delivery of cumulative statements may help the MLC more effectively identify and locate the copyright owners of unmatched works to ensure they are paid the royalties due to them. Congress has signaled this is a core task of the MLC.[32] Where statements of account provided to copyright owners have historically been intended to ''increase the protection of copyright proprietors against economic harm from companies which might refuse or fail to pay their just obligations,'' [33] cumulative statement reporting to the MLC is meant to facilitate the additional critical function of matching DMP usage to musical works and their owners—a task already accomplished where a statement is being served by the DMP directly on the copyright owner.[34] The legislative history of the MMA is in accord, providing that reporting accompanying unmatched royalties transferred to the MLC at the end of the transition period should contain ''*as much information about usage and ownership information as possible.*'' [35] The present rule for cumulative statements of account differentiates between reports provided to copyright owners and reports provided to the MLC by requiring DMPs to certify to the MLC that they have engaged in good faith efforts to obtain a variety of statutorily mandated categories of sound recording and musical work information.[36] The current rule also separately addresses transfer of royalties and reporting to the MLC. To some extent, then, the MLC's request for additional information related to partially matched works (not least, when partial payments have occurred) and the identity of these unmatched works may be viewed as an extension of these provisions regarding transfer and certification of efforts to obtain additional information about these works.[37]

Accordingly, to effectuate the provisions of section 115(d)(10), and against that provision's specific reference to ''regulations'' as well as the MMA's broad grant of regulatory authority to the Copyright Office, the Office tentatively concludes that it is necessary and appropriate to require DMPs to provide additional information to aid the MLC in fulfilling its statutory duty to identify and locate the copyright owners of unmatched works and pay the royalties due to them.[38] The proposed rule employs the MLC's preferred approach of generally importing the requirements that are eventually adopted for monthly reports of usage under the blanket license. While those regulations are still under consideration in a separate proceeding,[39] it seems reasonable to harmonize these rules in places, since the MLC is tasked with the same mission of matching works and distributing royalties, and DMPs, too, may benefit from consistency in reporting usage information in a similar manner (to the extent they have acquired such information).[40] Accordingly, the Office is proposing adjustments to requirements, such as those addressing format, royalty payment and accounting information, and sound recording and musical work information, that largely mirror the requirements proposed for reports of usage.[41] Notably, several categories of sound recording and musical work information proposed to be imported from the reports of usage regulations are already required under the current rule,[42] including artist,[43] playing time,[44] ISRC,[45] ISWC,[46] songwriter,[47] ISNI,[48] and ownership share.[49] In other respects, the proposed rule reorganizes and clarifies preexisting requirements, generally by replacing cross references to section 210.16 with the relevant regulatory language.[50] For example, while the current provision incorporates by reference section 210.16's provision with respect to performance royalty estimates, the proposed rule specifically addresses use of such estimates in the context of cumulative statements, which unlike monthly statements delivered to copyright owners, are not reconciled via annual statements of account.[51] Additionally, recognizing the function served by the cumulative statements, the proposed rule requires reporting of data related to partially paid shares of musical works and information needed to reconcile any deviation between royalty statements and the amounts transferred to the MLC.

Regarding the DLC's assertion that DMPs have been maintaining certain

[29] DLC Reply at 24 (quoting 17 U.S.C. 115(d)(10)(B)(iv)(III)(aa)).

[30] *Id.* at 24.

[31] MLC *Ex Parte* Letter at 2 n.1 (June 17, 2020).

[32] *See* H.R. Rep. No. 115–651, at 9 (The MLC's duty to ''identify the musical works embodied in particular sound recordings, as well as to identify and locate the copyright owners of such works'' is its ''highest responsibility'' next to the ''efficient and accurate collection and distribution of royalties.''); S. Rep. No. 115–339, at 9 (same); Conf. Rep. at 7 (same); *see also* Letter from Lindsey Graham, Chairman, Senate Judiciary Committee, to Karyn Temple, Register of Copyrights 1 (Nov. 1, 2019) (on file with Copyright Office) (''Reducing unmatched funds is the measure by which the success of this important legislation should be measured.'').

[33] H.R. Rep. No. 94–1476, at 111 (1976).

[34] 17 U.S.C. 115(d)(3)(C)(i)(II)–(III).

[35] H.R. Rep. No. 115–651, at 29 (emphasis added); S. Rep. No. 115–339, at 26 (same); Conf. Rep. at 22 (same).

[36] 17 U.S.C. 115(d)(B)(i)(I)(aa)–(bb).

[37] *See id.*

[38] *See id.* at 115(d)(10)(B)(iv)(III); *id.* at 115(d)(12)(A).

[39] *See generally* 85 FR 22518 (Apr. 22, 2020).

[40] In fact, cumulative statements of account will be due around the same time as the first monthly reports of usage begin to come in, and so it may create some efficiencies for DMPs, as well as the MLC, if these reports follow similar requirements.

[41] *See* 85 FR at 22540–46.

[42] *See* 37 CFR 210.20(b)(3)(i) (referring to ''the information and certification required by § 210.16'').

[43] *See id.* at 210.16(c)(3)(iv).

[44] *See id.* at 210.16(c)(3)(v).

[45] *See id.* at 210.16(c)(3)(iii).

[46] *See id.* at 210.16(c)(3)(viii).

[47] *See id.* at 210.16(c)(3)(vii).

[48] *See id.*

[49] *See id.* at 210.16(c)(3)(vi).

[50] *See, e.g., id.* at 210.16(e) (''clear statements'' requirement); *id.* at 210.16(d)(3)(i) (performance royalty estimates); *id.* at 210.16(d)(3)(ii) (NOI reference number); *id.* at 210.16(f) (certification requirement).

[51] *See id.* at 210.16(d)(3)(i).

information with only the preexisting statement of account regulations in mind, under the proposed rule, required information is generally limited to items that are either equivalent to the information required by section 210.16 or otherwise ''to the extent acquired'' by a DMP.[52] The Office believes that this qualification reasonably addresses the DLC's concern.

Where the NPRM imports the proposed reports of usage requirements, the Office's intent is for both rules to remain largely harmonized when finalized. After considering the MLC's suggestion, the Office declines to simply cross reference the reports of usage regulations because they may change over time after becoming effective (especially if adopted on an interim basis as has been proposed); [53] whereas the cumulative statement of account requirements, tied to the license availability date, will not change. To minimize duplication, commenters may cross reference or incorporate by reference comments submitted in the separate reports of usage proceeding as appropriate, and focus their comments here on items uniquely relevant to cumulative statements of account. To the extent commenters believe a separate approach is appropriate for cumulative statements of account compared to the proposed rule regarding reports of usage, they are encouraged to identify those areas of differentiation and explain their position.

Format. While the rule adopted in December 2018 was silent as to method of delivery, now that the MLC has been designated and is further along in its operational activities, the Office proposes to carry over the proposed reports of usage format provision, which would require delivery to the MLC in a machine-readable format that is compatible with its information technology systems, as reasonably determined by the MLC and taking into consideration relevant industry standards. If a large amount of musical works remain unmatched after the transition period, the MLC may be required to ingest a significant amount of cumulative statements of account from DMPs. As the MLC explains, using the same format will ensure efficient processing and ultimately support ''efficient and accurate reporting.'' [54] Further, as the MLC points out, ''a workflow will already have to be developed by the DMPs and the MLC for reporting in this format'' to process reports of usage,[55] and the MLC is ''mindful of the varying data formats used by DMPs with varying resources and intends to coordinate with the DMP community to ensure the most appropriate version of data standards is selected.'' [56] The Office notes that current monthly statement of account regulations already allow a copyright owner to ''demand that Monthly Statements of Account be submitted in a readily accessible electronic format consistent with prevailing industry practices applicable to comparable electronic delivery of comparable financial information.'' [57]

Certifications and clear statements. The Office does not propose any substantive changes to the certifications required under the previously adopted rule for cumulative statements of account.[58] The rule proposes a technical change to include the actual language for clarity (with appropriate conforming edits), rather than merely referring to the ''certification required by § 210.16.'' The Office has moved the other required certification—''that the digital music provider has fulfilled the requirements of 17 U.S.C. 115(d)(10)(B)(i) and (ii) but has not been successful in locating or identifying the copyright owner''—to be in the same paragraph as the language from section 210.16. The proposed rule also imports the ''clear statements'' requirement from the preexisting regulations.[59]

Estimates and adjustments. Under the previously adopted cumulative statement of account regulation, DMPs could make estimates to the extent currently permitted by 37 CFR 210.16(d)(3)(i) (covering where the final public performance royalty has not yet been determined), and there would be no adjustments mechanism. The Office proposes to retain this status quo rather than conform to the estimates and adjustments provisions proposed for reports of usage, given the one-time nature of the cumulative statements, compared to the proposed regulatory structure designed for ongoing reporting. The Office does propose, however, that any overpayment (whether resulting from an estimate or otherwise) should be credited to the DMP's account, or refunded upon request.

Response files and invoices. In light of the DLC's comments concerning the value of receiving invoices and response files,[60] the proposed rule allows a DMP to request and obtain a response file and/or invoice from the MLC. Because the MLC will be ingesting a large amount of data all around the same time, the rule proposes that any requested invoices and/or response files be delivered to DMPs within a ''reasonable'' period of time in lieu of imposing a strict deadline.

NOI reference numbers. The proposed rule restates a provision currently incorporated by reference to section 210.16(c)(3)(ii), which requires a DMP to provide a reference number or code identifying the relevant NOI if it, or its agent, provided such a number or code on its relevant NOI. The Office proposes to retain this provision because records of past NOIs issued may be helpful inputs for the MLC in identifying unmatched works (or shares).

Sound recording and musical work information. As noted, the proposed rule generally harmonizes with the reporting requirements proposed for DMPs' monthly reports of usage to be delivered to the MLC following the transition to the blanket license. In many cases, this information is already required to be reported under the current rule, and in others, DMPs must certify that they have tried to obtain this information to receive the limitation on liability.[61] In some cases, additional fields are proposed to be required, including certain categories pertaining to identifying information for the sound recording that embodies a particular musical work.[62] As noted below, the obligation to report these additional fields is generally cabined by the extent the DMP has acquired this information,

[52] *Compare id.* at 210.16(c) *with* 85 FR at 22541–42.

[53] *See* 85 FR at 22519 (noting that an interim rule would offer ''more flexibly to make necessary modifications in response to new evidence, unforeseen issues, or where something is otherwise not functioning as intended'').

[54] MLC Initial at 20.

[55] MLC *Ex Parte* Letter at 2 (June 17, 2020).

[56] MLC Initial at 20.

[57] 37 CFR 210.16(g)(2).

[58] *See id.* at 210.20(b)(3)(i). As noted, to the extent the proposed rule would obligate DMPs to engage in reporting additional sound recording and musical works information, the statute requires DMPs to certify that they have attempted to acquire much of this information, and so an alternate method of providing this information to the MLC may be to require reporting the fruits of these inquiries in the certification.

[59] *Id.* at 210.16(e).

[60] *See* DLC Comments at 12–13, Music Modernization Act Notices of License, Notices of Nonblanket Activity, Data Collection and Delivery Efforts, and Reports of Usage and Payment, Docket No. 2020–5, *https://www.regulations.gov/contentStreamer?documentId=COLC-2020-0005-0012&attachmentNumber=1&contentType=pdf* (''Invoices and response files are critically important to licensees and their accounting processes.''); *see also* 85 FR at 22528.

[61] 17 U.S.C. 115(d)(10)(B)(i)(I)(aa)–(bb), (iv)(III)(aa); *see* 37 CFR 210.20(b)(3)(i) (referring to ''the information and certification required by § 210.16''); *id.* at 210.16(c)(3) (addressing *e.g.,* artist, playing time, ISRC, ISWC, songwriter, ISNI, and ownership share).

[62] For example, sound recording name(s), producer(s), version(s), release date(s), album title(s), and distributor(s).

and, in some instances, is further limited by whether the DMP is already reporting this information.

Altered data and practicability of reporting. For sound recording and musical work information, the rule proposes to require identifying whether the reported data has been modified by the DMP, compared to being passed through in its original, as-received form. This concept was suggested by the MLC and others.[63] As noted above, the Office is still considering comments in the reports of usage rulemaking and incorporation of the MLC's suggestion here should not indicate that the Office has made any conclusions in either this rulemaking or the reports of usage rulemaking on this subject. The Office also proposes to import the practicability limitation concerning the reporting of sound recording and musical work information that was proposed in the reports of usage proceeding.[64] Under that proposal, much of the enumerated sound recording and musical work information would only need to be reported by a DMP ''to the extent practicable,'' which is defined in reference to categories of information that are statutorily required, required by a data standard used by the DMP, or were otherwise already being reported by the relevant DMP.[65] As with altered data, the inclusion of this limitation in the proposed rule should not indicate that the Office has finalized its approach with respect to this aspect of the reports of usage rulemaking. The Office recognizes that these are potential areas where it may make sense to consider whether the monthly and cumulative reporting rules should diverge, and invites comment on these issues.[66]

Partially matched works. The MLC requested that cumulative statements of account include information about matched shares of a musical work where unmatched shares for the work are reported, by proposing the following regulatory language:

> for each track for which a share of a musical work has been matched and for which accrued royalties have been paid in accordance with section [210.20(b)(2)], but for which one or more shares of a musical work remains unmatched, identification of [the total period covered by the cumulative statement and the per-play allocation and unique DMP transaction identifier], and a clear identification of the share(s) that have been matched, the owner(s) of such matched shares, and the amount of such accrued royalties paid in accordance with section [210.20(b)(2)].[67]

The MLC explained that, in practice, a DMP may have paid one copyright owner their royalty share, and held accrued royalties for any remaining unmatched share(s).[68] The MLC is concerned that upon transfer of such unmatched royalties, if the paid share is not properly identified, there is a risk that a paid co-owner would be able to collect a portion of an unpaid co-owner's share.[69]

The DLC does not appear to disagree with the MLC's description of the issue, but stated that ''[t]his sort of operational detail should be worked out between the MLC and individual digital music providers.''[70] The DLC suggested that DMPs' third-party vendors, who are subject to ''strict contractual confidentiality restrictions,'' may have this information and not the DMPs themselves.[71] Although it did not propose suggested language, it asked the Office to ''account for these [confidentiality] restrictions and protect digital music providers from any liability related to their breach,'' were it to promulgate a regulation.[72] The MLC presumed that the DLC's confidentiality concern ''relates to the amounts of royalties paid under voluntary licenses'' and offered to amend their proposal to limit share reporting ''to the share percentage and the owner of the share that was paid, [and] omitting the precise amount of royalties paid under the voluntary license terms.''[73]

The Copyright Office finds the MLC's proposal to be reasonable in light of the statutory function of cumulative statements of account. Current regulations already allow a compulsory licensee to elect to allocate monthly royalty payments between co-owners and serve statements on each co-owner reflecting the percentage share paid to that co-owner.[74] Further, the MMA contemplates that if a DMP's matching efforts are successful during the transition period as to a share of a work, it will pay royalties to the owner of that share, while holding the unmatched remainder for further matching efforts and, if ultimately unsuccessful, eventual transfer to the MLC.[75] Thus, the situation the MLC anticipates seems likely to occur, and having the matched share information will be important. The proposed rule largely follows the MLC's language, although it does not include the MLC's proposed limitation to instances where royalty shares are paid in accordance with § 210.20(b)(2), which concerns payments related to musical works matched during the transition period. It seems that all instances of partial payment of royalty interests may be relevant to the MLC's identification and royalty distribution functions for the remaining unmatched share(s). The Office welcomes comments on all aspects of this proposed rule, and is interested in whether the MLC's suggestion to omit a requirement to report the amount of royalties paid to matched shares under voluntary licenses adequately addresses the DLC's concerns. To that end, the Office solicits comments regarding whether the rule should also permit the MLC and individual DMPs to enter into

[63] MLC Comments at 26, Music Modernization Act Notices of License, Notices of Nonblanket Activity, Data Collection and Delivery Efforts, and Reports of Usage and Payment, Docket No. 2020–5, *https://www.regulations.gov/contentStreamer?documentId=COLC-2020-0005-0014&attachmentNumber=1&contentType=pdf;* A2IM & RIAA Initial at 2–3 (noting provenance issues with using DMP-sourced sound recording data); Paul Jessop Initial at 2–3 (same); SoundExchange Comments at 4–5, Music Modernization Act Notices of License, Notices of Nonblanket Activity, Data Collection and Delivery Efforts, and Reports of Usage and Payment, Docket No. 2020–5, *https://www.regulations.gov/contentStreamer?documentId=COLC-2020-0005-0006&attachmentNumber=1&contentType=pdf* (same).

[64] *See* 85 FR at 22541–42.

[65] *See id.; see also id.* at 22531–32. As proposed, it would be ''practicable'' to provide the enumerated information if: (1) it belongs to a category of information expressly required by the enumerated list of information contained in 17 U.S.C. 115(d)(4)(A)(ii)(I)(aa) or (bb); (2) where the MLC has adopted a particular nationally or internationally recognized reporting or data standard or format (*e.g.,* DDEX) that is being used by the particular DMP, it belongs to a category of information required to be reported under such standard or format; (3) it belongs to a category of information that is reported by the particular DMP pursuant to any voluntary license or individual download license; or (4) it belongs to a category of information that was periodically reported by the particular DMP prior to the license availability date.

[66] For example, the Office has inquired whether a reasonable transition period may be appropriate with respect to certain monthly usage reporting requirements. *See* Letter from Copyright Office to Alliance for Recorded Music, DLC, MLC, and SoundExchange, Inc., at 3–4 (June 30, 2020), *https://www.copyright.gov/rulemaking/mma-implementation/copyright-office-letters/2020-5-june-30-2020.pdf.* Since cumulative statements of account are reported only once, shortly after the license availability date, such a period would make less sense for this proposed rule, and reporting obligations for cumulative statements may need to be cognizant of the time period within which DMPs will ready such statements.

[67] MLC Reply App. D at 19.

[68] MLC *Ex Parte* Letter at 3 (June 17, 2020) (giving the example of an identified 50% co-owner being paid their 50% share by a DMP, and then subsequently being paid half of the remaining share by the MLC due to lack of record of the first payment; stating that ''reporting on partially-matched works and the respective shares that the DMP already paid is essential to allow the MLC to properly credit share owners who have been paid and avoid double payments'').

[69] MLC *Ex Parte* Letter at 3 (June 17, 2020).

[70] DLC Reply at 25.

[71] *Id.*

[72] *Id.*

[73] MLC *Ex Parte* Letter at 4 (June 17, 2020).

[74] 37 CFR 210.16(g)(1).

[75] *See* 17 U.S.C. 115(d)(10)(B).

agreements to alter this process, provided that any such change does not materially prejudice the MLC's efforts with respect to locating and identifying copyright owners owed a portion of these accrued royalties. The Office has proposed a similar provision with respect to monthly reports of usage.[76]

Reconciliation. The MLC requested reporting of information concerning any applicable interest earned by DMPs on accrued royalties, and also ''any claimed or applied deductions or adjustments'' to applicable royalties ''with a description of the nature of, and basis for, such claimed deduction or adjustment.'' [77] The DLC responded that interest ''was purposefully *not* included in the statute'' and ''was specifically negotiated out of the draft legislation.'' [78] In particular, the DLC objected to the inclusion of deductions or adjustments because it ''is not aware of any deductions or adjustments that would be made to accrued royalties.'' [79]

The MLC subsequently clarified that it ''does not purport to dictate where interest must be applied or what would be applicable interest,'' but wished to ''ensure[] that any such interest paid over is also reported, so that the MLC can know to which copyright owners those moneys should ultimately be paid.'' [80] Similarly, for deductions or adjustments, the MLC explained that it does not ''intend to approve or condone of applying deductions, but merely wants to ensure that any such changes are properly reported, again so that the MLC can understand and exactly match the reporting to the payments.'' [81] The MLC contended that these provisions are needed because ''it is essential that the reporting on unclaimed accrued royalties match the accompanying royalty payments to the penny.'' [82]

Recognizing the DLC's comments regarding specific references to interest, adjustments, and deductions, the Copyright Office also appreciates the broader principle advanced by the MLC that it has an operational need for royalty statements to match the royalties transferred to the MLC, or at least minimize unexplained deviations. While not adopting the MLC's proposed language, the rule proposes that if the total royalties turned over to the MLC do not reconcile with the corresponding cumulative statement of account (for whatever reason), the DMP should include a clear and detailed explanation of the deviation. The Office has previously adopted a similar rule in the context of annual statements of account.[83]

Per-play allocation and unique transaction identifiers. The MLC proposed that cumulative statements of account be required to include ''[t]he per-play allocation or any other applicable rates and amounts allocated to the identified usage, and a perpetually unique DMP transaction identifier for the usage.'' [84] During a subsequent *ex parte* meeting, the MLC explained that while the proposed reports of usage requirements do not explicitly include references to these items, this information would nonetheless be adequately captured if the Office applied those proposed requirements.[85] As a result, the Office has not included the MLC's proposed language.[86]

B. Treatment of Negotiated Agreements

As described above, in addition to the MLC's request for additional reporting, the DLC asked for a ''regulatory clarification'' related to negotiated agreements that predate the MMA's enactment.[87] In its words, certain music publishers ''negotiated agreements with several of the major digital music providers to liquidate accrued royalties for unmatched works through payments based on market share, or other mechanisms *not* based on matching to specific compositions that generated the royalties,'' and some of these agreements have continued in force through the MMA's enactment date such that ''some digital music providers will continue to be obligated to pay some amount of accrued unmatched royalties to publishers with whom they have direct deals.'' [88] According to the DLC, ''[t]his creates a conflict between the terms of those preexisting agreements and the MMA's directions in section 115(d)(10) regarding the accrual of unmatched royalties.'' [89] To address this, and the DLC's overarching concern that ''[i]n no event should digital music providers be made to pay double,'' [90] the DLC proposed adding the following regulatory language:

> Notwithstanding anything in this section to the contrary, digital music providers are not required to accrue any royalties that are required to be paid to copyright owners of musical works pursuant to any agreements entered into prior to the effective date of the Music Modernization Act, and such royalties shall not be treated as ''accrued royalties'' for purposes of this section or 17 U.S.C. 115(d)(10).[91]

The MLC objected, stating that this proposed regulation would both ''conflict[] with the statute's requirement that *all* royalties accrued from initial use of the unmatched work be transferred'' to the MLC and ''exceed the Copyright Office's authority.'' [92] The MLC stated that ''[w]hile prior to the enactment of the MMA, certain DMPs entered into settlement agreements with certain music publishers in connection with disputes arising from their failure to license, match and/or pay royalties due, such settlement payments were definitively *not* the proper payment of royalties to copyright owners of unmatched uses,'' and were ''more likely consideration for releases from liability for copyright infringement or covenants not to sue.'' [93] The MLC further argued that royalties lose their ''unclaimed'' status only when they are matched.[94]

The proposed rule does not include regulatory language specifically addressing the relationship between private settlement agreements and whether works are required to be reported on cumulative statements of account (with accompanying payment of accrued royalties). The statute is somewhat instructive to this issue. Provisions regarding the treatment of voluntary licenses and accrued, unclaimed royalties were carefully negotiated during the legislative process.[95] To maintain eligibility for the limitation on liability, when making available a sound recording of a musical work via a covered activity, a digital music provider must accrue and hold royalties for each musical work for which a copyright owner has not been identified or located.[96] At the end of this current holding period, all accrued royalties for which ''a copyright owner of an unmatched musical work (or share thereof) is not identified and located'' must be transferred to the MLC along with associated reporting.[97] Works are

[76] *See* 85 FR 22546 (proposed 37 CFR 210.27(n)).

[77] MLC Reply App. D at 19.

[78] DLC Reply at 24.

[79] *Id.* at 25.

[80] MLC *Ex Parte* Letter at 4 (June 17, 2020).

[81] *Id.*

[82] *Id.*

[83] *See* 37 CFR 210.17(d)(2)(ii).

[84] MLC Reply App. D at 19.

[85] *See* MLC *Ex Parte* Letter at 3 (June 17, 2020).

[86] The proposed rule adopts the same approach with respect to reporting of partially matched works. *See* MLC Reply App. D at 19.

[87] DLC Initial at 18.

[88] *Id.* at 18–19.

[89] *Id.* at 18.

[90] *Id.* at 19.

[91] *Id.*

[92] MLC Reply at 27–30.

[93] *Id.* at 29.

[94] *Id.*

[95] *See* H.R. Rep. No. 115–651, at 9–10, 24; S. Rep. No. 115–339, at 10–11, 33–34.

[96] 17 U.S.C. 115(d)(10).

[97] *Id.* at 115(d)(10)(B)(iv)(III); *see id.* at 115(e)(2) (''The term 'accrued royalties' means royalties accrued for the reproduction or distribution of a musical work (or share thereof) in a covered

considered ''matched'' when ''the copyright owner of such work (or share thereof) has been identified and located.'' [98] The law further states that ''[v]oluntary license[s]'' will ''remain in effect'' by their respective terms notwithstanding the license availability date, and by implication, DMPs would not retain accrued royalties (as defined in the MMA) for works licensed under private agreements.[99]

The Office understands the DLC's concerns to center around whether payments made pursuant to various private settlement agreements can extinguish the obligation to deliver accrued royalties to the MLC. In light of the statutory language, these questions may be best resolved by determining whether a given agreement constitutes a valid license to the work(s) at issue (and if so, the scope of the license).[100] In such cases, the work(s) licensed under such agreements could be considered ''matched'' and may not need to be reported at the close of the transition period. In the case of jointly authored works, a further potential wrinkle may be determining whether any license extended pursuant to a settlement agreement was conveyed to the entirety of the work, or only to a partial interest in a co-owned work.[101]

The Office appreciates the DMP's motivation for further guidance on this important issue, but must be careful to avoid speaking over either the statue or private transactions. It would seem that the specific terms of each agreement would be highly relevant to addressing this issue, and that questions regarding the interpretation of various private contracts may be better resolved by the relevant parties rather than a blanket rule by the Copyright Office.[102] To the extent that preexisting settlement agreements may be, as the DLC asserts, in ''conflict'' with ''the MMA's directions in section 115(d)(10) regarding the accrual of unmatched royalties,'' [103] the statutory directive could not yield to such agreements, but the Office offers no opinion as to whether this is indeed the case. Additionally, if a DMP is unsure about its obligations under the statute vis-a-vis a given agreement (or with respect to a particular musical work or share of a work) and inadvertently transfers royalties later determined to have indeed been properly matched and paid by the DMP, the Office has proposed a provision that, as noted, would require the MLC to credit or refund any overpayment back to the DMP. For these reasons, based on the current record, the Office tentatively declines the DLC's suggestion to offer regulatory language regarding the interaction of preexisting settlement agreements and cumulative reporting obligations.[104] The Office recognizes that the DLC's comments arise out of a complicated and nuanced treatment of private transactions and remains available to dialogue further, in accordance with the public process for written comments and/or *ex parte* meetings.

III. Subjects of Inquiry

The proposed rule is designed to reasonably implement regulatory duties assigned to the Copyright Office under the MMA and facilitate the administration of the compulsory licensing system. The Office solicits additional public comment on all aspects of the proposed rule.

List of Subjects in 37 CFR Part 210

Copyright, Phonorecords, Recordings.

Proposed Regulations

For the reasons set forth in the preamble, the Copyright Office proposes amending 37 CFR part 210 as follows:

PART 210—COMPULSORY LICENSE FOR MAKING AND DISTRIBUTING PHYSICAL AND DIGITAL PHONORECORDS OF NONDRAMATIC MUSICAL WORKS

■ 1. The authority citation for part 210 continues to read as follows:

Authority: 17 U.S.C. 115, 702.

■ 2. Amend § 210.12 by revising paragraph (k) and removing paragraphs (i) through (o).

The revision reads as follows:

§ 210.12 Definitions.

* * * * *

(k) Any terms not otherwise defined in this section shall have the meanings set forth in 17 U.S.C. 115(e).

■ 3. Amend § 210.20 by revising paragraph (b)(3)(i) and adding paragraphs (c) through (j) to read as follows:

§ 210.20 Statements required for limitation on liability for digital music providers for the transition period prior to the license availability date.

* * * * *

(b) * * *

(3) * * *

(i) Not later than 45 calendar days after the license availability date, transfer all accrued royalties to the mechanical licensing collective (as required by paragraph (i)(2) of this section), such payment to be accompanied by a cumulative statement of account that:

(A) Includes all of the information required by paragraphs (c) through (e) of this section covering the period starting from initial use of the work;

(B) Is delivered to the mechanical licensing collective as required by paragraph (i)(1) of this section; and

activity, calculated in accordance with the applicable royalty rate under this section.'').

[98] *Id.* at 115(e)(17); *see also id.* at 115(e)(35) (defining ''unmatched'').

[99] *Id.* at 115(e)(36) (''The term 'voluntary license' means a license for use of a musical work (or share thereof) other than a compulsory license obtained under this section.''); *id.* at 115(d)(9)(C) (describing transition to blanket license). The MLC will ''confirm uses of musical works subject to voluntary licenses and individual download licenses, and the corresponding pro rata amounts to be deducted from royalties that would otherwise be due under the blanket license.'' *Id.* at 115(d)(3)(G)(i)(I)(bb). The Office has proposed a rule that would require DMPs to provide a description (including the start and end dates, the musical work copyright owner, and either a list of all covered musical works or an identification of any applicable catalog exclusions) of any applicable voluntary licenses to the MLC so that the MLC can confirm such uses for DMPs. *See* 85 FR 22537, 22541.

[100] While in some cases, the terms of a settlement agreement may provide continuing license authority, the Second Circuit has opined that, ''absent clear language to the contrary, they are not licenses for future use.'' *Compare Davis* v. *Blige* 505 F.3d 90, 102–04 (2d Cir. 2007) (holding that ''a license or assignment in copyright can only act prospectively,'' and that a co-owner cannot convey ''his co-owners' right to prosecute past infringements'') *with Jacobs* v. *Nintendo of Am., Inc.,* 370 F.3d 1097, 1101 (Fed. Cir. 2004) (holding that a settlement with an unrestricted grant to engage in patented activities carried with it an implied sublicense); *see also United States* v. *Youngstown Sheet & Tube Co.,* 171 F.2d 103, 111 (6th Cir. 1948) (''A release for wrongs done in the past is not the equivalent of a license to do rightfully the same thing in the future.'').

[101] For a background discussion on considerations related to licensing co-owned works in the performance royalty context, see U.S. Copyright Office, *Views of the United States Copyright Office Concerning PRO Licensing of Jointly Owned Works* (Jan. 2016), *https://www.copyright.gov/policy/pro-licensing.pdf.* As a starting point, ''[j]oint authors co-owning copyright in a work . . . 'each hav[e] an independent right to use or [non-exclusively] license the copyright, subject only to a duty to account to the other co-owner for any profits earned thereby.' '' *Cmty. for Creative Non-Violence* v. *Reid,* 846 F.2d 1485, 1498 (DC Cir. 1988). Collaborators can and sometimes do ''alter this statutory allocation of rights and liabilities by contract,'' including with respect to licensing. Paul Goldstein, 1 *Goldstein on Copyright* sec. 4.2 (3d. ed. 2020); *see, e.g., Corbello* v. *DeVito,* 832 F. Supp. 2d 1231, 1244 (D. Nev. 2011).

[102] The Office has not been provided copies of these settlement agreements.

[103] DLC Initial at 18.

[104] Further, while the Office appreciates the DLC's view that enactment of the MMA was not intended to result in services ''pay[ing] double'' to the same parties for the same activities, *id.* at 19, its specific proposed regulatory language may conflict with the statutory definition of ''accrued royalties'' and lack precision with respect to scenarios where a payment does not extinguish royalty entitlements for all copyright owners for the relevant works; that is, where usage remains fully or partially ''unmatched'' within the meaning of the statute.

(C) Is certified as required by paragraph (j) of this section; and

* * * * *

(c) Each cumulative statement of account delivered to the mechanical licensing collective under paragraph (b)(3)(i) of this section shall be clearly and prominently identified as a ''Cumulative Statement of Account for Making and Distributing Phonorecords,'' and shall include a clear statement of the following information:

(1) The period (months and years) covered by the cumulative statement of account.

(2) The full legal name of the digital music provider and, if different, the trade or consumer-facing brand name(s) of the service(s), including any specific offering(s), through which the digital music provider engages, or has engaged at any time during the period identified in paragraph (c)(1) of this section, in covered activities. If the digital music provider has a unique DDEX identifier number, it must also be provided.

(3) The full address, including a specific number and street name or rural route, of the place of business of the digital music provider. A post office box or similar designation will not be sufficient except where it is the only address that can be used in that geographic location.

(4) For each sound recording embodying a musical work for which accrued royalties must be transferred to the mechanical licensing collective under paragraph (b)(3)(i) of this section, a detailed cumulative statement, from which the mechanical licensing collective may separate reported information for each month and year for each applicable activity or offering including as may be defined in part 385 of this title, of all of:

(i) The royalty payment and accounting information required by paragraph (d) of this section; and

(ii) The sound recording and musical work information required by paragraph (e) of this section.

(5) The total royalty payable by the digital music provider for the period identified in paragraph (c)(1) of this section for the sound recordings embodying musical works identified in paragraph (c)(4) of this section, computed in accordance with the requirements of this section and part 385 of this title, and including detailed information regarding how the royalty was computed, with such total royalty payable broken down by month and year and by each applicable activity or offering including as may be defined in part 385 of this title.

(6) If the total royalty payable under paragraph (c)(5) of this section does not reconcile with the royalties actually transferred to the mechanical licensing collective, a clear and detailed explanation of the difference and the basis for it.

(d) The royalty payment and accounting information called for by paragraph (c)(4)(i) of this section shall consist of the following:

(1) A detailed and step-by-step accounting of the calculation of royalties payable by the digital music provider under applicable provisions of this section and part 385 of this title, sufficient to allow the mechanical licensing collective to assess the manner in which the digital music provider determined the royalty owed and the accuracy of the royalty calculations, including but not limited to the number of payable units, including, as applicable, permanent downloads, plays, and constructive plays, for each reported sound recording.

(2) A digital music provider may, in cases where the final public performance royalty has not yet been determined, compute the public performance royalty component based on the interim public performance royalty rate, if established; or alternatively, on a reasonable estimation of the expected royalties to be paid in accordance with GAAP.

(3) All information and calculations provided pursuant to paragraph (d) of this section shall be made in good faith and on the basis of the best knowledge, information, and belief of the digital music provider at the time the cumulative statement of account is delivered to the mechanical licensing collective, and subject to any additional accounting and certification requirements under 17 U.S.C. 115 and this section.

(e)(1) The following information must be provided for each sound recording embodying a musical work required to be reported under paragraph (c)(4)(ii) of this section:

(i) Identifying information for the sound recording, including but not limited to:

(A) Sound recording name(s), including, to the extent practicable, all known alternative and parenthetical titles for the sound recording;

(B) Featured artist(s);

(C) Unique identifier(s) assigned by the digital music provider, if any, including any code(s) that can be used to locate and listen to the sound recording through the digital music provider's public-facing service;

(D) Playing time; and

(E) To the extent acquired by the digital music provider in connection with its use of sound recordings of musical works to engage in covered activities, and to the extent practicable:

(*1*) Sound recording copyright owner(s);

(*2*) Producer(s);

(*3*) International standard recording code(s) (ISRC);

(*4*) Any other unique identifier(s) for or associated with the sound recording, including any unique identifier(s) for any associated album, including but not limited to:

(*i*) Catalog number(s);

(*ii*) Universal product code(s) (UPC); and

(*iii*) Unique identifier(s) assigned by any distributor;

(*5*) Version(s);

(*6*) Release date(s);

(*7*) Album title(s);

(*8*) Label name(s);

(*9*) Distributor(s); and

(*10*) Other information commonly used in the industry to identify sound recordings and match them to the musical works the sound recordings embody.

(ii) Identifying information for the musical work embodied in the reported sound recording, to the extent acquired by the digital music provider in the metadata provided by sound recording copyright owners or other licensors of sound recordings in connection with the use of sound recordings of musical works to engage in covered activities, and to the extent practicable:

(A) Information concerning authorship and ownership of the applicable rights in the musical work embodied in the sound recording, including but not limited to:

(*1*) Songwriter(s);

(*2*) Publisher(s) with applicable U.S. rights;

(*3*) Musical work copyright owner(s);

(*4*) International standard name identifier(s) (ISNI) and interested parties information code(s) (IPI) for each such songwriter, publisher, and musical work copyright owner; and

(*5*) Respective ownership shares of each such musical work copyright owner;

(B) International standard musical work code(s) (ISWC) for the musical work embodied in the sound recording; and

(C) Musical work name(s) for the musical work embodied in the sound recording, including any alternative or parenthetical titles for the musical work.

(iii) Whether the digital music provider, or any corporate parent or subsidiary of the digital music provider, is a copyright owner of the musical work embodied in the sound recording.

(iv) A reference number or code identifying the relevant Notice of

Intention, if the digital music provider, or its agent, chose to include such a number or code on its relevant Notice of Intention for the compulsory license.

(2) Subject to paragraph (e)(3) of this section, where any of the information called for by paragraph (e)(1) of this section is acquired by the digital music provider from sound recording copyright owners or other licensors of sound recordings (or their representatives), and the digital music provider revises, re-titles, or otherwise edits or modifies the information, it shall be sufficient for the digital music provider to report either the originally acquired version or the modified version of such information (but any modified information must be identified as such) to satisfy its obligations under paragraph (e)(1) of this section, unless one or more of the following scenarios apply, in which case either the unaltered version or both versions must be reported:

(i) If the mechanical licensing collective has adopted a particular nationally or internationally recognized reporting or data standard or format (*e.g.,* DDEX) that is being used by the particular digital music provider, and either the unaltered version or both versions are required to be reported under such standard or format.

(ii) Either the unaltered version or both versions are reported by the particular digital music provider pursuant to any voluntary license or individual download license.

(iii) Either the unaltered version or both versions were periodically reported by the particular digital music provider prior to the license availability date.

(3) Notwithstanding paragraph (e)(2) of this section, a digital music provider shall not be able to satisfy its obligations under paragraph (e)(1) of this section by reporting a modified version of any information belonging to a category of information that was not periodically revised, re-titled, or otherwise edited or modified by the particular digital music provider prior to the license availability date, and in no case shall a modified version of any unique identifier (including but not limited to ISRC and ISWC), playing time, or release date be sufficient to satisfy the digital music provider's obligations under paragraph (e)(1) of this section.

(4) Any obligation under paragraph (e)(1) of this section concerning information about sound recording copyright owners may be satisfied by reporting the information for applicable sound recordings provided to the digital music provider by sound recording copyright owners or other licensors of sound recordings (or their representatives) contained in each of the following DDEX fields: DDEX Party Identifier (DPID), LabelName, and PLine. Where a digital music provider acquires this information in addition to other information identifying a relevant sound recording copyright owner, all such information must be reported to the extent practicable.

(5) As used in this paragraph (e), it is practicable to provide the enumerated information if:

(i) It belongs to a category of information expressly required by the enumerated list of information contained in 17 U.S.C. 115(d)(4)(A)(ii)(I)(aa) or (bb);

(ii) Where the mechanical licensing collective has adopted a particular nationally or internationally recognized reporting or data standard or format (*e.g.,* DDEX) that is being used by the particular digital music provider, it belongs to a category of information required to be reported under such standard or format;

(iii) It belongs to a category of information that is reported by the particular digital music provider pursuant to any voluntary license or individual download license; or

(iv) It belongs to a category of information that was periodically reported by the particular digital music provider prior to the license availability date.

(6) Notwithstanding any information reported under paragraph (e)(1)(ii)(A)(*5*) of this section, for each track for which a share of a musical work has been matched and for which accrued royalties for such share have been paid, but for which one or more shares of the musical work remains unmatched and unpaid, the digital music provider must provide a clear identification of the share(s) that have been matched, the owner(s) of such matched shares, and, for shares other than those paid pursuant to a voluntary license, the amount of such accrued royalties paid.

(f) The information required by paragraphs (c) through (e) of this section requires intelligible, legible, and unambiguous statements in the cumulative statements of account, without incorporation by reference of facts or information contained in other documents or records.

(g) References to part 385 of this title, as used in paragraphs (c) and (d) of this section, refer to the rates and terms of royalty payments as in effect as to each particular reported use based on when the use occurred.

(h) If requested by a digital music provider, the mechanical licensing collective shall deliver an invoice and/or a response file to the digital music provider within a reasonable period of time after the cumulative statement of account and related royalties are received. The response file shall contain such information as is common in the industry to be reported in response files, backup files, and any other similar such files provided to digital music providers by applicable third-party administrators.

(i)(1) Each cumulative statement of account delivered to the mechanical licensing collective under paragraph (b)(3)(i) of this section shall be delivered in a machine-readable format that is compatible with the information technology systems of the mechanical licensing collective as reasonably determined by the mechanical licensing collective and set forth on its website, taking into consideration relevant industry standards and the potential for different degrees of sophistication among digital music providers. The mechanical licensing collective must offer at least two options, where one is dedicated to smaller digital music providers that may not be reasonably capable of complying with the requirements of a reporting or data standard or format that the mechanical licensing collective may see fit to adopt for larger digital music providers with more sophisticated operations. Nothing in this section shall be construed as prohibiting the mechanical licensing collective from adopting more than two reporting or data standards or formats.

(2) Royalty payments shall be delivered to the mechanical licensing collective in such manner and form as the mechanical licensing collective may reasonably determine and set forth on its website. A cumulative statement of account and its related royalty payment may be delivered together or separately, but if delivered separately, the payment must include information reasonably sufficient to allow the mechanical licensing collective to match the cumulative statement of account to the payment.

(3) In the case of an overpayment of royalties, the mechanical licensing collective shall appropriately credit or offset the excess payment amount and apply it to the digital music provider's account. As an alternative to a credit, a digital music provider may request a refund for an overpayment of royalties, which the mechanical licensing collective shall pay within a reasonable period of time.

(j) Each cumulative statement of account delivered to the mechanical licensing collective under paragraph (b)(3)(i) of this section shall be accompanied by:

(1) The name of the person who is signing and certifying the cumulative statement of account.

(2) A signature, which in the case of a digital music provider that is a corporation or partnership, shall be the signature of a duly authorized officer of the corporation or of a partner.

(3) The date of signature and certification.

(4) If the digital music provider is a corporation or partnership, the title or official position held in the partnership or corporation by the person who is signing and certifying the cumulative statement of account.

(5) One of the following statements:

(i) Statement one:

I certify that (1) I am duly authorized to sign this cumulative statement of account on behalf of the digital music provider; (2) I have examined this cumulative statement of account; and (3) all statements of fact contained herein are true, complete, and correct to the best of my knowledge, information, and belief, and are made in good faith.

(ii) Statement two:

I certify that (1) I am duly authorized to sign this cumulative statement of account on behalf of the digital music provider, (2) I have prepared or supervised the preparation of the data used by the digital music provider and/or its agent to generate this cumulative statement of account, and (3) such data is true, complete, and correct to the best of my knowledge, information, and belief, and was prepared in good faith, and (4) this cumulative statement of account was prepared by the digital music provider and/or its agent using processes and internal controls that were subject to an examination, during the past year, by a licensed certified public accountant in accordance with the attestation standards established by the American Institute of Certified Public Accountants, the opinion of whom was that the processes and internal controls were suitably designed to generate monthly reports of usage that accurately reflect, in all material respects, the digital music provider's usage of musical works, the statutory royalties applicable thereto, and any other data that is necessary for the proper calculation of the statutory royalties in accordance with 17 U.S.C. 115 and applicable regulations.

(6) A certification by a duly authorized officer of the digital music provider that the digital music provider has fulfilled the requirements of 17 U.S.C. 115(d)(10)(B)(i) and (ii) but has not been successful in locating or identifying the copyright owner.

Regan A. Smith,

General Counsel and Associate Register of Copyrights.

[FR Doc. 2020–15591 Filed 7–16–20; 8:45 am]

BILLING CODE 1410–30–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2020–0331; FRL–10011–37–Region 7]

Air Plan Approval; Missouri; Removal of Control of Emissions From Manufacture of Polystyrene Resin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing approval of a State Implementation Plan (SIP) revision submitted by the State of Missouri on January 15, 2019, and supplemented by letter on July 11, 2019. Missouri requests that the EPA remove a rule related to the control of emissions from the manufacture of polystyrene resin in the St. Louis, Missouri area from its SIP. This removal does not have an adverse effect on air quality. The EPA's proposed approval of this rule revision is in accordance with the requirements of the Clean Air Act (CAA).

DATES: Comments must be received on or before August 17, 2020.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–R07–OAR–2020–0331 to *https://www.regulations.gov.* Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received will be posted without change to *https://www.regulations.gov/,* including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the ''Written Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Peter, Environmental Protection Agency, Region 7 Office, Air Permitting and Standards Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number (913) 551–7397; email address *peter.david@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' refer to the EPA.

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I. Written Comments

Submit your comments, identified by Docket ID No. EPA–R07–OAR–2020–0331 at *https://www.regulations.gov.* Once submitted, comments cannot be edited or removed from *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 *https://www.epa.gov/dockets/commenting-epa-dockets.*

II. What is being addressed in this document?

The EPA is proposing to approve the removal of 10 Code of State Regulations (CSR) 10–5.410, *Control of Emissions from Manufacture of Polystyrene Resin,* from the Missouri SIP.

According to the July 11, 2019 letter from the Missouri Department of Natural Resources, available in the docket for this proposed action, Missouri rescinded the rule because the only source subject to the rule ceased manufacturing polystyrene resin in 2009,[1] and the rule is no longer necessary for attainment and maintenance of the 1979, 1997, 2008, or 2015 National Ambient Air Quality Standards (NAAQS) for Ozone.

III. Background

The EPA established a 1-hour ozone NAAQS in 1971. 36 FR 8186 (April 30, 1971). On March 3, 1978, the entire St. Louis Air Quality Control Region (AQCR) (070) was identified as being in nonattainment of the 1971 1-hour ozone NAAQS, as required by the CAA Amendments of 1977. 43 FR 8962

[1] The Part 70 Permit to Operate issued by Missouri to The Dow Chemical Company, Riverside Plant on September 22, 2010 describes the specific emissions units that ceased operation and the date the cessation occurred.

(March 3, 1978). On the Missouri side, the St. Louis nonattainment area included the city of St. Louis and Jefferson, St. Charles, Franklin and St. Louis Counties (hereinafter referred to in this document as the ''St. Louis Area''). On February 8, 1979, the EPA revised the 1-hour ozone NAAQS, referred to as the 1979 ozone NAAQS. 44 FR 8202 (February 8, 1979). On May 26, 1988, the EPA notified Missouri that the SIP was substantially inadequate (hereinafter referred to as the ''SIP Call'') to attain the 1-hour ozone NAAQS in the St. Louis Area. *See* 54 FR 43183 (October 23, 1989).

To address the inadequacies identified in the SIP Call, Missouri submitted volatile organic compound (VOC) control regulations on June 14, 1985; November 19, 1986; and March 30, 1989. The EPA subsequently approved the revised control regulations for the St. Louis Area on March 5, 1990. The VOC control regulations approved by EPA into the SIP included reasonably available control technology (RACT) rules as required by CAA section 172(b)(2), including 10 CSR 10–5.410 *Control of Emissions from Manufacture of Polystyrene Resin.*

The EPA redesignated the St. Louis Area to attainment of the 1979 1-hour ozone standard on May 12, 2003. 68 FR 25418. Pursuant to section 175A of the CAA, the first 10-year maintenance period for the 1-hour ozone standard began on May 12, 2003, the effective date of the redesignation approval. On April 30, 2004, the EPA published a final rule in the **Federal Register** stating the 1-hour ozone NAAQS would no longer apply (*i.e.,* would be revoked) for an area one year after the effective date of the area's designation for the 8-hour ozone NAAQS. 69 FR 23951 (April 30, 2004). The effective date of the revocation of the 1979 1-hour ozone standard for the St. Louis Area was June 15, 2005. *See* 70 FR 44470 (August 3, 2005).

As noted above, 10 CSR 10–5.410, *Control of Emissions from Manufacture of Polystyrene Resin,* was approved into the Missouri SIP as a RACT rule on March 5, 1990. 55 FR 7712 (March 5, 1990). At the time that the rule was approved into the SIP, 10 CSR 10–5.410 applied to all installations throughout St. Louis City and Jefferson, St. Charles, Franklin and St. Louis Counties that manufactured polystyrene resin.

By letter dated January 15, 2019, Missouri requested that the EPA remove 10 CSR 10–5.410 from the SIP. Section 110(l) of the CAA prohibits EPA from approving a SIP revision that interferes with any applicable requirement concerning attainment and reasonable further progress (RFP), or any other applicable requirement of the CAA. The State supplemented its SIP revision with a July 11, 2019 letter in order to address the requirements of section 110(l) of the CAA.

IV. What is the EPA's analysis of Missouri's SIP revision request?

In its July 11, 2019 letter, Missouri states that it intended its RACT rules, such as 10 CSR 10–5.410, to solely apply to existing sources in accordance with section 172(c)(1) of the CAA.[2] Missouri states that although the applicability section of 10 CSR 10–5.410 specifies that the rule applies to all installations located throughout St. Louis City and Jefferson, St. Charles, Franklin and St. Louis Counties, the only facility that met the applicability criteria of the rule was The Dow Chemical Company, Riverside Plant (hereinafter referred to as ''Dow Chemical'').

Missouri, in its July 11, 2019 letter, indicated that Dow Chemical no longer manufactures polystyrene resin and instead purchases all the polystyrene resin used at the facility.[3] Dow Chemical discontinued the manufacture of polystyrene resin in 2009. The EPA confirmed that the facility is no longer manufacturing polystyrene resin [4] and is therefore no longer subject to 10 CSR 10–5.410.

As stated above, Missouri contends that 10 CSR 10–5.410 may be removed from the SIP because section 172(c)(1) of the CAA requires RACT for existing sources, and because 10 CSR 10–5.410 was applicable to a single source that has ceased the operations that caused the facility to meet the applicability criteria of the rule and, therefore, the rule no longer reduces VOC emissions. Because Dow Chemical was the only source subject to the rule, and because the facility ceased the manufacture of polystyrene resin in 2009, the EPA believes the rule no longer provides an emission reduction benefit to the St. Louis Area and is proposing to remove it from the SIP.

Missouri's July 11, 2019 letter states that any new sources or major modifications of existing sources are subject to new source review (NSR) permitting. Under NSR, a new major source or major modification of an existing source with a (potential to emit) PTE of 250 tons per year (tpy) [5] or more of any NAAQS pollutant is required to obtain a Prevention of Significant Deterioration (PSD) permit when the area is in attainment or unclassifiable, which requires an analysis of Best Available Control Technology (BACT) in addition to an air quality analysis and an additional impacts analysis. Sources with a PTE greater than 100 tpy, but less than 250 tpy,[6] are required to obtain a minor permit in accordance with Missouri's New Source Review permitting program, which is approved into the SIP.[7] Further, a new major source or major modification of an existing source with a PTE of 100 tpy or more of any NAAQS pollutant is required to obtain a nonattainment (NA) NSR permit when the area is in nonattainment, which requires an analysis of Lowest Achievable Emission Rate (LAER) in addition to an air quality analysis, an additional impacts analysis and emission offsets. The EPA agrees with this analysis.

Missouri has demonstrated that removal of 10 CSR 10–5.410 will not interfere with attainment of the NAAQS, RFP [8] or any other applicable requirement of the CAA because the single source subject to the rule has ceased the manufacture of polystyrene resin and the removal of the rule will not cause VOC emissions to increase. Therefore, the EPA proposes to approve the removal of 10 CSR 10–5.410 from the SIP.

[2] The EPA agrees with Missouri's interpretation of CAA section 172(c)(1) in regard to whether RACT is required for existing sources, but also notes that the State regulation establishing RACT may apply to new sources as well, dependent upon the State regulation's language.

[3] This change in the operation of the facility is supported by the Title V Permit issued on September 22, 2010 to Dow Chemical. The September 22, 2010 Title V Permit includes a statement that the polystyrene resin manufacturing emissions units were removed from operations and the Title V Permit.

[4] EPA reviewed the September 22, 2010 and the April 13, 2017 Title V Permits issued to Dow Chemical and the March 5, 2019 MDNR inspection report of Dow Chemical, currently operating as DDP Specialty Electronic Materials US Inc. and confirmed that these emissions units were no longer used.

[5] The PSD major source threshold for certain sources is 100 tpy rather than 250 tpy (see 40 CFR 52.21(b)(1)(i)(*a*) and 10 C.S.R. 10–6.060(8)(A)).

[6] Except for those sources with a PSD major source threshold of 100 tpy.

[7] EPA's latest approval of Missouri's NSR permitting program rule was published in the **Federal Register** on October 11, 2016. 81 FR 70025.

[8] RFP is not applicable to the St. Louis Area because for marginal ozone nonattainment areas, such as the St. Louis Area, the specific requirements of section 182(a) apply in lieu of the attainment planning requirements that would otherwise apply under section 172(c), including the attainment demonstration and reasonably available control measures (RACM) under section 172(c)(1), reasonable further progress (RFP) under section 172(c)(2), and contingency measures under section 172(c)(9).

V. Have the requirements for approval of a SIP revision been met?

The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from May 15, 2018, to August 2, 2018, and received twelve comments from the EPA that related to Missouri's lack of an adequate demonstration that the rule could be removed from the SIP in accordance with section 110(l) of the CAA, whether the rule applied to new sources and other implications related to rescinding the rule. Missouri's July 11, 2019 letter and December 3, 2018 response to comments on the state rescission rulemaking addressed the EPA's comments. In addition, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

VI. What action is the EPA taking?

The EPA is proposing to approve Missouri's request to rescind 10 CSR 10–5.410 from the SIP because the rule applied to a single facility that ceased the manufacture of polystyrene resin, which caused the facility to initially be subject to the rule, in 2009 and because the rule is not applicable to any other source. Therefore, the rule no longer serves to reduce emissions in the St. Louis Area. Further, any new sources or major modifications of existing sources in the St. Louis Area are subject to NSR permitting.[9] We are processing this as a proposed action because we are soliciting comments on this proposed action. Final rulemaking will occur after consideration of any comments.

VII. Incorporation by Reference

In this document, the EPA is proposing to amend regulatory text that includes incorporation by reference. As described in the proposed amendments to 40 CFR part 52 set forth below, the EPA is proposing to remove provisions of the EPA-Approved Missouri Regulation from the Missouri State Implementation Plan, which is incorporated by reference in accordance with the requirements of 1 CFR part 51.

VIII. 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, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this 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 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 the National Technology Transfer and Advancement Act (NTTA) because this rulemaking does not involve technical standards; 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 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, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: June 30, 2020.

James Gulliford,

Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA proposes to amend 40 CFR part 52 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart—AA Missouri

§ 52.1320 [Amended]

■ 2. In § 52.1320, the table in paragraph (c) is amended by removing the entry ''10–5.410'' under the heading ''Chapter 5-Air Quality Standards and Air Pollution Control Regulations for the St. Louis Metropolitan Area''.

[FR Doc. 2020–14524 Filed 7–16–20; 8:45 am]

BILLING CODE 6560–50–P

[9] ''NSR Permitting'' includes PSD permitting in areas designated attainment and unclassifiable, NA NSR in areas designated nonattainment and minor source permitting.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 200706–0179]

RIN 0648–BI15

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Electronic Vessel Trip Reporting

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

ACTION: Proposed rule; request for comments.

SUMMARY: This action proposes approval of, and regulations to implement, an action to require commercially permitted vessels in both New England and mid-Atlantic regions to submit vessel trip reports electronically within 48 hours of the end of a trip. In addition, this action would require for-hire vessels with permits for species

managed by the New England Fishery Management Council to submit vessel trip reports electronically. Document retention requirements would also be removed with this action. This action is intended to increase data quality and timeliness of vessel trip reports.

DATES: Comments must be received by August 17, 2020.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2020–0070, by the following method:

• *Electronic Submission:* Submit all electronic public comments via the Federal eRulemaking Portal.

1. Go to *http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2020-0070;*

2. Click the ''Comment Now!'' icon and complete the required fields; and

3. Enter or attach your comments.

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 us. 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. We will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). If you are unable to submit your comment through *www.regulations.gov,* contact Moira Kelly, Senior Fishery Program Specialist, phone: 978–281–9218; email: *Moira.Kelly@noaa.gov.*

Copies of the Joint Omnibus Electronic Vessel Trip Reporting Framework Adjustment prepared by the Mid-Atlantic and New England Fishery Management Council in support of this action are available from Dr. Christopher Moore, Executive Director, Mid-Atlantic Fishery Management Council, 800 North Street, Suite 201, Dover, DE 19901. The supporting documents are also accessible via the internet at: *https://www.mafmc.org/actions/commercial-evtr-framework, https://www.nefmc.org/library/omnibus-commercial-evtr-framework,* or *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Moira Kelly, Senior Fishery Program Specialist, phone: 978–281–9218; email: *Moira.Kelly@noaa.gov.*

SUPPLEMENTARY INFORMATION: In April 2019, NOAA's NMFS implemented a requirement for vessels issued a for-hire permit for a Mid-Atlantic Fishery Management Council-managed fishery to submit vessel trip reports electronically (eVTR) within 48 hours of the end of the trip when carrying passengers for hire. Shortly after, the Mid-Atlantic Council initiated an action to require the same of its commercial vessels. Given the substantial overlap in vessel permits across the two Councils, the New England Fishery Management Council agreed to make the action a joint omnibus action for all Fishery Management Plans of both Councils. At their respective December 2019 and January 2020 meetings, the Mid-Atlantic and New England Councils voted to submit the action to NMFS for approval.

Currently, commercial vessels are required to submit vessel trip reports either on paper or electronically following each trip. Several fishery management plans require weekly submission (Atlantic herring; Atlantic Mackerel, Squid, Butterfish; Northeast Multispecies; and Surfclam and Ocean Quahog); others require monthly submission (Atlantic Bluefish; Atlantic Deep-Sea Red Crab; Atlantic Sea Scallop; Summer Flounder, Scup, Black Sea Bass; Monkfish; Northeast Skate Complex; Spiny Dogfish; and Tilefish). With this action, all vessel trip reports would be required to be submitted electronically within 48 hours of the end of a fishing trip.

The Councils considered a variety of reporting timelines, including status quo (monthly or weekly), 24 hours, 72 hours, or weekly reporting. Ultimately, both Councils determined that 48 hours was preferred, as this was consistent with the existing for-hire eVTR requirements. In addition to the method and submission timeframe changes, the Councils recommend removing document retention requirements that are no longer necessary with electronic reporting.

New England Council For-Hire

Upon implementation of the Councils' proposed action, all federally permitted vessels in the Greater Atlantic Region would be required to submit vessel trip reports electronically, with two exceptions: (1) Federally permitted lobster vessels; and (2) vessels holding only a New England Council-managed for-hire permit. In conjunction with a reporting action by the Atlantic States Marine Fisheries Commission, we are addressing the lobster reporting requirements separately from this action. There are currently fewer than 15 vessels that are only issued a New England for-hire permit. Of those, 10 were active in 2019, and 6 of those submitted vessel trip reports electronically.

At the outset of this action (June 2019), the New England Council moved to include its own for-hire vessels in the framework. However, after consulting with the Mid-Atlantic Council, the New England Council agreed to move forward with just the commercial reporting changes. At its April 2020 meeting, after completing the relevant analyses and determining how few vessels would remain without an eVTR requirement, the New England Council requested that NMFS use the Magnuson-Stevens Fishery Conservation and Management Act authority at section 305(d) to extend the eVTR requirement to New England Council for-hire vessels through the same rulemaking to implement the commercial eVTR framework.

Including for-hire vessels with permits for New England Council-managed species in the action would streamline this rulemaking and regulatory text, improve our outreach efforts, and reduce the administrative burden of maintaining two reporting systems. Further, as noted above, the majority of vessels that would be impacted are already using electronic reporting voluntarily.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the National Marine Fisheries Service (NMFS) Assistant Administrator has made a preliminary determination that this proposed rule is consistent with the Joint Omnibus Electronic Vessel Trip Reporting Framework Adjustment, other provisions of the Magnuson-Stevens Act, and other applicable law. In addition, under the authority granted in section 305(d), NMFS is proposing to extend the requirements of this action to vessels issued for-hire permits for New England Council fisheries.

This proposed rule has been determined to be not significant for purposes of Executive Order (E.O.) 12866. This proposed rule is expected to be an E.O. 13771 deregulatory action.

This proposed rule does not contain policies with Federalism or takings implications as those terms are defined in E.O. 13132 and E.O. 12630, respectively.

The Chief Counsel for Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual determination for this determination is as follows.

This is an administrative action that would change the method of submission and reporting frequency of vessel trip reports. Currently, commercial vessels are required to submit vessel trip reports either on paper or electronically following each trip. Several fishery management plans require weekly submission (Atlantic herring; Atlantic Mackerel, Squid, Butterfish; Northeast Multispecies; and, Surfclam and Ocean Quahog); others require monthly submission (Atlantic Bluefish; Atlantic Deep-Sea Red Crab; Atlantic Sea Scallop; Summer Flounder, Scup, Black Sea Bass; Monkfish; Northeast Skate Complex; Spiny Dogfish; and, Tilefish). With this action, vessel trip reports would be required to be submitted electronically, within 48 hours of the end of a fishing trip.

The Regulatory Flexibility Act (RFA) requires Federal agencies to consider disproportionality and profitability to determine the significance of regulatory impacts. For RFA purposes only, NMFS established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (NAICS code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts less than not in excess of $11 million for all its affiliated operations worldwide. The determination of whether the entity is large or small is based on the average annual revenue for the most recent 3 years for which data are available (from 2016 through 2018).

The measures proposed in this action apply to the vessels that hold commercial Federal permits for species managed by the New England or Mid-Atlantic Council. There were 3,832 affiliates that reported revenue from commercial landings in 2016, 2017, and/or 2018. Based on combined receipts in 2018, 3,820 of these commercial entities were classified as small businesses and 12 were classified as large businesses. When considering affiliates that reported revenues from commercial fishing activities, the 3-year average (2016–2018) annual combined gross receipts from all commercial fishing activity was $1.1 billion for all combined affiliates classified as small businesses and $229,738,842 for all combined affiliates classified as large businesses. The Small Business Administration threshold for a small business is $8 million for for-hire entities and $11 million for commercial fishing entities. There are an additional 15 for-hire vessels not considered in the Councils' original analysis. The majority of these 15 vessels are issued only a Northeast multispecies for-hire permit (one vessel also holds a lobster permit). Seven of the 15 vessels submitted vessel trip reports in 2019, ranging from 6 to nearly 70 trips, with an average of 22 trips. Charters (private trips for up to 6 people) typically cost around $1,000 for groundfish trips, while a party boat can carry around 70 people and typically charge approximately $70 per customer. As a result, gross revenue from these vessels' trips likely averaged between $20,000 and $100,000 in 2019, ranging from $6,000 to upwards of $330,000, well below the $8 million small business threshold for for-hire fishing entities.

Complying with the proposed eVTR submission requirements can be accomplished for no cost using several of the available eVTR applications with a smartphone, personal computer, or tablet and internet connection/cellular data. The ubiquitous nature of smartphones, computers, and internet availability in private homes and businesses, as well as free access to Wi-Fi in most public libraries and other locations, provides a free to minimal cost means for permit holders to access eVTRs. Therefore, there is little to no direct negative economic impact to permit holders. Although this low-cost option is available, captains may voluntarily choose a different reporting mechanism, additional services, or upgraded hardware options that would increase their costs to varying degrees.

Because the eVTR submission requirements can be accomplished at low/no cost, no adverse impacts are expected from the proposed measures, and in the long-term, electronic reporting is expected to reduce reporting burden as we will be able to consolidate requirements into the eVTR platforms.

Therefore, this action is not expected to have a significant economic effect on a substantial number of small entities. Under the proposed action, small entities would not be placed at a competitive disadvantage relative to large entities, and the regulations would not reduce the profits for any small entities relative to taking no action. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping, and reporting requirements.

Dated: July 7, 2020.

Samuel D. Rauch III,

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

For the reasons stated in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

■ 2. Amend § 648.7 by:
■ a. Revising paragraphs (b)(1), (c), (d), and (f)(2); and
■ b. Removing and reserving paragraph (e)(2).

The revisions read as follows:

§ 648.7 Recordkeeping and reporting requirements.

* * * * *

(b) * * *

(1) *Fishing Vessel Trip Reports.* The owner or operator of any vessel issued a valid permit or eligible to renew a limited access permit under this part must maintain on board the vessel, and submit, an accurate fishing log report for each fishing trip, regardless of species fished for or taken, by electronic means. This report must be entered into and submitted through a software application approved by NMFS. The reporting requirements specified in this paragraph (b)(1)(i) for an owner or operator of a vessel fishing for, possessing, or landing Atlantic chub mackerel are effective through December 31, 2020.

(i) With the exception of those vessel owners or operators fishing under a surfclam or ocean quahog permit, at least the following information as applicable and any other information required by the Regional Administrator must be provided: Vessel name; USCG documentation number (or state registration number, if undocumented); permit number; date/time sailed; date/time landed; trip type; number of crew; number of anglers (if a charter or party boat); gear fished; quantity and size of gear; mesh/ring size; chart area fished; average depth; latitude/longitude; total hauls per area fished; average tow time duration; hail weight, in pounds (or count of individual fish, if a party or charter vessel), by species, of all species, or parts of species, such as monkfish livers, landed or discarded; and, in the case of skate discards, ''small'' (*i.e.,* less than 23 inches (58.42 cm), total length) or ''large'' (*i.e.,* 23 inches (58.42 cm) or greater, total length) skates; dealer

permit number; dealer name; date sold, port and state landed; and vessel operator's name, signature, and operator's permit number (if applicable).

(ii) The owner or operator of any vessel conducting any surfclam and ocean quahog fishing operations must provide at least the following information and any other information required by the Regional Administrator: Name and permit number of the vessel, total amount in bushels of each species taken, date(s) caught, time at sea, duration of fishing time, locality fished, crew size, crew share by percentage, landing port, date sold, price per bushel, buyer, tag numbers from cages used, quantity of surfclams and ocean quahogs discarded, and allocation permit number.

* * * * *

(c) *When to fill out a vessel trip report.* Vessel trip reports required by paragraph (b)(1)(i) of this section must be filled out with all required information, except for information not yet ascertainable, prior to entering port. Information that may be considered unascertainable prior to entering port includes dealer name, dealer permit number, and date sold. Vessel trip reports must be completed as soon as the information becomes available. Vessel trip reports required by paragraph (b)(1)(ii) of this section must be filled out before landing any surfclams or ocean quahogs.

(d) *Inspection.* Upon the request of an authorized officer or an employee of NMFS designated by the Regional Administrator to make such inspections, all persons required to submit reports under this part must make immediately available for inspection reports, and all records upon which those reports are or will be based, that are required to be submitted or kept under this part.

* * * * *

(f) * * *

(2) *Fishing vessel trip reports.* For any vessel issued a valid permit or eligible to renew a limited access permit under this part, fishing vessel trip reports, required by paragraph (b)(1) of this section, must be submitted within 48 hours at the conclusion of a trip.

(i) For the purposes of this paragraph (f)(2), the date when fish are offloaded from a commercial vessel will establish the conclusion of a commercial trip.

(ii) For the purposes of this paragraph (f)(2), the date a charter/party vessel enters port will establish the conclusion of a for-hire trip.

* * * * *

[FR Doc. 2020–14949 Filed 7–16–20; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 85, No. 138
Friday, July 17, 2020

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

Office of Partnerships and Public Engagement

Advisory Committee on Minority Farmers

AGENCY: Office of Partnerships and Public Engagement, USDA.

ACTION: Notice of conference call meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the Department of Agriculture and the Federal Advisory Committee Act (FACA), that a public teleconference of the Advisory Committee on Minority Farmers (ACMF) will be held to discuss USDA outreach, technical assistance, and capacity building for and with minority farmers; the implementation of the Socially Disadvantaged and Veteran Farmer and Rancher Grant Program (2501 Program); and methods of maximizing the participation of minority farmers and ranchers in the U.S. Department of Agriculture; and to plan mechanisms for best providing advice to the Secretary on the issues outlined above.

DATES: The public portion of the conference call will be held on Wednesday, July 29, 2020 at 12:15–1:15 p.m. Eastern Standard Time (EST).

FOR FURTHER INFORMATION CONTACT: General information about the committee can also be found at *https://www.usda.gov/partnerships/advisory-committee-on-minority-farmers.* Any member of the public wishing to obtain information concerning this public meeting may contact Eston Williams, Designated Federal Officer (DFO), at *Eston.Williams@usda.gov* or at (202) 596–0226.

SUPPLEMENTARY INFORMATION: *Public Call-in Information:* Conference call-in number: Dial-in: 888–251–2949 or 215–861–0694 and Access Code: 2513486#. Please be advised that before placing them into the conference call, the operator will ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and the USDA will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free conference call-in number.

Public Comments: Written comments for the Committee's consideration may be submitted to email: *ACMF@usda.gov.* Written comments must be received by July 28, 2020.

Availability of Materials for the Meeting: General information about the ACMF as well as any updates concerning the meeting announced in this notice, may be found on the ACMF website at *https://www.usda.gov/partnerships/advisory-committee-on-minority-farmers*

Accessibility: USDA is committed to ensuring that all persons are included in our programs and events. If you are a person with a disability and require reasonable accommodations to participate in this meeting please contact Eston Williams at *Eston.Williams@usda.gov* or (202) 596–0226.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

Background: The Committee was established in the U.S. Department of Agriculture pursuant to section 14008 of the Food Conservation and Energy Act of 2008, Public Law 110–246, 122 Stat. 1651, 2008 (7 U.S.C. 2279).

The Committee works in the interest of the public to ensure socially disadvantaged farmers have equal access to USDA programs. The Committee advises the Secretary on the implementation of section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990; methods of maximizing the participation of minority farmers and ranchers in U.S. Department of Agriculture programs; and civil rights activities within the Department, as such activities relate to participants in such programs.

This meeting notice is being published less than 15 days in advance of the meeting due to limitations in leaderships schedule.

Dated: July 14, 2020.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2020–15495 Filed 7–16–20; 8:45 am]

BILLING CODE 3412–88–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

[Docket No. 200710–0186]

RIN 0694–XC063

Advanced Surveillance Systems and Other Items of Human Rights Concern

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Notice of inquiry.

SUMMARY: In this notice, the Department of Commerce (Department), Bureau of Industry and Security (BIS) seeks public comments on the list of items on the Export Administration Regulations' (EAR) Commerce Control List (CCL) that are controlled for crime control and detection (CC) reasons to promote human rights throughout the world. The request for comments in this notice furthers the periodic review of items controlled for CC reasons and is intended to inform the agency's decisions in updating (including additions and removals) items controlled for CC reasons on the CCL, as well as the related licensing requirements for such items. BIS takes this action pursuant to the Export Control Reform Act of 2018 (ECRA).

DATES: Comments must be received no later than September 15, 2020.

ADDRESSES: Comments may be submitted by any of the following methods.

- *Federal rulemaking portal: http://www.regulations.gov*—you can find this notice by searching on its *regulations.gov* docket number, which is BIS– 2020–0021. All comments (including any personally identifying information) will be made available for public inspection and copying.
- By mail or delivery to Regulatory Policy Division, Bureau of Industry and Security, U.S. Department of Commerce, Room 2099B, 14th Street and

Pennsylvania Avenue NW, Washington, DC 20230. Refer to RIN 0694–XC056.

FOR FURTHER INFORMATION CONTACT: For questions on licensing requirements for items controlled for crime control reasons, contact Steven Schrader, Foreign Policy Division, Office of Nonproliferation and Treaty Compliance, Bureau of Industry and Security, U.S. Department of Commerce, by email at *Foreign.Policy@bis.doc.gov,* and by phone at 202–482–4252. For questions on the submission of comments, contact Sheila Quarterman, Regulatory Policy Division, Office of Exporter Services, Bureau of Industry and Security, U.S. Department of Commerce, by email at *RPD2@bis.doc.gov*.

SUPPLEMENTARY INFORMATION:

Background

The Bureau of Industry and Security (BIS) controls the export and reexport of items for crime control and detection (CC) reasons under the Export Administration Regulations (EAR) (15 CFR 730–774). The licensing requirements and policy for these items are set out in § 742.7—Crime control and detection—of the EAR. These items are identified on the EAR's Commerce Control List (CCL) in Supplement No. 1 to Part 774 of the EAR.

BIS controls CC items to carry out the foreign policy of the United States, including to promote human rights throughout the world. The request for comments in this notice furthers the periodic review of items controlled for CC reasons and is intended to inform the agency's decision on updates (including additions and removals) of items listed on the CCL and controlled for CC reasons. BIS's last comprehensive review of CC items occurred with the assistance of comments submitted in response to a notice published in 2008 (73 FR 14769; March 19, 2008).

CC items of particular interest for new license requirements by BIS include facial recognition software and other biometric systems for surveillance, non-lethal visual disruption lasers, and long-range acoustic devices and their components, software, and technologies. BIS also seeks comments on the merits of removing or modifying the CC controls on several additional items currently on the CCL, and on potential controls for such items that are end-use/end-user based.

Request for Comments

BIS seeks comments from the public; including industry and trade organizations, non-governmental organizations, government agencies, and academia, on crime control and detection items of particular interest for new license requirements, including facial recognition software and other biometric systems for surveillance; non-lethal visual disruption lasers; and long-range acoustic devices and their components, software, and technologies.

BIS also seeks comments on current and proposed changes to items controlled on the CCL for CC reasons and on items designated as EAR99 on the CCL, including both the items noted below and related items.

1. Facial recognition software and other biometric systems
2. Non-lethal visual disruption lasers (''dazzlers'')
3. Long-range acoustic devices and related components, software, and technologies for the above items.
4. Police helmets—0A979
5. Fingerprint readers—3A981, and components—(3A981, 4A980), software (3D980, 4D980), and technology (3E980, 4A980) thereof
6. Fingerprint powders, dyes, and inks (1A985)
7. Voice print identification systems (3A980) and components (3A980), software (3D980), and technology (3E980) thereof
8. Polygraphs and psychological stress analysis equipment (3A981) and components (3A981), software (3D980), and technology (3E980) thereof
9. Nonmilitary mobile crime science laboratories (9A980)
10. Miscellaneous CC controls in ECCNs and sub-paragraphs of ECCNs 4A003, 4A980, 4D001, 4D980, 4E001, 4E980, 6A002, 6E001, and 6E002

With regard to the aforementioned items described in more detail later in this notice, BIS seeks input on: (1) Information (including performance criteria) that may distinguish purely or predominantly consumer or commercial applications from applications purely or predominantly for use by law enforcement or security services and/or used in mass surveillance, censorship, privacy violations or otherwise useful in committing human rights abuses; (2) the impact of adding to, modifying, or removing items from the CCL on U.S. support of human rights throughout the world; and (3) the impact that changes of controls would have upon the competitiveness of U.S. business and industry.

In addition to comments on the items listed below, BIS welcomes comments on the update of controls on other items for surveillance and crowd control as well as on related issues of concern to the public.

BIS also seeks comments on potential revisions to CC controls that are based on end-uses and/or end-users, such as the end-use/end-user controls in Part 744 of the EAR.

1. Facial Recognition Devices for Individuals or for Crowd Scanning, Other Biometric Systems, and Their Input Components, Software, and Technology

A facial recognition system identifies or verifies a person's identity from a digital image or a video frame by comparing selected facial features from an input image to the features of faces stored in a database. The major components of a facial recognition system are (1) input camera(s), (2) data storage, (3) processing computer, and (4) the software algorithms needed to model facial images. While conventional facial recognition systems currently use cameras that see visible light, thermal imaging cameras that use infrared light are starting to be used in facial recognition systems due to their ability to operate independently of weather or lighting conditions.

Facial recognition is typically used to authenticate access to a device, such as on a cellphone, and is also widely used for access control into restricted areas, such as industrial facilities. Facial recognition systems have widespread user acceptance due to their contactless and non-invasive process.

Facial recognition is also increasingly used in crowd-scanning systems. Such systems are used in casinos (for tracking the location of employees, special customers, and barred customers), airports (for tracking staff and criminals), prisons (for tracking staff and inmates), customs facilities, and commercial facilities. Recently, such systems have also become popular as commercial customer/client identification and marketing tools. The systems also have utility to assist during Amber and Silver Alerts, to identify individual protestors in a crowd, including riot participants, or to track down escaped criminals, bail jumpers, and people with outstanding arrest warrants.

In addition to law enforcement and public safety-related uses, crowd-scanning systems can also be used to facilitate the abuse of human rights. China, for example, has deployed facial recognition technology in the Xinjiang region, in which there has been repression, mass arbitrary detention and high technology surveillance against Uighurs, Kazakhs and other members of Muslim minority groups. Reporters visiting the region found surveillance cameras installed approximately every

hundred meters in several cities, as well as facial recognition checkpoints at areas including gas stations, shopping centers, and mosque entrances.

BIS seeks input in particular on the high-resolution cameras currently classified as EAR99 on the CCL. Specifically the cameras' utility as inputs to crowd surveillance systems, and the implications of placing them under new controls is of interest to BIS: What specific technical criteria, such as resolution or framerate, would be appropriate for control; what criteria would differentiate these items as more compatible with police and intelligence end uses rather than with purely commercial end uses; and what impact would controls have upon U.S. industry competitiveness and leadership?

Other Biometric Controls

BIS also seeks information on controls for additional emerging biometric systems. Two methodologies of biometrics are currently controlled on the CCL: Fingerprint and voice print. BIS seeks input on whether other biometric technologies merit control, and if so, what specific technical criteria would be appropriate to control, and what impact would controls have upon U.S. industry competitiveness and leadership.

As an alternative to piecemeal review of biometric methods and products, BIS could extend controls to all biometric systems—iris, vein, earlobe, gait, heartbeat, etc.—and then limit controls to only those types of systems that identify a person without the individual's cooperation, conscious interaction or possibly even awareness (*e.g.,* a closed circuit camera running facial recognition software or surreptitious audio monitoring of a public space). Controls would not apply to systems that control access to premises or devices by verifying that the person attempting to gain such access is authorized to do so. This approach would not control specific applications of the fingerprint, iris, and voice authentication commercial items. This type of control would capture potential technologies if they become mature. Because complete systems, software and technology are often the only essential items in facial recognition, EAR99 ''parts'' could remain excluded from controls, enhancing the ability to service exports otherwise authorized with no license required, under license exceptions, or by individual licenses. BIS seeks input on whether this approach would be better than targeting individual modalities, and if so, what specific technical criteria would be appropriate, and what impact controls would have upon U.S. industry and competitiveness.

2. Non-Lethal Visual Disruption Lasers (''Dazzlers'')

A dazzler is a non-lethal weapon which uses a laser to illuminate and temporarily disable sensors or human vision with flash blindness. Initially developed for military use, non-military products are becoming available for use in law enforcement and security. Dazzlers that emit infrared or invisible light against various electronic sensors, and visible light against humans. They are about the size of a flashlight, and can be hand-held or mounted to a small-arm weapon. Dazzlers are used for target acquisition, illumination, disorientation of human targets, and defeat of hostile sensor systems. Similar to common lasers, they can be used to maliciously disrupt civil and military aircraft operations by blinding a pilot or sensor system, potentially inducing a crash.

BIS could determine to control dazzlers under existing ECCN 0A504, which include controls on laser aiming devices or laser illuminators ''specially designed'' for use on firearms, and serve similar purposes. Control under this ECCN would impose CC1 requirements while excluding Firearms Convention (FC1) requirements, which would allow their export to Canada license-free, in parallel with current aiming lasers for firearms.

3. Long-Range Acoustic Devices (LRAD)

The Long-Range Acoustic Device (LRAD) is an acoustic hailing device used to send messages and warning tones over longer distances or at higher volume than normal loudspeakers. LRAD systems are used as a means of non-lethal, non-kinetic crowd control. They can be handheld, mounted on riot shields, or on vehicles. As an area denial device, the utility of such systems can be compared to tear gas, without the need for deploying forces to don protective equipment and minimizing collateral harm from shifting wind or canisters being thrown back.

LRAD systems are used by law enforcement, government and defense agencies, as well as by maritime and commercial security companies to broadcast audible notifications and warnings. LRAD systems are also used to deter wildlife from airport runways, wind and solar farms, nuclear power facilities, gas and oil platforms, mining and agricultural operations, and industrial plants. Additionally, LRAD systems can be used to conduct area denial operations. BIS also seeks public comment on ECCNS currently controlled on the CCL including:

4. Police Helmets—0A979

Police helmets are controlled under Export Control Classification Number (ECCN) 0A979, ''Police helmets and shields; and ''specially designed'' ''components,'' n.e.s.'' They are used for mounted duty (motorcycle, bicycle or horse) and occasionally for riot control purposes. However, most police agencies use helmets with ballistic protection controlled under ECCN 1A613.

5. Fingerprint Readers—3A981, and Their Components—3A981, 4A980, Software—3D980, 4D980, Technology—3E980, 4A980

ECCN 3A981 controls, among other items, fingerprint analyzers, cameras and equipment, automated fingerprint and identification retrieval systems, and the ''specially designed'' ''components'' and ''accessories'' for them. Related hardware, software, and technology is controlled under ECCNs 3D980 and 4D980. Application specific software that is used by the operator, however, is designated as EAR99, because it doesn't meet all six criteria for the definition of ''use'' in EAR part 772: Operation, installation (including on-site installation), maintenance (checking), repair, overhaul and refurbishing.

Fingerprint-related items are used for device login authentication, area access controls, and identity verification for many private and public civil uses, as well as law enforcement uses. ''Live scan'' fingerprinting refers to both the technique and the technology used to capture fingerprints and palm prints electronically, without the need for the more traditional method of ink and paper. This is the predominant type of system currently in use, owing to the establishment of cross-platform standards promulgated by the National Institute of Science and Technology.

6. Fingerprint Powders, Dyes, and Inks—1A985

Fingerprint powders are used by crime scene investigators and others in law enforcement to obtain fingerprints and identify individuals at a particular scene or establish contact with a particular item. They may be employed by police or other authorities to identify individuals who wish to conceal their identity or to identify people who are incapacitated or deceased and thus unable to identify themselves. Their end use is almost entirely related to police forensics.

In contrast, fingerprint dyes and ink are employed in controlled but often

voluntary situations, such as when a person hired for a sensitive position, is enrolled in a government benefit program (in some countries), or for identification documentation purposes. An alternative to fingerprint dyes and inks are the live scan fingerprint capture devices controlled under ECCN 3A981, which are generally more effective, and in extensive use worldwide.

7. Voice Print Identification Systems—3A980, and Their Components—3A980, Software—3D980, and Technology—3E980

Voice print identification systems are used to verify the identity of a speaker as part of a security process (1:1 matching) or for identification of an unknown speaker among a set of known speakers (1:n matching). Speaker verification is usually employed as a ''gatekeeper'' methodology prior to providing access to a secure system. Gatekeeper systems operate with the users' knowledge and typically require their cooperation. However, when voice print identification systems are used for identification, as compared to verification, systems can be implemented without the speaker's or speakers' knowledge to identify discussion participants, provided sufficient voice samples are in the searcher's database.

Voice print identification is used by private companies, especially by financial institutions, for telephonically-based customer service activities to identify clients, in both the private and government sectors to verify identities for user access to resources, services, or facilities, and in criminal investigations to identify persons of interest.

8. Polygraphs and Psychological Stress Analysis Equipment—3A981, and Their Components—3A981, Software—3D980, and Technology—3E980

A polygraph is a device that measures and records several physiological indicators such as blood pressure, pulse, respiration, and skin conductivity while a person is asked and answers a series of questions. The basis underpinning the use of the polygraph and other stress analysis equipment is that deceptive answers will produce physiological responses that can be differentiated from those associated with non-deceptive answers. Polygraphs are used in the United States to much greater extent than most other countries, predominantly in law enforcement but also in the private sector to screen prospective employees or during misconduct investigations.

The current market for non-polygraph psychological stress analysis is almost entirely dominated by voice stress analysis (VSA) or computer voice stress analysis (CVSA). VSA is a technology that aims to infer deception from stress measured in the voice. CVSA records the human voice using a microphone and is based on the tenet that the non-verbal, low-frequency content of the voice conveys information about the physiological and psychological state of the speaker. Typically utilized in investigative settings, both VSA and CVSA aim to differentiate between stressed and non-stressed outputs in response to questions, with high stress seen as an indication of deception.

9. Nonmilitary Mobile Crime Science laboratories—9A980

To meet the standards of the items controlled under ECCN 9A980, mobile crime lab vehicles must contain one or more analytical or laboratory items controlled for CC reasons on the CCL, such those controlled under as ECCNs 3A980 and 3A981. Mobile crime labs provide on-site, rapid, reliable analysis of unknown compounds and materials for forensic, homeland security and military applications. They enable crime-scene technicians to conduct extensive evidence collection and processing at crime-scene sites, such as homicide scenes, methamphetamine lab and arson sites, and investigations that involve mass casualties. Most mobile crime labs contain equipment for analyzing chemicals, special hoods for fume disposal, isolated boxes for hazardous material analysis, and supplies for crime-scene investigation.

While the equipment in mobile crime labs is predominantly EAR99, as noted above, to qualify for control under ECCN 9A980, the lab must have one item controlled for CC reasons on the CCL. For example, a lab could contain the fingerprint readers and polygraphs controlled under ECCN 3A981, the fingerprint powder, dyes, and ink controlled under 1A985, ancillary police equipment controlled for CC or FC reasons, and or instruments and chemicals controlled on the CCL for antiterrorism reasons, such as 2A994 portable electric generators. Additionally, some items stocked in a mobile crime lab could have higher controls, such as the personal protective equipment controlled under ECCN 1A613.

10. Miscellaneous CC Controls in ECCNs and Sub-Paragraphs of ECCNs 4A003, 4A980, 4D001, 4D980, 4E001, 4E980, 6A002, 6E001, 6E002

(a.) 4A003: ''Digital computers'', ''electronic assemblies'', and related equipment therefor, as follows (see List of Items Controlled) and ''specially designed'' ''components'' therefor. Within this entry, the items are controlled for CC are ''digital computers'' for computerized finger-print equipment.

(b.) 4A980: Computers for fingerprint equipment, n.e.s. The entry for ECCN 4A980 does not control equipment limited to one finger and designed for user authentication or access control.

(c.) 4D001: ''Software'' as follows (see List of Items Controlled). ''Software'' for computerized finger-print equipment controlled under ECCN 4A003 for CC reasons is controlled under ECCN 4D001 for CC reasons.

(d.) 4D980: ''Software'' ''specially designed'' for the ''development,'' ''production'' or ''use'' of commodities controlled by 4A980.

(e.) 4E001: ''Technology'' as follows (see List of Items Controlled).

Under this entry, ''software'' for computerized finger-print equipment controlled under ECCN 4A003 for CC reasons is controlled for CC reasons.

(f.) 4E980: ''Technology'' for the ''development,'' ''production'' or ''use'' of commodities controlled by 4A980.

(g.) 6A002: Optical sensors and equipment, and ''components'' therefor, as follows (see List of Items Controlled). The relevant control statement reads as follows: ''CC applies to police-model infrared viewers in 6A002.c.''

(h.) 6E001: ''Technology'' according to the General Technology Note for the ''development'' of equipment, materials or ''software'' controlled by 6A (except 6A991, 6A992, 6A994, 6A995, 6A996, 6A997, 6A998, or 6A999.c), 6B (except 6B995), 6C (except 6C992 or 6C994), or 6D (except 6D991, 6D992, or 6D993).

Within this entry, ''technology'' for equipment controlled under ECCN 6A002 for CC reasons (*i.e.,* 6A002.c) is also controlled for CC reasons. Therefore, this entry subparagraph controls development technology for both 'direct view' imaging equipment with certain features and the related software.

(i.) 6E002: ''Technology'' according to the General Technology Note for the ''production'' of equipment or materials controlled by 6A (except 6A991, 6A992, 6A994, 6A995, 6A996, 6A997, 6A998 or 6A999.c), 6B (except 6B995) or 6C (except 6C992 or 6C994).

CC applies to ''technology'' for equipment controlled by 6A002 for CC reasons (*i.e.,* 6A002.c). Therefore, this controls *production technology* for 'direct view' imaging equipment with certain features and development *technology* for 'Direct view' imaging equipment with certain features and the related software.

Submission of Comments

All comments must be submitted to one of the addresses indicated in this notice. The Department requires that all comments be submitted in written form. BIS will consider all comments received on or before September 15, 2020. All comments, including those comments containing any personally identifying information or information for which a claim of confidentiality is asserted in the comments or their transmittal emails, will be made available for public inspection and copying. Parties who wish to comment anonymously may do so by submitting their comments via *Regulations.gov*, leaving the fields that would identify the commenter blank and including no identifying information in the comment itself.

Richard E. Ashooh,

Assistant Secretary for Export Administration.

[FR Doc. 2020–15416 Filed 7–16–20; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–848]

Emulsion Styrene-Butadiene Rubber From Mexico: Final Results of Antidumping Duty Administrative Review; 2017–2018

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

SUMMARY: The Department of Commerce (Commerce) finds that the producer/exporter subject to this administrative review made sales of emulsion styrene-butadiene rubber (ESB rubber) from Mexico at less than normal value during the period of review (POR) February 24, 2017 through August 31, 2018.

DATES: Applicable July 17, 2020.

FOR FURTHER INFORMATION CONTACT: Javier Barrientos, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2243.

SUPPLEMENTARY INFORMATION:

Background

This review covers one producer/exporter of the subject merchandise: Industrias Negromex S.A. de C.V. (Negromex).

On November 15, 2018, we published our initiation of an administrative review of the antidumping duty order on ESB rubber from Mexico.[1] On November 21, 2019, we published the *Preliminary Results* of this administrative review.[2] On January 6, 2020, Lion Elastomers LLC (the petitioner) submitted a case brief.[3] On January 13, 2020, Negromex submitted a rebuttal brief.[4]

On March 12, 2020, we extended the deadline for the final results of this review to May 19, 2020.[5] On April 24, 2020, Commerce tolled all deadlines in administrative reviews by 50 days, thereby extending the deadline for these final results to July 8, 2020.[6] Commerce conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The merchandise covered by this order is cold-polymerized emulsion styrene-butadiene rubber.[7] The subject merchandise is currently classifiable under subheadings 4002.19.0015 and 4002.19.0019 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

Analysis of Comments Received

All issues raised by the parties in their case and rebuttal briefs are listed in the appendix to this notice and are addressed in the Issues and Decision Memorandum.[8] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Changes to the Preliminary Results

In the *Preliminary Results,* we found that Negromex was entitled to a constructed export price (CEP) offset.[9] After further review of the record and review of interested party comments, we find that a CEP offset is not warranted for Negromex.[10] Accordingly, we incorporated this change in the margin program.[11] For a discussion of the above-referenced change, *see* the ''Changes to the Preliminary Results'' section of the Issues and Decision Memorandum.

Final Results of the Administrative Review

The weighted-average dumping margin for the final results of this administrative review is as follows:

Exporter/producer	Weighted-average dumping margin (percent)
Industrias Negromex S.A. de C.V	2.68

Disclosure

We will disclose to interested parties the calculations performed in connection with these final results within five days of the publication of this notice, consistent with 19 CFR 351.224(b).

Assessment Rate

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 212(b)(1), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

For Negromex, because its weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.5 percent), Commerce has calculated importer-specific antidumping duty assessment rates. We calculated importer-specific

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 57411 (November 15, 2018).

[2] *See Emulsion Styrene-Butadiene Rubber from Mexico: Preliminary Results of Antidumping Duty Administrative Review; 2017–2018,* 84 FR 64274 (November 21, 2019) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[3] *See* Petitioner's Letter, ''Antidumping Review of Emulsion Styrene-Butadiene Rubber (E–SBR) from Mexico: Case Brief,'' dated January 6, 2020.

[4] *See* Negromex's Letter, ''Emulsion Styrene-Butadiene Rubber from Mexico—First Antidumping Duty Administrative Review: Rebuttal Case Brief,'' dated January 13, 2020.

[5] *See* Memorandum, ''Emulsion Styrene-Butadiene Rubber from Mexico: Extension of Deadline for Final Results of Antidumping Duty Administrative Review,'' dated March 12, 2020.

[6] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews in Response to Operational Adjustments Due to COVID–19,'' dated April 24, 2020.

[7] For a full description of the scope, s*ee* Memorandum, ''Emulsion Styrene-Butadiene Rubber from Mexico: Issues and Decision Memorandum for the Final Results of the 2017–2018 Antidumping Duty Administrative Review,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[8] *See* Issues and Decision Memorandum.

[9] *See Preliminary Results* PDM at VII.C.

[10] *See* Issues and Decision Memorandum at Comment 1.

[11] *See* Memorandum, ''Final Results Analysis Memorandum for Industrias Negromex S.A de C.V.,'' dated concurrently with this notice.

antidumping duty assessment rates by aggregating the total amount of dumping calculated for the examined sales of each importer and dividing each of these amounts by the total sales value associated with those sales. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review where an importer-specific assessment rate is not zero or *de minimis.* Pursuant to 19 CFR 351.106(c)(2), we will instruct CBP to liquidate without regard to antidumping duties any entries for which the importer-specific assessment rate is zero or *de minimis.*

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

Commerce intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Negromex will be equal to the rate established in the final results of this administrative review; (2) for merchandise exported by producers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently-completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the producer is, then the cash deposit rate will be the rate established for the most recently-completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 19.52 percent, the all-others rate established in the investigation.[13] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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

Administrative Protective Order

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

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: July 8, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2020–15478 Filed 7–16–20; 8:45 am]

BILLING CODE 3510–DS–P

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

[13] *See Emulsion Styrene-Butadiene Rubber from Mexico: Final Affirmative Determination of Sales at Less Than Fair Value,* 82 FR 33062 (July 19, 2017).

DEPARTMENT OF COMMERCE

International Trade Administration

Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty

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

DATES: Applicable July 17, 2020.

FOR FURTHER INFORMATION CONTACT: Stephanie Moore, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Ave. NW, Washington, DC 20230, telephone: (202) 482–3692.

SUPPLEMENTARY INFORMATION: On May 4, 2020, the Department of Commerce (Commerce), pursuant to section 702(h) of the Trade Agreements Act of 1979 (as amended) (the Act), published the quarterly update to the annual listing of foreign government subsidies on articles of cheese subject to an in-quota rate of duty covering the period October 1, 2019 through December 31, 2019.[1] In the *Fourth Quarter 2019 Update,* we requested that any party that has information on foreign government subsidy programs that benefit articles of cheese subject to an in-quote rate of duty submit such information to Commerce.[2] We received no comments, information, or requests for consultation from any party.

Pursuant to section 702(h) of the Act, we hereby provide Commerce's update of subsidies on articles of cheese that were imported during the period January 1, 2020, through March 31, 2020. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amounts of each subsidy for which information is currently available.

Commerce will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed. Commerce encourages any person having information on foreign government subsidy programs which benefit articles of cheese subject to an in-quota rate of duty to submit such information in writing to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, 1401 Constitution Ave. NW, Washington, DC 20230.

[1] *See Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty,* 85 FR 26441 (May 4, 2020) (*Fourth Quarter 2019 Update*).

[2] *Id.*

This determination and notice are in accordance with section 702(a) of the Act.

Dated: July 11, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

SUBSIDY PROGRAMS ON CHEESE SUBJECT TO AN IN-QUOTA RATE OF DUTY

Country	Program(s)	Gross [3] subsidy ($/lb)	Net [4] subsidy ($/lb)
28 European Union Member States [5]	European Union Restitution Payments	$0.00	$0.00
Canada	Export Assistance on Certain Types of Cheese	0.46	0.46
Norway	Indirect (Milk) Subsidy	0.00	0.00
	Consumer Subsidy	0.00	0.00
	Total	0.00	0.00
Switzerland	Deficiency Payments	0.00	0.00

[FR Doc. 2020–15474 Filed 7–16–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

President's Advisory Council on Doing Business in Africa

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of an open meeting.

SUMMARY: The President's Advisory Council on Doing Business in Africa (PAC–DBIA or Council) will hold the third meeting of its 2019–2021 term to deliberate and adopt recommendations on measures the U.S. Government should consider in implementing and operationalizing the President's Prosper Africa initiative.

DATES: July 28, 2020, 12–1:00 p.m. EDT.

ADDRESSES: The President's Advisory Council on Doing Business in Africa meeting will be held via teleconference. For instructions on how to participate in the meeting, please see the **SUPPLEMENTARY INFORMATION** section of this notice. The final agenda for the meeting will be posted at least one week in advance of the meeting on the Council's website at *http://trade.gov/pac-dbia.*

FOR FURTHER INFORMATION CONTACT: Giancarlo Cavallo or Ashley Bubna, Designated Federal Officers, President's Advisory Council on Doing Business in Africa, Department of Commerce, 1401 Constitution Ave. NW, Room 22004, Washington, DC 20230, telephone: 202–766–8044; 202–250–9798, email: *dbia@trade.gov; Giancarlo.Cavallo@trade.gov; Ashley.Bubna@trade.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Council was established on November 4, 2014, to advise the President, through the Secretary of Commerce, on strengthening commercial engagement between the United States and Africa. The Council's charter was renewed for a third, two-year term in September 2019. The Council was established in accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

Requests to Attend: Anyone wishing to attend this meeting via teleconference must register by 5:00 p.m. July 21, 2020. In order to register, please submit your full name, email address, and phone number to *dbia@trade.gov.* Registrants will receive email confirmation with dial-in instructions for the teleconference. Members of the public are allowed to participate in listen only mode.

Public Submissions: The public is invited to submit written statements to the Council through Giancarlo Cavallo and Ashley Bubna, Designated Federal Officers for the President's Advisory Council on Doing Business in Africa, via email: *dbia@trade.gov.*

Statements must be received by 5:00 p.m. July 21, 2020. Statements will be provided to the members in advance of the meeting for consideration and may be posted on the Council website (*http://trade.gov/pac-dbia*). Any business proprietary information should be clearly designated as such. All statements received, including attachments and other supporting materials, are part of the public record and subject to public disclosure.

Meeting minutes: Copies of the Council's meeting minutes will be available within ninety (90) days of the meeting on the Council's website at *http://trade.gov/pac-dbia.*

Frederique Stewart,

Director, Office of Africa.

[FR Doc. 2020–15433 Filed 7–16–20; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–955]

Certain Magnesia Carbon Bricks From the People's Republic of China: Rescission of Countervailing Duty Administrative Review; 2018

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

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the countervailing duty (CVD) order on certain magnesia carbon bricks (magnesia carbon bricks) from the People's Republic of China (China) for the period of review January 1, 2018 through December 31, 2018 (POR).

DATES: Applicable July 17, 2020.

FOR FURTHER INFORMATION CONTACT: Gene H. Calvert, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3586.

[3] Defined in 19 U.S.C. 1677(5).

[4] Defined in 19 U.S.C. 1677(6).

[5] The 28 member states of the European Union are: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom. Note that the United Kingdom was only a member of the European Union until January 31, 2020.

SUPPLEMENTARY INFORMATION:

Background

On September 3, 2019, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the CVD order on magnesia carbon bricks from China for the POR.[1] On September 30, 2019, the Magnesia Carbon Bricks Fair Trade Committee (MC Bricks Committee) timely submitted a request to review multiple companies, in accordance with 19 CFR 351.213(b).[2] No other party submitted a request for an administrative review of the CVD order on magnesia carbon bricks from China for the POR.

On October 4, 2019, Fedmet filed an objection to the MC Bricks Committee's request for Commerce to conduct this administrative review with respect to Fedmet, arguing that Fedmet is not, nor has it ever been, a producer or exporter of magnesia carbon bricks from China.[3] As such, according to Fedmet, the MC Bricks Committee had no grounds to request a review of Fedmet and, therefore, Commerce should decline to initiate this administrative review with respect to Fedmet.[4] No party commented on Fedmet's Letter of Objection.

On November 12, 2019, Commerce published in the **Federal Register** a notice of initiation of this administrative review for all requested companies, including Fedmet.[5] In the *Initiation Notice,* Commerce stated that in the event it limits the number of respondents for individual examination, it intended to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports of magnesia carbon bricks from China during the POR.[6] On November 18, 2019, Commerce notified interested parties that CBP's database, which is comprised of actual U.S. entries of subject merchandise, indicated that there were no POR entries of magnesia carbon bricks from China that are subject to CVD duties with respect to the requested companies, and invited interested parties to comment on the CBP Entry Data.[7] No interested party commented on the CBP Entry Data.

On December 12, 2019, Fedmet timely submitted a certification of no shipments, stating that it made no entries, exports, or sales of subject merchandise imported from China into the United States during the POR, and stated that it is a U.S. importer and distributer of non-subject merchandise from China.[8] Fedmet reiterated its argument that the MC Bricks Committee had no grounds to request this administrative review with respect to Fedmet, and argued that Commerce has no lawful basis to conduct this review regarding Fedmet.[9] Fedmet also requested that Commerce terminate this review with respect to Fedmet or, in the alternative, rescind this review with respect to Fedmet in accordance with 19 CFR 351.213(d)(3).[10] No interested party commented on Fedmet's Certification of No Shipments.

On February 14, 2020, Commerce requested that CBP confirm whether any shipments of magnesia carbon bricks from China entered the United States during the POR regarding any of the requested companies.[11] On March 9, 2020, CBP responded to Commerce's inquiry and confirmed that there were no shipments of magnesia carbon bricks from China during the POR with respect to the requested companies.[12] No interested party commented on CBP's Confirmation of No Shipments.

On April 24, 2020, Commerce tolled all deadlines in administrative reviews by 50 days.[13] As such, the current deadline for the preliminary results in this administrative review is July 21, 2020. On June 25, 2020, Commerce issued a memorandum stating that it intended to rescind this administrative review based on the lack of suspended entries related to the requested companies, and invited comments from interested parties.[14] No interested party commented on Commerce's intent to rescind this administrative review.

Rescission of Review

It is Commerce's practice to rescind an administrative review of a CVD order, pursuant to 19 CFR 351.213(d)(3), when there are no reviewable entries of subject merchandise during the POR for which liquidation is suspended.[15] Normally, upon completion of an administrative review, the suspended entries are liquidated at the assessment rate calculated for the review period.[16] Therefore, for an administrative review to be conducted, there must be a reviewable, suspended entry for which Commerce can instruct CBP to liquidate at the newly calculated assessment rate.[17] Based on an examination of the record, Commerce finds that there is no evidence of reviewable entries,

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 84 FR 45949 (September 3, 2019).

[2] *See* MC Bricks Committee's Letter, ''Certain Magnesia Carbon Bricks from the People's Republic of China: Request for Administrative Review,'' dated September 30, 2019. The MC Bricks Committee is an ad hoc business association comprised of three U.S. producers of magnesia carbon bricks: Resco Products, Inc.; Magnesita Refractories Company; and HarbisonWalker International, Inc. The companies requested are: Dandong Xinxing Carbon Co., Ltd.; Fedmet Resources Corporation (Fedmet); Fengchi Imp. and Exp. Co., Ltd.; Fengchi Imp. and Exp. Co., Ltd. of Haicheng City; Fengchi Mining Co., Ltd. of Haicheng City; Fengchi Refractories Co., of Haicheng City; Haicheng Donghe Taidi Refractory Co., Ltd.; Henan Xintuo Refractory Co., Ltd.; Liaoning Fucheng Refractories; Liaoning Zhongmei High Temperature Material Co., Ltd.; Liaoning Zhongmei Holding Co., Ltd.; RHI Refractories Liaoning Co., Ltd.; Shenglong Refractories Co., Ltd.; Tangshan Strong Refractories Co., Ltd; The Economic Trading Group of Haicheng Houying Corp., Ltd; Yingkou Heping Samwha Minerals, Co., Ltd; and Yingkou Heping Sanhua Materials Co., Ltd.

[3] *See* Fedmet's Letter, ''Certain Magnesia Carbon Bricks from the People's Republic of China, Case No. C–570–955: Response to Petitioner's Request for Administrative Review,'' dated October 4, 2019 (Fedmet's Letter of Objection).

[4] *Id.*

[5] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 84 FR 61001 (November 12, 2019) (*Initiation Notice*).

[6] *Id.* at the section, ''Respondent Selection.''

[7] *See* Memorandum, ''Administrative Review of the Countervailing Duty Order on Certain Magnesia Carbon Bricks from the People's Republic of China; 2018: Release of U.S. Customs and Border Protection (CBP) Data for Respondent Selection,'' dated November 18, 2019 (CBP Entry Data).

[8] *See* Fedmet's Letter, ''Magnesia Carbon Bricks from the People's Republic of China, Case No. C–570–955: No Shipments Certification,'' dated December 12, 2019 (Fedmet's Certification of No Shipments).

[9] *Id.*

[10] *Id.*

[11] *See* CBP message No. 0045406, dated February 14, 2020.

[12] *See* Memorandum, ''Certain Magnesia Carbon Bricks from the People's Republic of China (China): Results of U.S. Customs and Border Protection (CBP) No Shipments Inquiry with Respect to Various Companies During the Period January 1, 2018, through December 31, 2018 (CBP's Confirmation of No Shipments).

[13] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews in Response to Operational Adjustments Due to COVID–19,'' dated April 24, 2020.

[14] *See* Memorandum, ''Administrative Review of the Countervailing Duty Order on Certain Magnesia Carbon Bricks from the People's Republic of China: Intent to Rescind the 2018 Administrative Review,'' dated June 25, 2020 (Intent to Rescind Memorandum).

[15] *See, e.g., Certain Magnesia Carbon Bricks from the People's Republic of China: Rescission of Countervailing Duty Administrative Review; 2016,* 84 FR 22437 (May 17, 2019) (*Magnesia Carbon Bricks 2016 AR*) and accompanying Issues and Decision Memorandum (IDM); *see also Circular Welded Carbon Quality Steel Pipe from the Republic of China: Rescission of Countervailing Duty Administrative Review; 2017,* 84 FR 14650 (April 11, 2019); *see also Lightweight Thermal Paper from the People's Republic of China: Notice of Rescission of Countervailing Duty Administrative Review; 2015,* 82 FR 14349 (March 20, 2017); and *Lightweight Thermal Paper from the People's Republic of China: Notice of Rescission of Countervailing Duty Administrative Review,* 81 FR 50683 (August 2, 2016).

[16] *See* 19 CFR 351.212(b)(2).

[17] *See Magnesia Carbon Bricks 2016 AR* and accompanying IDM at 5–6.

shipments, or U.S. sales of subject merchandise (*i.e.,* magnesia carbon bricks from China) during the POR.[18] Accordingly, in the absence of suspended entries of subject merchandise during the POR for this administrative review, Commerce is rescinding this administrative review of the CVD order on magnesia carbon bricks from China, pursuant to 19 CFR 351.213(d)(3), in its entirety. Commerce intends to issue appropriate assessment instructions to CBP 15 days after the publication date of this rescission notice in the **Federal Register**.

Administrative Protective Order

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

Commerce is issuing and publishing this notice in accordance with sections 751(a)(1) and 777(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: July 9, 2020.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2020–15472 Filed 7–16–20; 8:45 am]

BILLING CODE 3510–DS–P

[18] *See* Intent to Rescind Memorandum.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA286]

Endangered and Threatened Species; Take of Abalone

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

ACTION: Notice of receipt; application to renew one scientific research permit.

SUMMARY: Notice is hereby given that NMFS has received a request to renew an existing scientific research permit. The proposed work is intended to increase knowledge of species listed under the Endangered Species Act (ESA) and to help guide management, conservation, and recovery efforts. The application may be viewed online at: *https://apps.nmfs.noaa.gov/preview/preview_open_for_comment.cfm.*

DATES: Comments or requests for a public hearing on the application must be received at the provided email address (see **ADDRESSES**) no later than 5 p.m. Pacific standard time on August 17, 2020.

ADDRESSES: Because all West Coast NMFS offices are currently closed, all written comments on the application should be submitted by email to *nmfs.wcr-apps@noaa.gov.* Please include the permit number (18761–2R) in the subject line of the email.

FOR FURTHER INFORMATION CONTACT: Susan Wang, Long Beach, CA (ph.: 562–980–4199, email: *Susan.Wang@noaa.gov*). Permit application instructions are available from the address above, or online at *https://apps.nmfs.noaa.gov.*

SUPPLEMENTARY INFORMATION:

Species Covered in This Notice

The following listed species are covered in this notice:

Endangered black abalone (*Haliotis cracherodii*).

Authority

Scientific research permits are issued in accordance with section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et seq.*) and regulations governing listed fish and wildlife permits (50 CFR parts 222–226). 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; and (3) are consistent with the purposes and policy of section 2 of the ESA. The authority to take listed species is subject to conditions set forth in the permits.

Anyone requesting a hearing on the application listed in this notice should set out the specific reasons why a hearing on the application would be appropriate (see **ADDRESSES**). Such hearings are held at the discretion of the Assistant Administrator for Fisheries, NMFS.

Application Received

Permit 18761–2R

The University of California, Santa Cruz, has requested to renew a research permit to monitor the status and trends of endangered black abalone at sites throughout California for an additional five years. Under the previous permit, researchers surveyed black abalone populations at long-term monitoring sites throughout California. The data collected informed the five-year status update for black abalone (NMFS. 2018. Black Abalone (*Haliotis cracherodii*) Five-Year Status Review: Summary and Evaluation). Researchers also tested the feasibility of recruitment modules and were able to successfully deploy and maintain the modules at a few sites.

This renewal request would allow researchers to track population trends at long-term monitoring sites and deploy recruitment modules at a few sites for an additional five years. The renewal request differs from the previous permit in that it does not include pilot translocation studies using the recruitment modules; these studies were proposed but not conducted under the previous permit. In addition, the renewal request includes two new components: (1) Habitat surveys to assess black abalone habitat associations along segments of the coast, and (2) collection of tissue samples for genetic analysis. The activities proposed in the renewal request would benefit black abalone by providing valuable long-term monitoring data on black abalone numbers, sizes, spatial distribution, habitat, recruitment, genetic diversity, and health throughout the coast. These data will inform our assessments of black abalone status and recovery.

Proposed activities include:

(1) Continued annual surveys of black abalone populations at established long-term rocky intertidal monitoring sites;

(2) Abalone habitat surveys to document black abalone densities, habitat quality, and habitat associations along segments of the coast;

(3) One-time or more frequent monitoring as needed for projects (*e.g.,* jetty or breakwater repair) or in response to unexpected circumstances (*e.g.,* oil spills, mudslides); and

(4) Deployment of recruitment modules to monitor juvenile recruitment.

Monitoring would consist primarily of non-lethal, non-capture take to measure and count abalone. Tissue samples would be collected using non-lethal methods for genetic analysis. Abalone would not be removed from the substrate. At a few experimental sites, recruitment modules would be deployed in crevice habitat to monitor juvenile recruitment. Researchers would be permitted to collect dead or obviously dying black abalone for further analysis to determine the cause of death and to detect disease outbreaks. Researchers would also be permitted to collect empty black abalone shells for research, outreach, and educational purposes. The information resulting from the activities outlined above would be used to track black abalone status

and recovery, evaluate their health and genetic population structure, and better understand habitat their preferences to help in their recovery.

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the application, associated documents, and comments submitted to determine whether the application meets the requirements of section 10(a) of the ESA and Federal regulations. The final permit decision will not be made until after the end of the 30-day comment period. NMFS will publish notice of its final action in the **Federal Register**.

Dated: July 14, 2020.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2020–15531 Filed 7–16–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA282]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Southern Resident Killer Whale (SRKW) Workgroup (Workgroup) will host a two-day online meeting that is open to the public.

DATES: The meeting will be held Monday, August 3 through Tuesday, August 4, 2020. The meeting will be held from 1 p.m. to 5 p.m., Pacific Daylight Time (PDT) on August 3. The meeting will continue August 4 at 9 a.m. (PDT) and will end at 5 p.m. The meeting times are an estimate; the meeting will adjourn when business for the day is complete.

ADDRESSES: This meeting will be held online. Specific meeting information, including directions on how to join the meeting and system requirements will be provided in the meeting announcement on the Pacific Council's website (see *www.pcouncil.org*). You may send an email to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov*) or contact him at (503) 820–2412 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Robin Ehlke, Staff Officer, Pacific Council; telephone: (503) 820–2410; email: *robin.ehlke@noaa.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the meeting will be to develop potential alternatives for salmon management/conservation measures for Pacific Council consideration, and discuss and review any associated modeling and analysis. The Workgroup may also discuss and prepare for future Workgroup meetings and future meetings with the Pacific Council and its advisory bodies. Members of the Salmon Advisory Subpanel will be invited to attend. This is a public meeting and not a public hearing. Public comments will be taken at the discretion of the Workgroup co-chairs as time allows.

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

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov;* (503) 820–2412) at least 10 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 13, 2020.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2020–15420 Filed 7–16–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA268]

New England Fishery Management Council; Public Hearings

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

ACTION: Notice of public hearings.

SUMMARY: The New England Fishery Management Council is convening public hearings of Draft Amendment 21 to the Atlantic Sea Scallop Fishery via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: These webinars will be held on: August 5, 2020; August 12, 2020; August 27, 2020 and September 2, 2020.

ADDRESSES: All meeting participants and interested parties can register below for each webinar individually.

1. Wednesday, August 5, 2020, from 6 to 8 p.m. https://attendee.gotowebinar.com/register/7818807912946784783 Call in information: +1 (415) 655–0060; Access Code: 419–861–768

2. Wednesday, August 12, 2020, from 4 to 6 p.m. https://attendee.gotowebinar.com/register/4664837917950475279 Call in information: +1 (562) 247–8422; Access Code: 209–302–952

3. Thursday, August 27, 2020, from 4 to 6 p.m. https://attendee.gotowebinar.com/register/6166327698306522895 Call in information: +1 (562) 247–8422; Access Code: 330–712–984

4. Wednesday, September 2, 2020, from 6 to 8 p.m. https://attendee.gotowebinar.com/register/8244825787756617743 Call in information: +1 (415) 930–5321; Access Code: 487–066–105

Meeting address: The meetings will be held via webinar.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: *Public comments:* Public comment deadline is September 4, 2020. Comments may be submitted via email to *comments@nefmc.org* with ''Atlantic Sea Scallop Amendment 21 Public Hearing Comment'' in the subject line or mailed to Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Mill #2, Newburyport, MA 01950. Mark the outside of the envelope ''Atlantic Sea Scallop Amendment 21 Public Hearing Comment''. Comments may also be sent via fax to (978) 465–3116.

Agenda

Council staff will brief the public on Draft Amendment 21 before receiving comments on the amendment. The hearing will begin promptly at the time indicated above. If all attendees who wish to do so have provided their comments prior to the end time indicated, the hearing may conclude early. To the extent possible, the Council may extend hearings beyond the end time indicated above to accommodate all attendees who wish to speak. Scheduling of hearings is ongoing due to the COVID–19 pandemic. Additional hearings will be announced in a separate notice.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during these meetings. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 13, 2020.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2020–15421 Filed 7–16–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

U. S. Integrated Ocean Observing System (IOOS®) Advisory Committee

AGENCY: National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: Notice is hereby given of a virtual meeting of the U. S. Integrated Ocean Observing System (IOOS®) Advisory Committee (Committee).

DATES: The meeting will be held on Tuesday, August 4, 2020, Wednesday August 5, 2020, and Thursday, August 6, 2020, from 11 a.m. to 4 p.m. EDT each day. These times and the agenda topics described below are subject to change. Refer to the web page listed below for the most up-to-date agenda and dial-in information.

ADDRESSES: The meeting will be held virtually. Refer to the U.S. IOOS Advisory Committee website at *http://ioos.noaa.gov/community/u-s-ioos-advisory-committee/* for the most up-to-date information.

FOR FURTHER INFORMATION CONTACT: Krisa Arzayus, Designated Federal Official, U.S. IOOS Advisory Committee, U.S. IOOS Program, 1315 East-West Highway, Silver Spring, MD 20910; Phone 240–533–9455; Fax 301–713–3281; Email *krisa.arzayus@noaa.gov* or visit the U.S. IOOS Advisory Committee website at *http://ioos.noaa.gov/community/u-s-ioos-advisory-committee/.* To register for the meeting, contact Laura Gewain, *laura.gewain@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Committee was established by the NOAA Administrator as directed by Section 12304 of the Integrated Coastal and Ocean Observation System Act, part of the Omnibus Public Land Management Act of 2009 (Pub. L. 111–11). The Committee advises the NOAA Administrator and the Interagency Ocean Observation Committee (IOOC) on matters related to the responsibilities and authorities set forth in section 12302 of the Integrated Coastal and Ocean Observation System Act of 2009 and other appropriate matters as the Under Secretary refers to the Committee for review and advice.

The Committee will provide advice on:

(a) Administration, operation, management, and maintenance of the System;

(b) expansion and periodic modernization and upgrade of technology components of the System;

(c) identification of end-user communities, their needs for information provided by the System, and the System's effectiveness in disseminating information to end-user communities and to the general public; and

(d) any other purpose identified by the Under Secretary of Commerce for Oceans and Atmosphere or the Interagency Ocean Observation Committee.

The meeting will be open to public participation with a 15-minute public comment period on August 4, August 5, and August 6, 2020, from 3:45 p.m. to 4 p.m. EDT (check agenda on website to confirm time). The Committee expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of three (3) minutes. Written comments should be received by the Designated Federal Official by July 29, 2020, to provide sufficient time for Committee review. Written comments received after July 29, 2020, will be distributed to the Committee, but may not be reviewed prior to the meeting date. To submit written comments, please email your comments, your name as it appears on your driver's license, and the organization/company affiliation you represent to Krisa Arzayus, *Krisa.Arzayus@noaa.gov* and Laura Gewain, *Laura.Gewain@noaa.gov.*

Matters To Be Considered: The meeting will focus on ongoing committee priorities, including the role of ocean observations in forecasting, strategy and vision for the System, partnerships for a successful System, and requirements for the System, in order to develop the next set of recommendations to NOAA and the IOOC. The latest version of the agenda will be posted at *http://ioos.noaa.gov/community/u-s-ioos-advisory-committee/.*

Special Accomodations: These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Krisa Arzayus, Designated Federal Official at *Krisa.Arzayus@noaa.gov and Laura.Gewain@noaa.gov* or 240–533–9455 by July 24, 2020.

Krisa M. Arzayus,

Deputy Director, U.S. Integrated Ocean Observing System Office, National Ocean Service.

[FR Doc. 2020–15539 Filed 7–16–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Public Scoping Meeting To Solicit Input for a Draft Environmental Impact Statement for the Proposed Connecticut National Estuarine Research Reserve National Oceanic and Atmospheric Administration

AGENCY: Office for Coastal Management (OCM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce.

ACTION: Notice of public scoping meeting.

SUMMARY: NOAA and the State of Connecticut (State) announce a public scoping meeting to solicit comments on significant issues related to the development of a Draft Environmental Impact Statement (DEIS) for the proposed Connecticut National Estuarine Research Reserve (NERR). The public scoping meeting will be held on Tuesday, August 4, 2020. Meeting details are provided below.

DATES: The meeting will be held on Tuesday, August 4, 2020, from 7 p.m. to 9 p.m. Eastern Daylight Time (EDT). Written comments provided electronically must be submitted no later than Tuesday, August 18, 2020; written comments submitted by mail must be postmarked by Tuesday, August 18, 2020.

ADDRESSES: The public scoping meeting will be conducted online via WebEx and by phone. Online participants should go to the following University of Connecticut website to get instructions for participating and attend the public scoping meeting: *https://uconn-cmr.webex.com/uconn-cmr/onstage/g.php?t=a&d=1200263550.* Meeting documents will be available on the Connecticut Department of Energy and Environmental Protection's NERR website*: https://portal.ct.gov/DEEP/Coastal-Resources/NERR/NERR-Home-Page* as well as on the Federal eRulemaking Portal: *www.regulations.gov/docket?D=NOAA-NOS-2020-0089.* You may also participate in the meeting by phone, by using the toll-free number +1 415–655–0002 and the attendee access code 120 026 3550. =-0(?. zritten comments may be submitted by:

- *Electronic Submission:* Submit all electronic public comments via the Federal eRulemaking Portal. Go to *www.regulations.gov/docket?D=NOAA-NOS-2020-0089,* click the ''Comment Now!'' button, complete the required fields, and enter or attach your comments. Written comments must be submitted no later than Tuesday, August 18, 2020.
- *Mail:* Submit written comments to Erica Seiden, Stewardship Division (N/OCM6), Office for Coastal Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland 20910; ATTN: CT NERR. Comments must be postmarked no later than Tuesday, August 18, 2020.

Instructions: All comments received are part of the public record and will generally be posted for public viewing on *www.regulations.gov/docket?D=NOAA-NOS-2020-0089* with no changes. All personally identifiable information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the commenter will be publicly accessible and maintained by NOAA as part of the public record. NOAA will accept anonymous comments; on the eRulemaking Portal, enter ''N/A'' in the required fields if you wish to remain anonymous. If you would like to provide an anonymous comment during the public scoping meeting, type your comment into the question box, and state that you would like to remain anonymous when your comment is read. Multimedia submissions (*i.e.,* 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. NOAA will generally not consider comments, or comment contents, located outside of the primary submission sites or addresses (*i.e.,* those posted on the web, cloud, or other file-sharing system). Please note, no public comments will be audio or video recorded.

Closed captioning will be provided for those who attend the public meeting online via WebEx: *https://uconn-cmr.webex.com/uconn-cmr/onstage/g.php?t=a&d=1200263550.*

FOR FURTHER INFORMATION CONTACT: Erica Seiden, Office for Coastal Management, National Ocean Service, NOAA, 1305 East West Highway, N/OCM, Silver Spring, MD 20910; Phone: 240–533–0781; or Email: *erica.seiden@noaa.gov.*

SUPPLEMENTARY INFORMATION: In accordance with Section 315 of the Coastal Zone Management Act of 1972, as amended, and its implementing regulations (15 CFR part 921), and the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321), NOAA and the State intend to prepare a DEIS for the proposed Connecticut NERR. Early in the development of the DEIS, NOAA and the State are required to hold a scoping meeting to solicit public and government comments on significant issues related to this proposed action. (*See* 15 CFR 921.13(c).)

NOAA received the State's nomination of the proposed site on January 3, 2019. NOAA evaluated the nomination package and found that the proposed site met the NERR System requirements. (*See* 16 U.S.C. 1461(b).) NOAA informed the State on September 27, 2019, that it was accepting the nomination and that the next step would be to prepare a DEIS and Draft Management Plan (DMP). The DEIS will consider the human and environmental consequences of designating the State's recommended site and alternatives, as well as identify a final boundary. The DMP will set a course for operating the Connecticut NERR once approved and will include plans for administration, research, education, and facilities of the proposed site. (*See* 15 CFR 921.13.)

The proposed site consists of the following State-owned properties: Lord Cove Wildlife Management Area; Great Island Wildlife Management Area; Bluff Point State Park and Coastal Reserve and Natural Area Preserve; Haley Farm State Park; and public trust waters including portions of Long Island Sound, the lower Thames River, and the lower Connecticut River.

The proposed site resulted from a comprehensive evaluation process that sought the views of the public, affected landowners, and other interested parties. The State and NOAA held a public meeting on November 13, 2018, to solicit comments on the preferred site. (*See* 83 FR 54572.) A **Federal Register** notice was published on June 1, 2020, to announce the ''Intent to Prepare a DEIS and DMP for the Proposed CT NERR.'' (*See* 85 FR 33123.) For more detailed information on the site selection process and the proposed site, see the Connecticut Department of Energy and Environmental Protection's NERR website: *https://portal.ct.gov/DEEP/Coastal-Resources/NERR/NERR-Home-Page.*

Jeffrey L. Payne,

Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2020–15428 Filed 7–16–20; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[NOAA–NOS–2020–0104]

Notice of Availability of a Final Programmatic Environmental Impact Statement for the Coral Reef Conservation Program

AGENCY: Office for Coastal Management (OCM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of availability.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA), Office for Coastal Management has prepared a final programmatic environmental impact statement (PEIS) in accordance with the National Environmental Policy Act of 1969, as amended (NEPA), for its Coral Reef Conservation Program (CRCP), which is managed by NOAA's National Ocean Service in Silver Spring, MD. The CRCP is implemented in coastal areas and marine waters of Florida, Puerto Rico, U.S. Virgin Islands, Gulf of Mexico, Hawaii, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, the U.S. Pacific Remote Islands, and targeted international regions including the wider Caribbean, the Coral Triangle, the South Pacific, and Micronesia.

FOR FURTHER INFORMATION CONTACT: Liz Fairey, NMFS Office of Habitat Conservation, NOAA Coral Reef Conservation Program, 1315 East West Highway, Silver Spring, MD 20910, *liz.fairey@noaa.gov*, 301-427-8632.

SUPPLEMENTARY INFORMATION: On July 11, 2018, NOAA published a Notice of Intent (NOI) in the **Federal Register** to prepare a PEIS for continued operation of NOAA's Coral Reef Conservation Program (CRCP) (83 FR 32099). On December 13, 2019, NOAA published a draft PEIS for coral reef conservation and restoration activities conducted by the CRCP throughout parts of the United States, including the coastal areas and marine waters of Florida, Puerto Rico, U.S. Virgin Islands, Gulf of Mexico, Hawaii, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and the U.S. Pacific Remote Islands, and priority international areas (*i.e.,* the wider Caribbean, the Coral Triangle, the South Pacific, and Micronesia). The public comment period for the draft PEIS ended on January 27, 2020. Thirteen comments were received and broken down into components. The final PEIS responds to components of the comments as summarized in Appendix I and was revised as appropriate. The final PEIS assesses the direct, indirect, and cumulative environmental impacts of NOAA's proposed action to continue funding and otherwise conducting coral reef conservation and restoration activities through the CRCP's existing programmatic framework and related procedures. The CRCP is implemented in accordance with the requirements of the Coral Reef Conservation Act of 2000 and Executive Order 13089. Projects implemented or funded by NOAA vary in terms of their size, complexity, geographic location, and NOAA involvement, and often benefit diverse coral species, habitats, and ecosystem types. The CRCP conducts research and monitoring to gather data on the existence and condition of coral reef ecosystems to support conservation and restoration efforts. NOAA implements the CRCP across four of its line offices (*i.e.,* National Ocean Service, Office of Oceanic and Atmospheric Research, National Marine Fisheries Service, and National Environmental Satellite, Data, and Information Service) and in coordination with other federal agencies, state and local agencies, private conservation organizations, and research and academic institutions. A significant amount of this support is administered through grants and cooperative agreements. CRCP activities are prioritized based on available funding and the responsiveness to the priorities in its strategic plan, including jurisdictional needs. The final PEIS identifies and evaluates the general environmental impacts, issues, and concerns related to the comprehensive management and implementation of the CRCP, including potential mitigation. NOAA anticipates that some environmental effects will be caused by site-specific, project-level activities implementing the CRCP; therefore, the final PEIS will be used to support tiered, site-specific National Environmental Policy Act of 1969, as amended (NEPA), reviews by narrowing the scope of environmental impacts and facilitating focused, project-level reviews. NOAA also intends for this final PEIS to establish a tiered environmental decision-making framework that will support efficient compliance with other statutes protecting natural resources, such as the Endangered Species Act (ESA) and Marine Mammal Protection Act, to the extent they apply. Since the CRCP will use the final PEIS to conduct tiered analyses, this document does not evaluate the environmental impacts of any project-level activities.

The final PEIS analyzes three program-level alternatives:

- *No Action Alternative:* This is the agency's preferred alternative. It involves continued operation of the CRCP based on minimizing the three primary threats to coral reefs (*i.e.,* fishing impacts, land-based sources of pollution, and climate change) and supporting research and possible application of novel coral restoration and intervention techniques to respond rapidly to imminent threats, such as increased bleaching and disease, to corals and coral reef ecosystems. CRCP operations would include monitoring, research activities, watershed and coral reef restoration, reduction of physical impacts to coral reefs, outreach and education, and program support. The CRCP would continue to be implemented using available appropriations, across four NOAA line offices, using a mix of internal and external funding, across existing geographic areas, and in collaboration with similar partners. The CRCP would continue to conduct program activities with mandatory mitigation measures developed in compliance with applicable environmental laws such as the ESA. For the purposes of this final PEIS, it is assumed that the activities would be conducted in the same manner as they currently are.
- *Alternative 1:* This alternative reflects the management of the CRCP to address and minimize the three primary threats listed above, but does not include research and possible application of restoration and intervention techniques. The CRCP would continue to be implemented using available appropriations, across four NOAA line offices, using a mix of internal and external funding, across existing geographic areas, and using similar partners. The CRCP would continue to conduct program activities with mandatory mitigation measures developed in compliance with applicable environmental laws such as the ESA.
- *Alternative 2:* This alternative continues the management of the CRCP to address and minimize the three primary threats and support research and possible application of novel coral restoration and intervention techniques to respond rapidly to imminent threats (*i.e.,* the No Action Alternative) plus the implementation of discretionary mitigation measures. The fundamental difference between this alternative and the other alternatives is that Alternative 2 identifies and implements a suite of standard, discretionary conservation

and mitigation measures that would supplement mandatory mitigation measures required by statutes.

The fundamental distinction between Alternative 1 and the No Action Alternative is that the No Action Alternative includes research and potential application of novel restoration and intervention techniques as tools to respond to imminent threats to corals. The final PEIS considers the environmental effects of these various intervention strategies.

Please visit the CRCP web page for additional information regarding the CRCP: *https://coralreef.noaa.gov/.*

This final PEIS is available for a 30-day waiting period, ending on August 17, 2020.

Authority: The preparation of the final PEIS for the CRCP was conducted in accordance with the requirements of NEPA, the Council on Environmental Quality's NEPA regulations (40 CFR parts 1500–1508), other applicable regulations, and NOAA's policies and procedures for compliance with those regulations.

Keelin Kuipers,

Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2020–15419 Filed 7–16–20; 8:45 am]

BILLING CODE 3510–NK–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the Procurement List.

SUMMARY: This action adds products and services to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes products and services from the Procurement List previously furnished by such agencies.

DATES: *Date added to and deleted from the Procurement List:* August 16, 2020.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia, 22202–4149.

FOR FURTHER INFORMATION CONTACT: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 5/15/2020 and 6/12/2020, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed additions to the Procurement List. This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and services and impact of the additions on the current or most recent contractors, the Committee has determined that the products and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and services to the Government.

2. The action will result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products and services proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products and services are added to the Procurement List:

Products

NSN(s)—Product Name(s):
MR 11100—Server, Gravy and Sauce, Includes Shipper 21100
MR11130—Carving Kit, Pumpkin, Assorted Colors
Mandatory Source of Supply: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Mandatory For:
Contracting Activity: Military Resale-Defense Commissary Agency
NSN(s)—Product Name(s):
MR 1186—Broom Dustpan Combo
Mandatory Source of Supply: LC Industries, Inc., Durham, NC
Mandatory For:
Contracting Activity: Military Resale-Defense Commissary Agency

Service

Service Type: Base Supply Center
Mandatory for: New Mexico National Guard, Santa Fe, NM
Mandatory Source of Supply: Envision, Inc., Wichita, KS
Contracting Activity: DEPT OF THE ARMY, W7NQ USPFO ACTIVITY NM ARNG

Deletions

On 6/12/2020, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List. This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3.

After consideration of the relevant matter presented, the Committee has determined that the products and services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products and services deleted from the Procurement List.

End of Certification

Accordingly, the following products and services are deleted from the Procurement List:

Products

NSN(s)—Product Name(s):
8415–01–043–4036—Drawers, Flyers, Aramid, Navy, Ankle Length, Natural, XS
8415–00–467–4075—Drawers, Flyers, Aramid, Navy, Ankle Length, Natural, Small
8415–00–467–4076—Drawers, Flyers, Aramid, Navy, Ankle Length, Natural, Medium
8415–00–467–4078—Drawers, Flyers, Aramid, Navy, Ankle Length, Natural, Large
8415–00–467–4100—Drawers, Flyers, Aramid, Navy, Ankle Length, Natural, X Large
Mandatory Source of Supply: Peckham Vocational Industries, Inc., Lansing, MI
Contracting Activity: DLA TROOP SUPPORT,

PHILADELPHIA, PA
NSN(s)—Product Name(s):
7510–01–451–2269—Refill, Ball Point Pen, Pushcap, Black Ink, Medium Point
7510–01–451–2273—Refill, Ball Point Pen, Pushcap, Blue Ink, Medium Point
Mandatory Source of Supply: West Texas Lighthouse for the Blind, San Angelo, TX
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY
NSN(s)—Product Name(s):
8470–00–NIB–0026—Kit, ACH Pad, Rplcmt
8470–00–NIB–0027—Kit, ACH Retrofit
8470–00–NIB–0028—Kit, ACH Retrofit
Mandatory Source of Supply: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Contracting Activity: W6QK ACC–APG NATICK, NATICK, MA
NSN(s)—Product Name(s)
7360–00–139–1063—Wash Kit Assembly
Mandatory Source of Supply: St. Lawrence County Chapter, NYSARC, Canton, NY
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

Michael R. Jurkowski,

Deputy Director, Business & PL Operations.

[FR Doc. 2020–15515 Filed 7–16–20; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from the Procurement List.

SUMMARY: The Committee is proposing to add products and services to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes products and services previously furnished by such agencies.

DATES: Comments must be received on or before: August 16, 2020.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia, 22202–4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the products and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following products and services are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Product

NSN(s)—Product Name(s):
160001400S—ProPack, Rack and Hooks Kit, Army
Mandatory Source of Supply: Crowder Industries, Inc., Neosho, MO
Contracting Activity: DEPT OF THE ARMY, W6QK ACC–APG NATICK

Service

Service Type: 4PL Support Services
Mandatory for: Naval Base Ventura County, Port Hueneme, CA
Mandatory Source of Supply: The Lighthouse for the Blind, Inc. (Seattle Lighthouse), Seattle, WA
Contracting Activity: FEDERAL ACQUISITION SERVICE, GSA/FAS

Deletions

The following products and services are proposed for deletion from the Procurement List:

Products

NSN(s)—Product Name(s):
7520–01–483–8993—Stand, Calendar Pad, for 3″ x 3¾″ refill, Black
Mandatory Source of Supply: LC Industries, Inc., Durham, NC
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY
NSN(s)—Product Name(s):
4220–00–926–9468—Vest, Life Preserver, USN, Red, Medium
Mandatory Source of Supply: Mississippi Industries for the Blind, Jackson, MS; Lions Volunteer Blind Industries, Inc., Morristown, TN
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA
NSN(s)—Product Name(s):
MR 402—Bag, Shopping Tote, Laminated, Small, ''Live Sweet''
MR 403—Bag, Shopping Tote, Laminated, Small, ''Live Well''
MR 404—Bag, Shopping Tote, Laminated, Large, ''Live Spicy''
MR 405—Bag, Shopping Tote, Laminated, Fresh, ''Live Fresh''
MR 406—Bag, Shopping Tote, Laminated, Large, ''Live Sweet''
Mandatory Source of Supply: Industries for the Blind and Visually Impaired, Inc., West Allis, WI
Contracting Activity: Defense Commissary Agency

Services

Service Type: Administrative Services
Mandatory for: Milwaukee Federal Building and U.S. Courthouse, Milwaukee, WI
Mandatory Source of Supply: Milwaukee Center for Independence, Inc., Milwaukee, WI
Contracting Activity: GENERAL SERVICES ADMINISTRATION, FPDS AGENCY COORDINATOR

Service Type: Janitorial/Custodial
Mandatory for: Internal Revenue Service: 11631 Caroline Road, Philadelphia, PA
Contracting Activity: TREASURY, DEPARTMENT OF THE, DEPT OF TREAS/

Service Type: Telephone/Switchboard Operator
Mandatory for: VA Northern California Health Care System, Martinez, CA
Mandatory Source of Supply: Project Hired, San Jose, CA
Contracting Activity: VETERANS AFFAIRS, DEPARTMENT OF, 261–NETWORK CONTRACT OFFICE 21

Service Type: Telephone/Switchboard Operator
Mandatory for: Department of Veterans Affairs, VA Northern California Health Care System, 10535 Hospital Way, Sacramento, CA
Mandatory Source of Supply: Project Hired, San Jose, CA
Contracting Activity: VETERANS AFFAIRS, DEPARTMENT OF, 261–NETWORK CONTRACT OFFICE 21

Service Type: Document Destruction
Mandatory for: VA North Clinic: 916 W Owens Avenue, Las Vegas, NV
Mandatory for: VA Central Clinic: 901 Rancho Lane, Las Vegas, NV
Mandatory for: VA Administration: 1841 E. Craig Road, Ste. B Warehouse, Las Vegas, NV
Mandatory for: VA Administration #2: 2455 W. Cheyenne, Ste. 102, Las Vegas, NV
Mandatory for: VA West Clinic: 630 S Rancho Road, Las Vegas, NV
Mandatory for: VA Loma Linda Healthcare System: 11201 Benton Street, Loma Linda, CA
Mandatory Source of Supply: Goodwill Industries of Southern California, Panarama City, CA
Contracting Activity: VETERANS AFFAIRS, DEPARTMENT OF, NAC

Service Type: Janitorial/Custodial
Mandatory for: Defense Enterprise Computing Center (DECC) Mechanicsburg: Building 309T and 504B, Mechanicsburg, PA
Mandatory Source of Supply: Goodwill Services, Inc., Harrisburg, PA
Contracting Activity: DEFENSE INFORMATION SYSTEMS AGENCY (DISA), IT CONTRACTING DIVISION—PL83

Michael R. Jurkowski,

Deputy Director, Business & PL Operations.

[FR Doc. 2020–15514 Filed 7–16–20; 8:45 am]

BILLING CODE 6353–01–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Extend Collection 3038–0091: Disclosure and Retention of Certain Information Relating to Cleared Swaps Customer Collateral

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (CFTC) is announcing an opportunity for public comment on the proposed renewal of a collection of certain information by the agency. Under the Paperwork Reduction Act (''PRA''), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including proposed extension of an existing collection of information, and to allow 60 days for public comment. This notice solicits comments on proposed extension of the existing collection of information relating to Cleared Swaps Customer Collateral.

DATES: Comments must be submitted on or before September 15, 2020.

ADDRESSES: You may submit comments, identified by OMB Control No. 3038–0091 by any of the following methods:

- The Agency's Website, at *http://comments.cftc.gov/.* Follow the instructions for submitting comments through the website.
- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail above.

Please submit your comments using only one method and identify that it is for the renewal of Collection Number 3038–0091. All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *https://www.cftc.gov.*

FOR FURTHER INFORMATION CONTACT: Mark Bretscher, Special Counsel, Division of Swap Dealers and Intermediary Oversight, Commodity Futures Trading Commission, (312) 353–0529; email: *mbretscher@cftc.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA, 44 U.S.C. 3501 *et seq.,* 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 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, the CFTC is publishing notice of the proposed extension of an existing collection of information listed below. 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.

Title: Disclosure and Retention of Certain Information Relating to Cleared Swaps Customer Collateral (OMB Control No. 3038–0091). This is a request for an extension of a currently approved information collection.

Abstract: Section 724(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–023, 124 stat. 1376, amended the Commodity Exchange Act (''CEA''), 7 U.S.C. 1 *et seq.,* to add, as section 4d(f) thereof, provisions concerning the protection of collateral provided by a Cleared Swaps Customer to margin, guaranty, or secure a swap cleared by or through a derivatives clearing organization (''DCO''). Broadly speaking, in cleared swaps transactions customers provide collateral to futures commission merchants (''FCMs'') through whom they clear their transactions. FCMs, in turn, may provide customer collateral to DCOs, through which FCMs clear transactions for their customers. 17 CFR part 22 is intended to implement CEA section 4d(f). Several of the sections of Part 22 require collections of information.

Section 22.2(g) requires each FCM with Cleared Swaps Customer Accounts to compute daily the amount of Cleared Swaps Customer Collateral on deposit in Cleared Swaps Customer Accounts, the amount of such collateral required to be on deposit in such accounts and the amount of the FCM's residual financial interest in such accounts. The purpose of this collection of information is to help ensure that FCMs' Cleared Swaps Customer Accounts are in compliance at all times with statutory and regulatory requirements for such accounts.

Section 22.5(a) requires an FCM or DCO to obtain, from each depository with which it deposits cleared swaps customer funds, a letter acknowledging that such funds belong to the Cleared Swaps Customers of the FCM, and not the FCM itself or any other person. The purpose of this collection of information is to confirm that the depository understands its responsibilities with respect to protection of cleared swaps customer funds.

Section 22.11 requires each FCM that intermediates cleared swaps for customers on or subject to the rules of a DCO, whether directly as a clearing member or indirectly through a Collecting FCM, to provide the DCO with information sufficient to identify each customer of the FCM whose swaps are cleared by the FCM. Section 22.11 also requires the FCM, at least once daily, to provide the DCO with information sufficient to identify each customer's portfolio of rights and obligations arising out of cleared swaps intermediated by the FCM. The purpose of this collection of information is to facilitate risk management by DCOs in the event of default by the FCM, to enable DCOs to perform their duty, pursuant to section 22.15, to treat the collateral attributed to each customer of the FCM on an individual basis.

Section 22.12 requires that each DCO and FCM, on a daily basis, calculate, based on information received pursuant to section 22.11 and on information generated and used in the ordinary course of business by the DCO or FCM, and record certain information about the amount of collateral required for each Cleared Swaps Customer and the sum of these amounts. As with section 22.11, the purpose of this collection of information is to facilitate risk management by DCOs and in the event of default by the FCM, to enable DCOs to perform their duty, pursuant to section 22.15, to treat the collateral attributed to each customer of the FCM on an individual basis.

Section 22.16 requires that each FCM who has Cleared Swaps Customers disclose to each of such customers the governing provisions, as established by DCO rules or customer agreements between collecting and depositing FCMs, relating to use of customer collateral, transfer, neutralization of the risks, or liquidation of cleared swaps in the event of a default by a Depositing FCM relating to a Cleared Swaps Customer Account. The purpose of this collection of information is to ensure that Cleared Swaps Customers are informed of the procedures to which accounts containing their swaps collateral may be subject in the event of a default by their FCM.

Section 22.17 requires that each FCM produce a written notice of the reasons and the details concerning withdrawals from a Cleared Swaps Customers Account not for the benefit of Cleared Swap Customers if such withdrawal will exceed 25% of the FCMs residual interest in such account.

With respect to the collection of information, the CFTC invites comments on:

- Whether the proposed extension of collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burden of 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.

You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1]

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *https://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

Burden Statement: The Commission is revising its estimate of the burden for this collection for 78 respondents (63 FCMs and 15 DCOs). The respondent burden for this collection is estimated to be as follows:

Estimated Number of Respondents: 78.

Estimated Average Burden Hours per Respondent: 331.

Estimated Total Annual Burden Hours: 25,890.

Frequency of Collection: Section 22.2(g)—Daily. Section 22.5(a)—Once. Section 22.11—Daily. Section 22.12—Daily. Section 22.16—Once. Section 22.17—On occasion.

There is no capital cost associated with this collection.

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

Dated: July 14, 2020.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2020–15466 Filed 7–16–20; 8:45 am]

BILLING CODE 6351–01–P

[1] 17 CFR 145.9.

CONSUMER PRODUCT SAFETY COMMISSION

Public Availability of Consumer Product Safety Commission FY 2017 and 2018 Service Contract Inventories

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: The Consumer Product Safety Commission (CPSC), in accordance with section 743(c) of Division C of the Consolidated Appropriations Act, 2010, is announcing the availability of CPSC's service contract inventories for fiscal years (FYs) 2017 and 2018. The inventories provide information on service contract actions exceeding $25,000 that CPSC made in FYs 2017 and 2018.

FOR FURTHER INFORMATION CONTACT: Eddie Ahmad, Procurement Analyst, Division of Procurement Services, Division of Procurement Services, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814. Telephone: 301–504–7884; email: *aahmad@cpsc.gov.*

SUPPLEMENTARY INFORMATION: On December 16, 2009, the Consolidated Appropriations Act, 2010, Public Law 111–117, 123 Stat. 3034, 3216, (Consolidated Appropriations Act) became law. Section 743(a) of the Consolidated Appropriations Act, titled, ''Service Contract Inventory Requirement,'' requires agencies to submit to the Office of Management and Budget (OMB), an annual inventory of service contracts awarded or extended through the exercise of an option on or after April 1, 2010, and describes the contents of the inventory. The contents of the inventory must include:

(A) A description of the services purchased by the executive agency and the role the services played in achieving agency objectives, regardless of whether such a purchase was made through a contract or task order;

(B) The organizational component of the executive agency administering the contract, and the organizational component of the agency whose requirements are being met through contractor performance of the service;

(C) The total dollar amount obligated for services under the contract and the funding source for the contract;

(D) The total dollar amount invoiced for services under the contract;

(E) The contract type and date of award;

(F) The name of the contractor and place of performance;

(G) The number and work location of contractor and subcontractor employees, expressed as full-time equivalents for direct labor, compensated under the contract;

(H) Whether the contract is a personal services contract; and

(I) Whether the contract was awarded on a noncompetitive basis, regardless of date of award.

Section 743(a)(3)(A) through (I) of the Consolidated Appropriations Act. Section 743(c) of the Consolidated Appropriations Act requires agencies to ''publish in the **Federal Register** a notice that the inventory is available to the public.''

Consequently, through this notice, we are announcing that the CPSC's service contract inventories for FYs 2017 and 2018 are available to the public. The inventories provide information on service contract actions of more than $25,000 that CPSC made in FYs 2017 and 2018. The information is organized by function to show how contracted resources are distributed throughout the CPSC. OMB posted a consolidated government-wide Service Contract Inventory for FYs 2017 and 2018 at: *https://www.acquisition.gov/service-contract-inventory.* You can access CPSC's inventories by limiting the ''Contracting Agency Name'' field on each spreadsheet to ''Consumer Product Safety Commission.''

Additionally, CPSC's Division of Procurement Services has posted FY 2016 and 2017 inventory analyses, along with other related materials required by OMB, on CPSC's homepage at the following link: *https://www.cpsc.gov/Agency-Reports/Service-Contract-Inventory.* The FY 2016 and 2017 inventory analyses were developed in accordance with guidance issued on October 17, 2016 by the Office of

Management and Budget (OMB), Office of Procurement Policy (OFPP).

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2020–15530 Filed 7–16–20; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID USAF–2020–HQ–0004]

Submission for OMB Review; Comment Request

AGENCY: Department of the Air Force, Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by August 17, 2020.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Angela James, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Automated Civil Engineer System (ACES) Electronic Records; OMB Control Number 0701–ACES.

Type of Request: New Collection.

Number of Respondents:

Electronic Form (eForm): 862.

Face-to-Face Interview: 719.

Total Number of Respondents: 1,581.

Responses per Respondent:

eForm: 1.

Face-to-Face Interview: 1.

Annual Responses:

eForm: 862.

Face-to-Face Interview: 719.

Total Annual Responses: 1,581.

Average Burden per Response:

eForm: 0.03 hours.

Face-to-Face Interview: 0.17 hours.

Total Average Burden per Response: 0.20 hours.

Annual Burden Hours:

eForm: 25.86 hours.

Face-to-Face Interview: 122.23 hours.

Total Annual Burden Hours: 148.09 hours.

Needs and Uses: Information is required for five categories of respondents (ACES Unit Account Manager, ACES User, Civil Engineer (CE) Personnel supporting facility maintenance, warfighters, and Facility Managers). For ACES Unit Account Managers, PII data is required to establish roles for individuals to manage their unit's accounts. For ACES Users, PII data is required to establish accounts. For CE Personnel, PII data is required to identify CE Personnel for assignments to cost centers for the purpose of work order labor reporting and the calculations of shop rates. For warfighters, PII data is critical to ensure all warfighters are prepared for deployment. ACES is the authoritative source for Chemical, Biological, Radiological, Nuclear (CBRN) and Combat Arms training. For Facilities Managers, PII data is required for work orders and after hour emergencies.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

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

Instructions: All submissions received must include the agency name, Docket ID number, and title 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.

DOD Clearance Officer: Ms. Angela James.

Requests for copies of the information collection proposal should be sent to Ms. James at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: July 13, 2020.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2020–15526 Filed 7–16–20; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID: USAF–2020–HQ–0006]

Submission for OMB Review; Comment Request

AGENCY: Department of the Air Force, Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by August 17, 2020.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Angela James, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Cargo Movement Operations System (CMOS) Information Records; 0701–CMOS.

Type of Request: New collection.

Number of Respondents: 180.

Responses per Respondent: 1.

Annual Responses: 180.

Average Burden per Response: 0.10 hour.

Annual Burden Hours: 18.

Needs and Uses: CMOS is used by the DoD to plan, manage, and execute the movement of cargo and personnel. In addition to the deployment of active military personnel, the passenger manifest capability supports military retirees and military family members traveling on a ''Space A CAT VI'' basis. Those passengers are considered to be ''general public.'' The data required for a passenger manifest includes PII, such as a Passport Number, and is deemed to be a ''Collection.'' This ''general public'' data is collected when passengers are at the Air Terminal; no solicitation is involved.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

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

Instructions: All submissions received must include the agency name, Docket ID number, and title 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.

DOD Clearance Officer: Ms. Angela James.

Requests for copies of the information collection proposal should be sent to Ms. James at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: July 13, 2020.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2020–15528 Filed 7–16–20; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 20–21]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Arms sales notice.

SUMMARY: The Department of Defense is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Karma Job at *karma.d.job.civ@mail.mil* or (703) 697–8976.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 20–21 with attached Policy Justification.

Dated: July 10, 2020.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, SUITE 101
ARLINGTON, VA 22202-5408

MAY 2 8 2020

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 20-21 concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Kuwait for defense articles and services estimated to cost $425 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Charles W. Hooper
Lieutenant General, USA
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Regional Balance (Classified document provided under separate cover)

BILLING CODE 5001–06–C

Transmittal No. 20–21

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as Amended

(i) *Prospective Purchaser*: Government of Kuwait

(ii) *Total Estimated Value*:

Major Defense Equipment	$ 0 million
Other	$425 million
Total	$425 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase*: The Government of Kuwait has requested the possible sale of Patriot program sustainment and technical assistance as follow-on support.

Major Defense Equipment (MDE):

None

Non-MDE:

Included are Patriot Advanced Capability (PAC-3) Field Surveillance Program (FSP) services, storage and aging, surveillance firing, stockpile reliability, shared and country unique Patriot PAC-3 Missile Support Center (P3MSC) support, parts library, technical support for the Kuwait Missile Assembly/Disassembly Facility (MADF), transportation, organizational equipment, spare parts, support equipment, tools and test equipment, technical data and publications, personnel training and training equipment, maintenance services, U.S. government and contractor engineering, technical, and logistics support services, and other related elements of logistical and program support.

(iv) *Military Department*: Army (KU-B-UXH)

(v) *Prior Related Cases, if any*: KU-B-ULL, KU-B-ULP

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid*: None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold*: None

(viii) *Date Report Delivered to Congress*: May 28, 2020

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Kuwait—Patriot Program Sustainment and Technical Assistance Support

The Government of Kuwait has requested to buy Patriot program sustainment and technical assistance as follow-on support. Included are PAC-3 Field Surveillance Program (FSP) services, storage and aging, surveillance firing, stockpile reliability, shared and country unique Patriot PAC-3 Missile Support Center (P3MSC) support, parts library, technical support for the Kuwait Missile Assembly/Disassembly Facility (MADF), transportation, organizational equipment, spare and repair parts, support equipment, tools and test equipment, technical data and publications, personnel training and training equipment, maintenance services, U.S. government and contractor engineering, technical, and logistics support services, and other related elements of logistical and program support. The total estimated program cost is $425 million.

The proposed sale will support the foreign policy and national security of the United States by helping to improve the security of a Major Non-NATO Ally that is an important force for political stability and economic progress in the Middle East.

The proposed sale of these articles and services will improve Kuwait's capability to meet current and future threats and provide greater security for its critical oil and natural gas infrastructure. Kuwait will use the enhanced capability to strengthen its homeland defense. Kuwait will have no difficulty absorbing this equipment and support into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors involved with this potential sale are Raytheon Company, Huntsville, AL; Lockheed Martin, Huntsville, AL; LEIDOS, Inc., Huntsville, AL; and KBR, Huntsville, AL. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the temporary assignment of five (5) U.S. Government and twenty seven (27) contractors to provide support for one (1) to two (2) years.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2020–15490 Filed 7–16–20; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 20–39]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Arms sales notice.

SUMMARY: The Department of Defense is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Karma Job at *karma.d.job.civ@mail.mil* or (703) 697–8976.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 20–39 with attached Policy Justification.

Dated: July 13, 2020.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, SUITE 101
ARLINGTON, VA 22202-5408

June 17, 2020

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 20-39 concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Ukraine for defense articles and services estimated to cost $600 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Charles W. Hooper
Lieutenant General, USA
Director

Enclosures:
1. Transmittal
2. Policy Justification

BILLING CODE 5001–06–C

Transmittal No. 20–39

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as Amended

(i) *Prospective Purchaser:* Government of Ukraine.

(ii) *Total Estimated Value:*

Major Defense Equipment *	$ 0 million
Other	$600 million
Total	$600 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase*:

Major Defense Equipment (MDE):
None

Non-MDE:

Up to sixteen (16) Mark VI Patrol Boats; thirty-two (32) MSI Seahawk A2 gun systems; twenty (20) Electro-Optics-Infrared Radar (FLIR) (16 installed and 4 spares); sixteen (16) Long Range Acoustic Device (LRAD) 5km loudspeaker systems; sixteen (16) Identification Friend or Foe (IFF) systems; forty (40) MK44 cannons (32 installed and 8 spares); communication equipment; support equipment; spare and repair parts; tools and test equipment; technical data and publications; personnel training and training equipment; U.S. government and contractor engineering, technical, and logistics support services; and other related elements of logistics support.

(iv) *Military Department:* Navy (UP–P–SAD)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None.

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:*

(viii) *Date Report Delivered to Congress:* June 17, 2020

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Ukraine—Mark VI Patrol Boats

The Government of Ukraine has requested to buy up to sixteen (16) Mark VI Patrol Boats; thirty-two (32) MSI Seahawk A2 gun systems; twenty (20) Electro-Optics-Infrared Radar (FLIR) (16 installed and 4 spares); sixteen (16) Long Range Acoustic Device (LRAD) 5km loudspeaker systems; sixteen (16) Identification Friend or Foe (IFF) systems; forty (40) MK44 cannons (32 installed and 8 spares); communication equipment; support equipment; spare and repair parts; tools and test equipment; technical data and publications; personnel training and training equipment; U.S. government and contractor engineering, technical, and logistics support services; and other related elements of logistics support. The estimated total cost is $600 million.

This proposed sale will support the foreign policy goals and national security objectives of the United States

by improving the security of a partner country that is a force for political stability and economic progress in Europe.

The proposed sale will improve Ukraine's capability to meet current and future threats by providing a modern, fast, short-range vessel. Ukraine will utilize the vessels to better defend its territorial waters and protect other maritime interests. Ukraine will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be SAFE Boats International, Bremerton, WA. There are no known offset agreements proposed in conjunction with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Ukraine.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2020–15512 Filed 7–16–20; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Charter Renewal of Department of Defense Federal Advisory Committees

AGENCY: Department of Defense (DoD).

ACTION: Renewal of Federal Advisory Committee.

SUMMARY: The DoD is publishing this notice to announce that it is renewing the charter for the Advisory Committee on Arlington National Cemetery (''the Committee'').

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: The Committee's charter is being renewed in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C., Appendix) and 41 CFR 102–3.50(a). The charter and contact information for the Committee's Designated Federal Officer (DFO) are found at *https://www.facadatabase.gov/FACA/apex/FACAPublicAgencyNavigation.*

Pursuant to 10 U.S.C. 7723(b) and (c) the Committee shall provide independent advice and recommendations on matters relating to Arlington National Cemetery. The Committee shall make periodic reports and recommendations to the Secretary of the Army with respect to the administration of Arlington National Cemetery, the erection of memorials at the cemetery, and master planning for the cemetery. Any and all advice and recommendations shall also be forwarded to the Secretary of Defense and/or the Deputy Secretary of Defense. The Committee shall be composed of no more than 9 members appointed in accordance with DoD policy and procedures. The members shall be eminent authorities in their respective fields of interest or expertise, specifically bereavement practices and administrative oversight, the erection of memorials, and master planning for extending the life of a cemetery. Of the potential nine members, one member shall be nominated by the Secretary of Veterans Affairs; one member shall be nominated by the Secretary of the American Battle Monuments Commission; and no more than seven members shall be nominated by the Secretary of the Army.

Committee members who are not full-time or permanent part-time Federal civilian officers, employees, or active duty members of the Armed Forces will be appointed as experts or consultants, pursuant to 5 U.S.C. 3109, to serve as special government employee members. Committee members who are full-time or permanent part-time Federal civilian officers, employees, or active duty members of the Armed Forces will be appointed pursuant to 41 CFR. 102–3.130(a), to serve as regular government employee members.

All members of the Committee are appointed to provide advice on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest. Except for reimbursement of official Committee-related travel and per diem, members serve without compensation.

The public or interested organizations may submit written statements to the Committee membership about the Committee's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Committee. All written statements shall be submitted to the DFO for the Committee, and this individual will ensure that the written statements are provided to the membership for their consideration.

Dated: July 13, 2020.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2020–15488 Filed 7–16–20; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 20–16]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Arms sales notice.

SUMMARY: The Department of Defense is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Karma Job at *karma.d.job.civ@mail.mil* or (703) 697–8976.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 20–16 with attached Policy Justification and Sensitivity of Technology.

Dated: July 10, 2020.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, SUITE 101
ARLINGTON, VA 22202-5408

MAY 28 2020

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 20-16 concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Kuwait for defense articles and services estimated to cost $800 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Charles W. Hooper
Lieutenant General, USA
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified document provided under separate cover)

BILLING CODE 5001–06–C

Transmittal No. 20-16

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as Amended

(i) *Prospective Purchaser*: Government of Kuwait

(ii) *Total Estimated Value*:

Major Defense Equipment * ..	$700 million
Other	$100 million
Total	$800 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase*:

Major Defense Equipment (MDE):

Eighty-four (84) Patriot Advanced Capability (PAC-3) Missile Segment Enhancements (MSEs) with Canisters

Two (2) Patriot MSE Test Missiles 2-Pack per Unit of Issue

Thirty-five (35) Remanufactured (Upgrades): Patriot Modification Kit, Missile Launchers A902+ Series to A903 Series

Twenty-six (26) PAC-3 Missile Round Trainer (MRT)

Twenty-six (26) Empty Round Trainer (ERT)

Non-MDE:

Also included is one (1) Flight Test Target—Zombie, PAC-3 missile spares held in Continental United States (CONUS) for repair and return, two (2) PAC-3 telemetry kits, training devices, simulators, transportation, organizational equipment, spare and repair parts, support equipment, tools and test equipment, technical data and publications, personnel training and training equipment, U.S. government and contractor engineering, technical, and logistics support services, and other related elements of logistics support.

(iv) *Military Department*: Army (KU-B-UXI)

(v) *Prior Related Cases, if any*: KU-B-UJO; KU-B-UKE; KU-B-UKI; KU-B-ULP; KU-B-ULL; KU-B-ULV; KU-B-UMG; KU-B-UMI; KU-B-UME

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid*: None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold*: See Attached Annex

(viii) *Date Report Delivered to Congress*: **May 28, 2020**

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Kuwait—Patriot Advanced Capability (PAC-3) Missile Segment Enhancements (MSEs) with Canisters

The Government of Kuwait has requested to buy eighty-four (84) Patriot Advanced Capability (PAC-3) Missile Segment Enhancements (MSEs) with canisters; two (2) Patriot MSE test missiles 2-Pack per unit of issue; thirty-five (35) remanufactured (upgrades): Patriot modification kit, missile launchers A902+ Series to A903 Series; twenty-six (26) PAC-3 Missile Round Trainer (MRT); and twenty-six (26) Empty Round Trainer (ERT). Also included is one (1) Flight Test Target—Zombie, PAC-3 missile spares held in Continental United States (CONUS) for repair and return, two (2) PAC-3 telemetry kits, training devices, simulators, transportation, organizational equipment, spare and repair parts, support equipment, tools and test equipment, technical data and publications, personnel training and training equipment, U.S. government and contractor engineering, technical, and logistics support services, and other related elements of logistics support. The total estimated program cost is $800 million.

The proposed sale will support the foreign policy and national security of the United States by helping to improve the security of a Major Non-NATO Ally that is an important force for political stability and economic progress in the Middle East.

Patriot PAC-3 MSEs will supplement and improve Kuwait's capability to meet current and future threats and provide greater security for its critical oil and natural gas infrastructure. Kuwait will use the enhanced capability to strengthen its homeland air defense by better meeting current and future air threats. The acquisition of these missiles will allow for integration with U.S. forces for training exercises, which contributes to regional security and interoperability. Kuwait will have no difficulty absorbing this equipment and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor involved in this program is Lockheed Martin Corporation (Grand Prairie), Dallas, TX. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the assignment of two U.S. Government and three contractor representatives to Kuwait to support delivery of the Patriot PAC-3 MSEs with Canisters and provide support and equipment familiarization.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 20-16

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology*:

1. The Patriot Advanced Capability (PAC-3) Missile Segment Enhancements (MSEs) is a small, highly agile, kinetic kill interceptor for defense against tactical ballistic missiles, cruise missiles and air-breathing threats. The MSE variant of the PAC-3 missile represents the next generation in hit-to-kill interceptors and provided expanded battlespace against evolving threats. The PAC-3 MSE improves upon the original PAC-3 capability with a higher performance solid rocket motor, modified lethality enhancer, more responsible control surfaces, upgraded guidance software and insensitive munitions improvements. The PAC-3 MSE's sensitive/critical technology is primarily in the areas of design and production know-how and manufacturing data and processes. Information on limitations of the PAC-3 MSE, including survivability and vulnerability data, is classified. Classified information could be revealed through reverse engineering or testing the PAC-3 MSE interceptor.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that Kuwait can provide substantially the same degree of protection of this technology as the U.S. Government. This proposed sale is necessary in furtherance of U.S. foreign policy and national security objectives outlined in the Policy Justification.

4. All defense articles and services listed in this transmittal are authorized for release and export to the Government of Kuwait.

[FR Doc. 2020–15496 Filed 7–16–20; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 20–20]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Arms sales notice.

SUMMARY: The Department of Defense is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Karma Job at *karma.d.job.civ@mail.mil* or (703) 697–8976.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 20–20 with attached Policy Justification.

Dated: July 10, 2020.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, SUITE 101
ARLINGTON, VA 22202-5408

MAY 2 8 2020

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 20-20 concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Kuwait for defense articles and services estimated to cost $200 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Charles W. Hooper
Lieutenant General, USA
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Regional Balance (Classified document provided under separate cover)

BILLING CODE 5001–06–C

Transmittal No. 20-20

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as Amended

(i) *Prospective Purchaser*: Government of Kuwait

(ii) *Total Estimated Value*:

Major Defense Equipment * ..	$ 0 million
Other	$200 million
Total	$200 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase*: The Government of Kuwait has requested to buy a Patriot missile Repair and Return program as follow-on support.

Major Defense Equipment (MDE): None

Non-MDE: Included are Patriot GEM-T missile and missile components repair services, transportation, organizational equipment, repair parts, support equipment, tools and test equipment, technical data and publications, personnel training and training equipment, maintenance services, U.S. government and contractor engineering, technical, and logistics support services, and other related elements of logistical and program support.

(iv) *Military Department:* Army (KU-B-UXS)

(v) *Prior Related Cases, if any:* KU-B-ULS, KU-B-UMI, KU-B-ZUM

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* May 28, 2020

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Kuwait—Patriot Missile Repair and Return

The Government of Kuwait has requested to buy a Patriot missile Repair and Return program as follow-on support to FMS case KU-B-ULS. Included are Patriot GEM–T missile and missile components repair services, transportation, organizational equipment, repair parts, support equipment, tools and test equipment, technical data and publications, personnel training and training equipment, maintenance services, U.S. government and contractor engineering, technical, and logistics support services, and other related elements of logistics support. The total estimated program cost is $200 million.

The proposed sale will support the foreign policy and national security of the United States by helping to improve

the security of a Major Non-NATO Ally that is an important force for political stability and economic progress in the Middle East.

The proposed sale of the Repair and Return program for the Kuwait Patriot System will supplement and improve Kuwait's capability to meet current and future threats and provide greater security for its critical oil and natural gas infrastructure. Kuwait will use the enhanced capability to strengthen its homeland defense. Kuwait will have no difficulty absorbing this equipment and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors involved with this potential sale are Raytheon Company, Huntsville, AL; Lockheed Martin, Huntsville, AL; LEIDOS, Inc., Huntsville, AL; and KBR, Huntsville, AL. There are no known offsets agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the temporary assignment of five (5) U.S. contractors to provide handling and documentation support for one (1) to two (2) years.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2020–15507 Filed 7–16–20; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 20–07]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Arms sales notice.

SUMMARY: The Department of Defense is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Karma Job at *karma.d.job.civ@mail.mil* or (703) 697–8976.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 20–07 with attached Policy Justification and Sensitivity of Technology.

Dated: July 10, 2020.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, SUITE 101
ARLINGTON, VA 22202-5408

May 20, 2020

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 20-07 concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Taipei Economic and Cultural Representative Office in the United States (TECRO) for defense articles and services estimated to cost $180 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Charles W. Hooper
Lieutenant General, USA
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001–06–C

Transmittal No. 20-07

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Taipei Economic and Cultural Representative Office in the United States (TECRO)

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	$100 million
Other	$ 80 million
Total	$180 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Eighteen (18) MK-48 Mod 6 Advanced Technology Heavy Weight Torpedoes

Non-MDE:

Also included are spare parts, support and test equipment, shipping and shipping containers, operator manuals, technical documentation, training, U.S. Government and contractor engineering, technical and logistics support services; and other related elements of logistics support.

(iv) *Military Department:* Navy (TW-P-ALM)

(v) *Prior Related Cases, if any:* TW-P-LHV

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* May 20, 2020

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Taipei Economic and Cultural Representative Office in the United States (TECRO)—MK 48 Mod 6 Advanced Technology (AT) Heavy Weight Torpedo (HWT)

TECRO has requested to buy eighteen (18) MK-48 Mod6 Advanced Technology (AT) Heavy Weight Torpedoes (HWT). Also included are spare parts, support and test equipment, shipping and shipping containers, operator manuals, technical documentation, training, U.S. Government and contractor engineering, technical and logistics support services; and other related elements of logistics support. The total estimated program cost is $180 million.

This proposed sale is consistent with U.S. law and policy as expressed in Public Law 96–8.

This proposed sale serves U.S. national, economic, and security interests by supporting the recipient's continuing efforts to modernize its armed forces and to maintain a credible defensive capability. The proposed sale will help improve the security of the recipient and assist in maintaining political stability, military balance, and economic progress in the region.

The proposed sale will improve the recipient's capability in current and future defensive efforts. The recipient will use the enhanced capability as a deterrent to regional threats and to strengthen homeland defense. The recipient will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

There are no prime contractors associated with this case as all materials will be procured from U.S. Navy stocks. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale is estimated to require assignment of a number of U.S. Government and contractor representatives to the recipient or travel there intermittently during the program.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 20–07

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The MK 48 Mod 6 Advanced Technology (AT) Heavy Weight Torpedo (HWT) is designed for optimum effectiveness against all targets, in both littoral and deep-water environments. The MK 48 Mod 6 AT HWT features advanced sonar, combined with an advanced digital signal processor for improved target detection. This sale furnishes the MK 48 Mod 6 Advanced Technology (AT) version of the system.

There is no Critical Program Information associated with the MK 48 Mod 6AT HWT hardware, technical documentation or software. The highest classification of the hardware to be exported is SECRET. The highest classification of the technical manual that will be exported is CONFIDENTIAL. The technical manual is required for operation of the MK 48 Mod 6 AT HWT. The highest classification of the software to be exported is SECRET. The MK 48 Mod 6 AT HWT meets Anti-Tampering requirements.

2. If a technologically advanced adversary were to obtain knowledge of the hardware and software elements, the information could be used to develop countermeasures or equivalent systems, which might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that the recipient can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

4. All defense articles and services listed in this transmittal have been authorized for release and export to the recipient.

[FR Doc. 2020–15497 Filed 7–16–20; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2020–OS–0046]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel & Readiness, Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by August 17, 2020.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Angela James, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Department of Defense Child Development Program Request for Care Record (DD FORM 2606) & Application for Department of Defense Child Care Fees (DD FORM 2652); OMB Control Number 0704–0515.

Type of Request: Renewal with a change in collection.

Number of Respondents:
DD 2606: 12,500.
DD 2652: 50,000.
Total Number of Respondents: 62,500.

Responses per Respondent:
DD 2606: 1.
DD 2652: 1.

Annual Responses:
DD 2606: 12,500.
DD 2652: 50,000.
Total Annual Responses: 62,500.

Average Burden per Response:
DD 2606: 5 minutes.
DD 2652: 5 minutes.

Annual Burden Hours:
DD 2606: 1,042 hours.
DD 2656: 4,167 hours.
Total Annual Burden Hours: 5,209 hours.

Needs and Uses: The DoD requires the information in the proposed collection for program planning and management purposes. This rule includes two collection instruments to include DD Form 2606, ''Department of Defense Child Development Program Request for Care Record'' and DD Form 2652 ''Application for Department of Defense Child Care Fees.'' DoD is seeking clearance of DD Form 2606 and DD Form 2652 with this submission.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

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

Instructions: All submissions received must include the agency name, Docket ID number, and title 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.

DOD Clearance Officer: Ms. Angela James.

Requests for copies of the information collection proposal should be sent to Ms. James at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: July 13, 2020.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2020–15529 Filed 7–16–20; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 19–73]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Arms sales notice.

SUMMARY: The Department of Defense is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Karma Job at *karma.d.job.civ@mail.mil* or (703) 697–8976.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 19–73 with attached Policy Justification and Sensitivity of Technology.

Dated: July 10, 2020.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, SUITE 101
ARLINGTON, VA 22202-5408

May 8, 2020

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 19-73, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Hungary for defense articles and services estimated to cost $230 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Charles W. Hooper
Lieutenant General, USA
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001–06–C

Transmittal No. 19–73

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as Amended

(i) *Prospective Purchaser:* Government of Hungary

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	$190 million
Other	$ 40 million
Total	$230 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Sixty (60) AIM-120C-7/C-8 Advanced Medium Range Air-to-Air Missiles Extended Range (AMRAAM-ER)

Two (2) AIM-120C-7/C-8 AMRAAM–ER Guidance Sections

Non-MDE:

Also included are four (4) AMRAAM–ER training missiles (CATM–120C); missile containers; spare and repair parts; cryptographic and communication security devices; precision navigation equipment; software, site surveys; weapons system equipment and computer software support; publications and technical documentation; common munitions and test equipment; repair and return services and equipment; personnel training and training equipment; integration support and test equipment; and U.S. Government and contractor, engineering, technical and logistics support services; and other related elements of logistical and program support.

(iv) *Military Department:* Air Force (HU-D-YAE)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* May 8, 2020

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Hungary—Advanced Medium Range Air-to-Air Missiles Extended Range (AMRAAM–ER)

The Government of Hungary has requested to buy sixty (60) AIM–120C–7/C–8 AMRAAMER missiles, and two (2) spare AIM-120C-7/C-8 AMRAAM-ER guidance sections. Also included are four (4) AMRAAM-ER training missiles (CATM-120C); missile containers; spare and repair parts; cryptographic and communication security devices; precision navigation equipment; software, site surveys; weapons system equipment and computer software support; publications and technical documentation; common munitions and test equipment; repair and return services and equipment; personnel training and training equipment; integration support and test equipment; and U.S. Government and contractor, engineering, technical and logistics support services; and other related elements of logistical and program support. The total estimated cost is $230 million.

This proposed sale will support the foreign policy and national security of the United States by improving the security of a NATO ally. This sale is consistent with U.S. initiatives to provide key allies in the region with modern systems that will enhance interoperability with U.S forces and increase security.

This proposed sale improves Hungary's defense capability to deter regional threats and strengthen its homeland defense. The sale is in support of Hungary's acquisition of the National Advanced Surface to Air Missile System (NASAMS) air defense system and would provide a full range of protection from imminent hostile cruise missiles, unmanned aerial vehicles, rotary wing and fixed wing threats. This sale will contribute to Hungary's interoperability with the United States and other allies. Hungary should not have any difficulties absorbing this equipment into its armed forces.

The proposed sale of this equipment and support does not alter the basic military balance in the region.

The prime contractor and integrator will be Raytheon Missile Systems, Tucson, AZ. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of additional U.S. Government and contractor representatives to Hungary.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 19-73

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. AIM-120 Advanced Medium Range Air-to-Air Missile Extended Range (AMRAAM-ER) is a medium range ground based air defense missile capable in all-weather against multiple targets in a sophisticated electronic attack environment. AMRAAM-ER utilizes an active C-7 or C-8 seeker and warhead joined with a new control section and rocket motor. This provides extended range and altitude, higher speed and maneuverability, and has been extensively tested and proven. The AIM-120C-8 is a form, fit, function refresh of the AIM-120C-7 and is the next generation to be produced. AIM-120 Captive Air Training Missiles (CATM) are nonfunctioning, inert missile rounds used for armament load training, which simulate the correct size and weight of live missiles.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the enclosed Policy Justification. A determination has been made that Hungary can provide the same degree of protection for the sensitive technology being released as the U.S. Government.

4. All defense articles and services listed in this transmittal have been authorized for release and export to Hungary.

[FR Doc. 2020–15508 Filed 7–16–20; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Charter Renewal of Department of Defense Federal Advisory Committees

AGENCY: Department of Defense (DoD).

ACTION: Renewal of Federal Advisory Committee.

SUMMARY: The DoD is publishing this notice to announce that it is renewing the charter for the Army Education Advisory Committee (''the Committee'').

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: The Committee's charter is being renewed in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C., Appendix) and 41 CFR 102–3.50(d). The charter and contact information for the Committee's Designated Federal Officer (DFO) are found at *https://www.facadatabase.gov/FACA/apex/FACAPublicAgencyNavigation.*

The Committee provides independent advice and recommendations on U.S. Army educational matters. The Committee will focus on matters pertaining to the educational doctrinal, and research policies and activities of the U.S. Army's educational programs, to include the U.S. Army's joint professional military education

programs. The Committee will assess and provide independent advice and recommendations across the spectrum of educational policies, school curricula, educational philosophy and objectives, program effectiveness, facilities, staff and faculty, instructional methods, and other aspects of the organization and management of these programs. The Committee will also provide independent advice and recommendations on matters pertaining to the Army Historical Program and the role and mission of the U.S. Army Center of Military History, particularly as they pertain to the study and use of military history in Army schools. The Committee shall be composed of no more than 15 members. The membership will include: (a) Not more than 11 individuals who are eminent authorities in the fields of defense, management, leadership, and academia, including those who are deemed to be historical scholars; (b) the Chief Historian of the Army, U.S. Army, Center of Military History; and (c) the Chairs of the United States Army War College Board of Visitors Subcommittee, Command and General Staff College Board of Visitors Subcommittee, and Defense Language Institute Foreign Language Board of Visitors Subcommittee, who are eminent authorities in the fields of defense, management, leadership, and academia will serve as members of the Committee.

Committee members who are not full-time or permanent part-time Federal civilian officers, employees, or active duty members of the Armed Forces will be appointed as experts or consultants, pursuant to 5 U.S.C. 3109, to serve as special government employee members. Committee members who are full-time or permanent part-time Federal civilian officers, employees, or active duty members of the Armed Forces will be appointed pursuant to 41 CFR 102–3.130(a), to serve as regular government employee members.

All members of the Committee are appointed to provide advice on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest. Except for reimbursement of official Committee-related travel and per diem, members serve without compensation.

The public or interested organizations may submit written statements to the Committee membership about the Committee's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Committee. All written statements shall be submitted to the DFO for the Committee, and this individual will ensure that the written statements are provided to the membership for their consideration.

Dated: July 13, 2020.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2020–15537 Filed 7–16–20; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 20-42]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Arms sales notice.

SUMMARY: The Department of Defense is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Karma Job at *karma.d.job.civ@mail.mil* or (703) 697–8976.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 20–42 with attached Policy Justification and Sensitivity of Technology.

Dated: July 13, 2020.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, SUITE 101
ARLINGTON, VA 22202-5408

June 15, 2020

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 20-42 concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Canada for defense articles and services estimated to cost $862.3 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Charles W. Hooper
Lieutenant General, USA
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001–06–C

Transmittal No. 20–42

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Canada

(ii) *Total Estimated Value:*

Major Defense Equipment *	$204.50 million
Other	$657.80 million
Total	$862.30 million

(iii) *Description Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Fifty (50) Sidewinder AIM-9X Block II Tactical Missiles
Fifty (50) Sidewinder AIM-9X Block II Captive Air Training Missiles (CATMs)
Ten (10) Sidewinder AIM-9X Block II Special Air Training Missiles (NATMs)
Ten (10) Sidewinder AIM-9X Block II Tactical Guidance Units
Ten (10) Sidewinder AIM-9X Block II CATM Guidance Units
Thirty-eight (38) APG-79(V)4 Active Electronically Scanned Array (AESA) Radar
Thirty-eight (38) APG-79(V)4 AESA Radar A1 Kits
Twenty (20) Joint Standoff Weapon (JSOW) C, AGM-154C
Forty-six (46) F/A-18A Wide Band RADOMEs

Non-MDE:

Also included are additional technical and logistics support for the AESA radar; upgrades to the Advanced Distributed Combat Training System (ADCTS) to ensure flight trainers remain current with the new technologies; software development to integrate the systems listed into the F/A-18A airframe and install Automated Ground Collision Avoidance System (Auto GCAS); thirty (30) Bomb Release Unit (BRU)—42 Triple Ejector Racks (TER); thirty (30) Improved Tactical Air Launched Decoy (ITALD); one hundred four (104) Data Transfer Device/Data Transfer Units (DTD/DTU); twelve (12) Joint Mission Planning System (JMPS); one hundred twelve (112) AN/ARC-210 RT-2036 (Gen 6) radios and F/A-18 integration equipment; support equipment; tools and test equipment; technical data and publications; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistical and program support.

(iv) *Military Department:* Navy (CN-P-LKZ, CN-P-LKW, CN-P-LLE, CN-P-LLA, CN-P-LKY, CN-P-LKX, CN-P-LDD, etc.)

(v) *Prior Related Cases, if any:* CN-P-FFE; CN-P-FEL; CN-P-LKS; CN-P-LKT

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* June 15, 2020

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Canada—Hornet Extension Program Related FMS Acquisitions

The Government of Canada has requested to buy fifty (50) Sidewinder AIM-9X Block II Tactical missiles; fifty (50) Sidewinder AIM-9X Block II Captive Air Training Missiles (CATMs); ten (10) Sidewinder AIM-9X Block II Special Air Training Missiles (NATMs); ten (10) Sidewinder AIM-9X Block II Tactical Guidance Units; ten (10) Sidewinder AIM-9X Block II CATM Guidance Units; thirty-eight (38) APG-79(V)4 Active Electronically Scanned Array (AESA) radar units; thirty-eight (38) APG-79(V)4 AESA Radar A1 kits; twenty (20) Joint Standoff Weapon (JSOW) C, AGM-154C; forty-six (46) F/A-18A Wide Band RADOMEs. Also included are additional technical and logistics support for the AESA radar; upgrades to the Advanced Distributed Combat Training System (ADCTS) to ensure flight trainers remain current with the new technologies; software development to integrate the systems listed into the F/A-18A airframe and install Automated Ground Collision Avoidance System (Auto GCAS); thirty (30) Bomb Release Unit (BRU)—42 Triple Ejector Racks (TER); thirty (30) Improved Tactical Air Launched Decoy (ITALD); one hundred four (104) Data Transfer Device/Data Transfer Units (DTD/DTU); twelve (12) Joint Mission Planning System (JMPS); one hundred twelve (112) AN/ARC-210 RT-2036 (Gen 6) radios and F/A-18 integration equipment; support equipment; tools and test equipment; technical data and publications; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistical and program support. The total estimated program cost is $862.3 million.

This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the military capability of Canada, a NATO ally that is an important force for ensuring political stability and economic progress and a contributor to military, peacekeeping and humanitarian operations around the world. This sale will provide Canada a 2-squadron bridge of enhanced F/A-18A aircraft to continue meeting NORAD and NATO commitments while it gradually introduces new advanced aircraft via the Future Fighter Capability Program between 2025 and 2035.

The proposed sale of the capabilities, as listed, will improve Canada's capability to meet current and future warfare threats and provide greater security for its critical infrastructure. This sale will provide Canada the ability to maximize the systems' employment and sustainment, significantly enhancing the warfighting capability of the Royal Canadian Air Force's F/A-18 aircraft. Canada will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractors will be Raytheon Corporation, El Segundo, CA; General Dynamics Mission Systems, Marion, VA; The Boeing Company, St. Louis, MO; and Collins Aerospace, Cedar Rapids, IA. The purchaser typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor(s).

Implementation of this proposed sale will require the assignment of contractor representatives to Canada on an intermittent basis over the life of the case to support delivery and integration of items onto the existing F/A-18A aircraft and to provide supply support management, inventory control and equipment familiarization.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 20–42

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The following are included in this sale:

a. The AIM-9X Block II and Block II+ (Plus) SIDEWINDER Missile represents a substantial increase in missile acquisition and kinematics performance over the AIM-9M and replaces the AIM-9X Block I Missile configuration. The missile includes a high off-boresight seeker, enhanced countermeasure rejection capability, low drag/high angle of attack airframe and the ability to integrate the Helmet Mounted Cueing System. The software algorithms are the most sensitive portion of the AIM-9X missile. The software continues to be modified via a pre-planned product improvement (P3I) program in order to improve its counter-countermeasure capabilities. No software source code or algorithms will be released. The missile is classified as CONFIDENTIAL. The AIM-9X will result in the transfer of sensitive technology and information. The equipment, hardware, and documentation are classified CONFIDENTIAL. The software and operational performance are classified SECRET. The seeker/guidance control section and the target detector are CONFIDENTIAL and contain sensitive state-of-the-art technology. Manuals and technical documentation that are necessary or support operational use and organizational management are classified up to SECRET. Performance and operating logic of the counter-countermeasures circuits are classified SECRET. The hardware, software, and data identified are classified to protect vulnerabilities, design and performance parameters and similar critical information.

b. The AN/APG-79 Active Electronically Scanned Array (AESA) Radar System is classified SECRET. The radar provides the F/A-18A Hornet aircraft with all-weather, multi-mission capability for performing Air-to-Air and Air-to-Ground targeting and attack. Air-to-Air modes provide the capability for all-aspect target detection, long-range search and track, automatic target acquisition, and tracking of multiple targets. Air-to-Surface attack modes provide high-resolution ground mapping navigation, weapon delivery, and sensor cueing. The system component hardware (Antenna, Transmitter, Radar Data Processor, and Power Supply) is UNCLASSIFIED. The Receiver-Exciter hardware is CONFIDENTIAL. The radar Operational Flight Program (OFP) is classified SECRET. Documentation provided with the AN/APG-79 radar set is classified SECRET.

c. The AGM-154 Joint Standoff Weapon (JSOW) is used by Navy, Marine Corps, and Air Force, and allows aircraft to attack well-defended targets in day, night, and adverse weather conditions. AGM-154C carries a BROACH warhead. The BROACH warhead incorporates an advanced multi-stage warhead. JSOW-C uses the GPS Precise Positioning System (PPS), which provides for a more accurate capability than the commercial version of GPS. The JSOW-C incorporates components, software, and technical design information that are considered sensitive. The following JSOW-C components being conveyed by the proposed sale that are considered sensitive and are classified

CONFIDENTIAL include the GPS/INS, IIR seeker, OFP software and missile operational characteristics and performance data. These elements are essential to the ability of the JSOW-C missile to selectively engage hostile targets under a wide range of operational, tactical, and environmental conditions.

d. The Wide Band RADOME (WBR) is a high performance nose radome designed for use with the Active Electronically Scanned Array (AESA) Radar. The WBR is required to leverage the full capability of the AESA Radar. The Radome will provide superior RF performance over broader AESA Radar operational bands which will give the user an advantage in operational scenarios. Specifically, the WBR will provide improved target detection with less interference and reduce jamming vulnerability. Purchasing the AESA without the WBR would significantly reduce the capability of the AESA and the user would gain very little advantage with the AESA.

e. The Upgrades to the Advanced Distributed Combat Training System (ADCTS), provides an aggressive program upgrade the warfighting capability of the F/A-18. The program will introduce new systems and weapons to the aircraft. In order to have pilots ready to utilize the new technologies, it is imperative that the user's Pilot Trainer (ADCTS) undergoes a parallel upgrade effort. The ADCTS is an integral part of the user's Pilot Training Syllabus and this procurement will address this requirement. It will provide pilots the ability to train with the new systems that will be resident in the aircraft in a simulated environment. This procurement will provide pilots the ability to maximize use of the new capabilities that will eventually translate to the operational environment and make the users Air Force a significant contributor to international coalition initiatives.

f. Software Development. The challenge facing the user nation is that in order to add all the new capabilities and weapons to the platform there is a parallel software effort required to ensure all the new capabilities have a software model that will support their integration and use. The success of the aggressive procurement of the systems and capabilities for the program will be dependent on the ability to develop and test the requisite software. This is a significant effort that will rely on Naval Air Weapons Station China Lake to develop the required products. This will entail development of the product, lab testing and eventually flight testing of the software loads. There will be some mutual software development, but the end result will depend on U.S. Government engineers to provide final check and approval of all software profiles. This FMS case funds this effort. Additionally, the software effort will support Automatic Ground Collision Avoidance System (A-GCAS). This system is also referred to as Automatic Terrain Avoidance Warning System (A-TAWS). This is flight control software that uses a terrain elevation database to calculate the aircraft's relative position above the ground. If it senses that the aircraft is on a collision course with the ground that is outside of normal parameters, it automatically commands the aircraft to roll wings level and recover away from a ground collision

g. The ADM-141C Improved Tactical Air-Launched Decoy (ITALD) is unclassified. The ITALD vehicle is intended to be delivered by sea- and land-based tactical aircraft, to cause an increase in the number of apparent targets to enemy defenses prior to or during air strikes. The ITALD system consists of the flight vehicle, launch rack (Improved Triple Ejector Rack (ITER)), Improved Decoy Tester/Programmer (IDTP), Radio Frequency Payload System Tester (PSST), and shipping/storage container. The ITALD is capable of functioning in the vehicle test mode, mission programming mode (using JMPS with ITALD UPC), GPS almanac uploading mode, captive carriage mode, launch mode, jettison mode, and free-flight mode.

h. The Joint Mission Planning System (JMPS) is classified SECRET. JMPS will provide mission planning capability for support of military aviation operations. It will also provide support for unit-level mission planning for all phases of military flight operations and have the capability to provide necessary mission data for the aircrew. JMPS will support the downloading of data to electronics data transfer devices for transfer to aircraft and weapon systems. A JMPS for a specific aircraft type will consist of basic planning tools called the Joint Mission Planning Environment (JMPE) mated with a Unique Planning Component (UPC) provided by the aircraft program. In addition, UPCs will be required for specific weapons, communication devices, and moving map displays. The JMPS will be tailored to the specific releasable configuration for the F/A-18A, with maximum commonality with the most advanced United States Marine Corps configuration of these aircraft.

i. The AN/ARC-210 RT-2036 (Gen 6) Radio's Line-of-sight data transfer rates up to 80 kb/s in a 25 kHz channel creating high-speed communication of critical situational awareness information for increased mission effectiveness. Software that is reprogrammable in the field via Memory Loader/Verifier Software making flexible use for multiple missions. The AN/ARC-210 has embedded software with programmable cryptography for secure communications. Relative to the 5th Generation AN/ARC-210 radios, the 6th generation AN/ARC-210 RT-2036 adds, in addition to newer hardware, the Mobile User Objective System (MUOS) capability. Access to the MUOS satellite constellation can be effectively controlled by withholding the relevant order wire keys from RT-2036 users.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware or software in this proposed sale, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advance capabilities.

3. A determination has been made that the recipient country, the Government of Canada can provide substantially the same degree of protection for the classified and sensitive technology being released as the United States Government. This sale is necessary in furtherance if the United States Foreign Policy and National Security objectives outlined in the Policy Justification.

4. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Canada.

[FR Doc. 2020–15511 Filed 7–16–20; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 20–0G]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Arms sales notice.

SUMMARY: The Department of Defense is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Karma Job at *karma.d.job.civ@mail.mil* or (703) 697–8976.

SUPPLEMENTARY INFORMATION: This 36(b)(5)(C) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the

House of Representatives, Transmittal 20–0G with attached Policy Justification and Sensitivity of Technology.

Dated: July 10, 2020.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, SUITE 101
ARLINGTON, VA 22202-5408

June 15, 2020

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 20-0G. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 18-19 of June 26, 2018.

Sincerely,

Charles W. Hooper
Lieutenant General, USA
Director

Enclosures:
1. Transmittal

BILLING CODE 5001–006–C

Transmittal No. 20-0G

REPORT OF ENHANCEMENT OR UPGRADE OF SENSITIVITY OF TECHNOLOGY OR CAPABILITY (SEC. 36(B)(5)(C), AECA)

(i) *Prospective Purchaser*: Government of Spain

(ii) *Sec. 36(b)(1), AECA Transmittal No.*: 18–19

Date: June 26, 2018

Implementing Agency: Navy

(iii) *Description*: On June 26, 2018 Congress was notified, by Congressional certification transmittal number 18-19, of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, to the Government of Spain of five (5) AEGIS Weapons Systems (AWS) MK7, six (6) shipsets Digital Signal Processing, five (5) shipsets AWS Computing Infrastructure MARK 1 MOD 0, five (5) shipsets Operational Readiness Test Systems (ORTS), five (5) shipsets MK 99 MOD 14 Fire Control System, five (5) shipsets MK 41 Baseline VII Vertical Launching Systems (VLS), two (2) All-Up-Round MK 54 Mod 0 lightweight torpedoes, twenty (20) SM-2 Block IIIB missiles and MK 13 canisters with AN/DKT-71 warhead compatible telemeter. Also included are one (1) S4 AWS computer program, five (5) shipsets Ultra High Frequency (UHF) Satellite Communications (SATCOM), five (5) shipsets AN/SRQ-4 radio terminal sets, five (5) shipsets ordnance handling equipment, five (5) shipsets Selective Availability Anti-Spoofing Modules (SAASM), five (5) shipsets aviation handling and support equipment, five (5) shipsets AN/SLQ-24E Torpedo countermeasures systems, five (5) shipsets LM04 Thru-Hull XBT Launcher and test canisters, one (1) shipset MK 36 MOD 6 Decoy Launching System, five (5) shipsets Link Level COMSEC (LLC) 7M for LINK 22, five (5) shipsets Maintenance Assist Module (MAM) cabinets, five (5) shipsets technical documentation, five (5) shipsets installation support material, special purpose test equipment, system engineering, technical services, on-site vendor assistance, spare parts, systems training, foreign liaison office and staging services necessary to support ship construction and delivery, spare and repair parts, tools and test equipment, support equipment, repair and return support, personnel training and training equipment, publications and technical documentation, U.S. Government and contractor engineering and logistics support services, and other

related elements of logistic and program support. The estimated total cost was $860.4 million. Major Defense Equipment (MDE) constituted $324.4 million of this total.

This transmittal reports inclusion of an additional thirty (30) All-Up-Round MK 54 Lightweight Torpedoes (MDE). The following non-MDE items will also be included: MK 54 LWT expendables; MK 54 turnaround kits; MK 54 containers; one (1) MK-695 Torpedo Systems Test Set (TSTS); Support equipment including fire control modification platforms and spare parts; torpedo spare parts; training; publications; software; U.S. Government and contractor engineering, technical, and logistics support services and other related elements of logistics and program support. The addition of these items will result in a net increase in MDE cost of $45 million, resulting in a revised MDE cost of $369.4 million. The total estimated case value will increase to $940.4 million.

(iv) *Significance*: The proposed articles and services will support Spain's capability to commission their new F-110 frigates with the AEGIS Weapon System (AWS).

(v) *Justification:* This proposed sale will support the foreign policy and national security of the United States by improving the security of a NATO ally which is an important force for political stability and economic progress in Europe. It is vital to the U.S. national interest to assist Spain in developing and maintaining a strong and ready self-defense capability.

(vi) *Sensitivity of Technology:* The Sensitivity of Technology Statement contained in the original notification applies to items reported here.

(vii) *Date Report Delivered to Congress:* June 15, 2020

[FR Doc. 2020–15503 Filed 7–16–20; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 20–0F]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Arms sales notice.

SUMMARY: The Department of Defense is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Karma Job at *karma.d.job.civ@mail.mil* or (703) 697–8976.

SUPPLEMENTARY INFORMATION: This 36(b)(5)(C) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 20–0F with attached Policy Justification and Sensitivity of Technology.

Dated: July 10, 2020.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, SUITE 101
ARLINGTON, VA 22202-5408

June 3, 2020

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 20-0F. This report relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 17-36 of August 18, 2017.

Sincerely,

Charles W. Hooper
Lieutenant General, USA
Director

Enclosures:
1. Transmittal

BILLING CODE 5001–06–C

Transmittal No. 20–0F

REPORT OF ENHANCEMENT OR UPGRADE OF SENSITIVITY OF TECHNOLOGY OR CAPABILITY (SEC. 36(B)(5)(C), AECA)

(i) *Prospective Purchaser:* Government of Romania

(ii) *Sec. 36(b)(1), AECA Transmittal No.:* 17–36

Date: August 18, 2017

Military Department: Army

(iii) *Description:* On August 18, 2017, Congress was notified by Congressional certification transmittal number 17–36 of the possible sale under Section 36(b)(1) of the Arms Export Control Act of 54 High Mobility Artillery Rocket Systems (HIMARS) Launchers, 81 Guided Multiple Launch Rocket Systems (GMLRS) M31A1-Unitary, 81 GMLRS M30A1-Alternative Warhead, 54 Army Tactical Missile Systems (ATACMS) M57 Unitary, 24 Advanced Field Artillery Tactical Data Systems (AFATDS), 15 High Mobility Multipurpose Wheeled Vehicles (HMMWV), Utility-Armored, M1151A1 and 15 HMMWVs, Armor Ready 2-Man, M1151A1. Included: 54 each M1084A1P2 HIMARS Resupply Vehicles (RSVs), 54 M1095 MTV Cargo Trailer with RSV kit, and 10 each M1089A1P2 FMTV Wreckers 30 Low Cost Reduced Range (LCRR) practice rockets. Also included repair parts, training and U.S. Government support. The estimated total cost was $1.25 billion. Major Defense Equipment (MDE) constituted $900 million of this total.

On March 12, 2019, 19–0B notified the addition of: forty-eight (48) Advanced Field Artillery Tactical Data Systems (AFATDS) (MDE); forty-five (45) M1152A1 HMMWVs—Armor Ready 2-Man (MDE); fifty-four (54) M1084A1P2 HIMARS Resupply Vehicles (MDE); and support and communications equipment, spare and repair parts, test sets, batteries, laptop computers, publications and technical data, facility design, personnel training and equipment, systems integration support, Quality Assurance Teams and a Technical Assistance Fielding Team, United States Government and contractor engineering and logistics personnel services. (non-MDE). The additional MDE items were valued at $24.42 million, resulting in a new MDE value of $924.42 million, and additional non-MDE items were valued at $225.574 million, resulting in a total program increase of $250 million. The total case value increased to $1.5 billion.

This transmittal notifies the addition of:

1. Six (6) AN/TPQ-53 Radar Systems (MDE);

2. Three hundred eighty-four (384) 120MM High Explosive (HE) Cartridges (MDE); and

3. Support and communications equipment, vehicles, ammunition, transportation, spare and repair parts, test sets, batteries, laptop computers, publications and technical data, facility design, personnel training and equipment, systems integration support, Quality Assurance Teams and a Technical Assistance Fielding Team, United States Government and contractor engineering and logistics personnel services. (Non-MDE) The additional MDE items are valued at

$175 million, resulting in a new MDE value of $1.1 billion, and additional non-MDE items are valued at $75 million, resulting in a total program increase of $250 million. The total program value will increase to $1.75 billion.

(iv) *Significance:* This proposed sale of defense articles and services supports Romania's ongoing effort to modernize its armed forces and increase the Romanian Armed Forces' capacity to counter threats posed by potential attacks. This will contribute to the Romanian Armed Forces' effort to update their capabilities and enhance interoperability with the United States and other allies.

(v) *Justification:* This proposed sale will support the foreign policy and national security of the United States by helping to improve the security of a NATO ally in developing and maintaining a strong and ready self-defense capability. This proposed sale will enhance U.S. national security objectives in the region.

(vi) *Sensitivity of Technology:* The AN/TPQ-53 Radar is a high-performance Counter Fire Target Acquisition (CTA) radar. Each radar system includes a Kearfott KN-4083 Land/Sea Inertial Navigation System (INS) with Selective Availability Anti-Spoofing Module (SAASM). The AN/TPQ-53 radar features an Active Electronically Scanned Array (AESA) radar and processing system and software that further enhances its ability to detect and classify targets. There is no classified equipment or information to be conveyed with the proposed sale.

(vii) *Date Report Delivered to Congress:* June 3, 2020

[FR Doc. 2020–15505 Filed 7–16–20; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2020–HQ–0004]

Proposed Collection; Comment Request

AGENCY: The Office of the Secretary of the Navy, Defense Department (DoD).

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Department of the Navy announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency'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 information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by September 15, 2020.

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

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: DoD cannot receive written comments at this time due to the COVID–19 pandemic. Comments should be sent electronically to the docket listed above.

Instructions: All submissions received must include the agency name, docket number, and title 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.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the MyNavy Career Center, Naval Support Activity Mid-South, ATTN: CAPT Laura Scotty, 5720 Integrity Drive, Millington, TN 38053, (901) 874–2070.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: MyNavy Career Center Omni-Channel Telephony System; OMB Control Number 0703–XXXX.

Needs and Uses: The information collection requirement is necessary to obtain unique personally identifiable information such as DoD ID or SSN to positively identify individuals who contact MyNavy Career Center regarding a variety of questions.

Affected Public: Individuals or households.

Annual Burden Hours: 2,268 hours.

Number of Respondents: 16,799.

Responses per Respondent: 1.

Annual Responses: 16,799.

Average Burden per Response: 8.1 minutes (0.135 hours).

Frequency: On occasion.

Respondents are family members of active, retired and reserve members and members of the public with no military affiliation. The Omni-Channel telephone system will record caller transactions to support transaction accuracy, provide training opportunities to customer service representatives and provide actionable data for business process improvements.

Dated: July 13, 2020.

Aaron T. Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2020–15458 Filed 7–16–20; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Indian Education Discretionary Grant Programs—Demonstration Grants for Indian Children and Youth Program

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education is issuing a notice inviting applications for new awards for fiscal year (FY) 2020 for Demonstration Grants for Indian Children and Youth Program (Demonstration program), Catalog of Federal Domestic Assistance (CFDA) number 84.299A. This notice relates to the approved information collection under OMB control number 1810–0722.

DATES:

Applications Available: July 17, 2020.

Deadline for Notice of Intent to Apply: August 3, 2020.

Date of Pre-Application Meeting: July 23, 2020 at 2:00 p.m. Eastern Time and July 30, 2020 at 2:00 p.m. Eastern time.

Deadline for Transmittal of Applications: August 31, 2020.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768), and available at

www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf.

FOR FURTHER INFORMATION CONTACT: Bianca Williams, U.S. Department of Education, 400 Maryland Avenue SW, Room 3W237, Washington, DC 20202–6335. Telephone: (202) 453–5671. Email: *bianca.williams@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the Demonstration program is to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve education opportunities and achievement of Indian children and youth.

Priorities: This competition includes one absolute priority and three competitive preference priorities.

In accordance with 34 CFR 75.105(b)(2)(ii), these priorities are from 34 CFR part 263, as revised in the notice of final regulations for this program published elsewhere in this issue of the **Federal Register** (the NFR). The absolute priority is from 34 CFR 263.21(c)(7); Competitive Preference Priorities 1 and 2 are from 34 CFR 263.21(b)(1) and (2); and Competitive Preference Priority 3 is from 34 CFR 263.21(c)(5).

Absolute Priority: For FY 2020 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

Accessing Choices in Education.

To meet this priority, applicants must propose a project to expand educational choice by enabling a Tribe, or the grantee and its Tribal partner, to select a project focus that meets the needs of their students and enabling parents of Indian students, or the students, to choose education services by selecting the specific service and provider desired.

Competitive Preference Priorities: For FY 2020 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i) we award an additional 11 points to an application that meets Competitive Preference Priority 1, and an additional 5 points to an application that meets Competitive Preference Priority 2; an applicant can receive points under either Competitive Preference Priority 1 or 2, but not both. In addition, we award an additional 5 points to an application that meets Competitive Preference Priority 3. The maximum number of competitive preference priority points is 16.

These priorities are:

Competitive Preference Priority 1: Tribal Lead Applicants. (0 or 11 points)

To meet this priority, an application must be submitted by an Indian Tribe, Indian organization, school funded by the Bureau of Indian Education (BIE-funded school), or Tribal college or university (TCU) that is eligible to participate in the Demonstration Grants program. A group application submitted by a consortium that meets the requirements of 34 CFR 75.127 through 75.129 or submitted by a partnership is eligible to receive the preference only if the lead applicant for the consortium is the Indian Tribe, Indian organization, BIE-funded school, or TCU.

Competitive Preference Priority 2: Tribal Partnership. (0 or 5 points)

To meet this priority, an application must be submitted by a consortium of eligible entities that meets the requirements of 34 CFR 75.127 through 75.129 or submitted by a partnership if the consortium or partnership—(1) Includes an Indian Tribe, Indian organization, BIE-funded school, or TCU; and (2) Is not eligible to receive the preference under Competitive Preference Priority 1.

Competitive Preference Priority 3: Rural Applicants. (0 or 5 points)

To meet this priority, an applicant must propose a project that includes either—(1) A local educational agency (LEA) that is eligible under the Small Rural School Achievement (SRSA) program or the Rural and Low-Income School (RLIS) program authorized under title V, part B of the ESEA; or (2) A BIE-funded school that is located in an area designated with locale code of either 41, 42, or 43 as designated by the National Center for Education Statistics.

Application Requirements: For FY 2020 and any subsequent year in which we make awards from the list of unfunded applications from this competition, applicants must meet the following application requirements, which are from section 6121 of ESEA and 34 CFR 263.22:

(1) *General Requirements.* The following requirements apply to all applications submitted under this competition. An applicant must include in its application—

(a) A description of how Indian Tribes and parents and families of Indian children and youth have been, and will be, involved in developing and implementing the proposed activities;

(b) Information demonstrating that the proposed project is evidence-based, where applicable, or is based on an existing evidence-based program that has been modified to be culturally appropriate for Indian students;

(c) A description of how the applicant will continue the proposed activities once the grant period is over;

(d) A plan for how the applicant will oversee service providers and ensure that students receive high-quality services under the project;

(e) An assurance that—

(i) Services will be supplemental to the education program provided by local schools attended by the students to be served;

(ii) Funding will be supplemental to existing sources, such as Johnson O'Malley funding; and

(iii) The availability of funds for supplemental special education and related services (*i.e.,* services that are not part of the special education and related services, supplementary aids and services, and program modifications or supports for school personnel that are required to make FAPE available under Part B of the Individuals with Disabilities Education Act (IDEA) to a child with a disability in conformity with the child's IEP or the regular or special education and related aids and services required to make FAPE available under a Section 504 plan, if any) does not affect the right of the child to receive FAPE under Part B of the IDEA or Section 504, and the respective implementing regulations.

(2) *Requirements for Non-Tribal Applicants.*

(a) For an applicant that is not a Tribe, if 50 percent or more of the total student population of the schools to be served by the project consists of members of one Tribe, documentation that that Tribe is a partner for the proposed project.

(b) For an applicant that is an LEA or State educational agency (SEA) and is not required by Application Requirement (2)(a) to partner with a specific Tribe, documentation that at least one Tribe or Indian organization is a partner for the proposed project.

(3) *Requirements for an Applicant Not Proposing a Planning Period.* The following requirements apply only to an applicant that does not propose a planning period. Such an applicant must include in its application—

(a) A description of the service selection method required in § 263.25(c), as described in Program Requirement (3) of this notice;

(b) A description of the parent involvement and feedback process required in § 263.25(d), as described in Program Requirement (4) of this notice;

(c) A sample of the written agreement required in § 263.25(e), as described in Program Requirement (5) of this notice;

(d) A description of the process that will be used to choose students to be served required in section 263.25(f), as described in Program Requirement (6) of this notice.

Program Requirements: For FY 2020 and any subsequent year in which we make awards from the list of unfunded applications from this competition, applicants must adhere to the following program requirements from 34 CFR 263.25. Each project must—

(1) Include the following, which are chosen by the grantee, or for LEAs and SEAs, the grantee and its partnering Tribe or Indian organization:

(a) A project focus and specific services that are based on the needs of the local community; and

(b) Service providers;

(2) Include more than one education option from which parents and students may choose, which may include—

(a) Native language, history, or culture courses;

(b) Advanced, remedial, or elective courses, which may be online;

(c) Apprenticeships or training programs that lead to industry certifications;

(d) Concurrent and dual enrollment;

(e) Tuition for private school or home education expenses;

(f) Special education and related services that supplement, and are not part of, the special education and related services, supplementary aids and services, and program modifications or supports for school personnel required to make available a free appropriate public education (FAPE) under Part B of the IDEA to a child with a disability in conformity with the child's individualized education program (IEP) or the regular or special education and related aids and services required to ensure FAPE under Section 504 of the Rehabilitation Act of 1973 (Section 504);

(g) Books, materials, or education technology, including learning software or hardware that are accessible to all children;

(h) Tutoring;

(i) Summer or afterschool education programs, and student transportation needed for those specific programs. Such programs could include instruction in the arts, music, or sports, to the extent that the applicant can demonstrate that such services are culturally related or are supported by evidence that suggests the services may have a positive effect on relevant education outcomes;

(j) Testing preparation and application fees, including for private school and graduating students;

(k) Supplemental counseling services, not to include psychiatric or medical services; or

(l) Other education-related services that are reasonable and necessary for the project;

(3) Provide a method to enable parents and students to select services. Such a method must—

(a) Ensure that funds will be transferred directly from the grantee to the selected service provider; and

(b) Include service providers other than the applicant, although the applicant may be one of the service providers;

(4) Include a parent involvement and feedback process that—

(a) Describes a way for parents to request services or providers that are not currently offered and provide input on services provided through the project, and describes how the grantee will provide parents with written responses within 30 days; and

(b) May include a parent liaison to support the grantee in outreach to parents, inform parents and students of the timeline for the termination of the project, and assist parents and the grantee with the process by which a parent can request services or providers not already specified by the grantee;

(5) Include a written agreement between the grantee and each service provider under the project. Each agreement must include—

(a) A nondiscrimination clause that—

(i) Requires the provider to abide by all applicable non-discrimination laws with regard to students to be served, *e.g.,* on the basis of race, color, national origin, religion, sex, or disability; and

(ii) Prohibits the provider from discriminating among students who are eligible for services under this program, *i.e.,* that meet the definition of ''Indian'' in section 6151 of the ESEA, on the basis of affiliation with a particular Tribe;

(b) A description of how the grantee will oversee the service provider and hold the provider accountable for—

(i) The terms of the written agreement; and

(ii) The use of funds, including compliance with generally accepted accounting procedures and Federal cost principles;

(c) A description of how students' progress will be measured; and

(d) A provision for the termination of the agreement if the provider is unable to meet the terms of the agreement;

(6) Include a fair and documented process to choose students to be served, such as a lottery or other transparent criteria (*e.g.,* based on particular types of need), in the event that the number of requests from parents of eligible students or from students for services under the project exceeds the available capacity, with regard to the number or intensity of services offered;

(7) Ensure that—

(a) At least 80 percent of grant funds are used for direct services to eligible students, provided that, if a grantee requests and receives approval for a planning period, not to exceed 12 months, the 80 percent requirement does not apply to that planning period;

(b) Not more than 15 percent of grant funds are used on the service selection method described in Program Requirement (4) or the parent involvement and feedback process described in Program Requirement (5), except in an authorized planning period; and

(c) No grant funds are used to establish or develop the capacity of entities or individuals that are or may become service providers under this project;

(8) For a grantee that receives approval for a planning period, not to exceed 12 months, submit to the Department prior to the end of that period the following documents:

(a) A description of the operational service selection process that meets Program Requirement (3).

(b) A description of the operational parent involvement and feedback process that meets Program Requirement (4).

(c) A sample of the written agreement that meets Program Requirement (5), and a list of providers with whom the grantee has signed written agreements.

(d) A description of the process that will be used to choose students to be served in the event that the demand for services exceeds the available capacity, as described in Program Requirement (6).

Statutory Hiring Preference:

(a) Awards that are primarily for the benefit of Indians are subject to the provisions of section 7(b) of the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638). That section requires that, to the greatest extent feasible, a grantee—

(1) Give to Indians preferences and opportunities for training and employment in connection with the administration of the grant; and

(2) Give to Indian organizations and to Indian-owned economic enterprises, as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C.

1452(e)), preference in the award of contracts in connection with the administration of the grant.

(b) For purposes of this preference, an Indian is a member of any federally recognized Indian Tribe. *Definitions:* The following definitions are from 34 CFR 263.20.

Federally supported elementary or secondary school for Indian students means an elementary or secondary school that is operated or funded, through a contract or grant, by the Bureau of Indian Education.

Indian means an individual who is—

(1) A member of an Indian Tribe or band, as membership is defined by the Indian Tribe or band, including any Tribe or band terminated since 1940, and any Tribe or band recognized by the State in which the Tribe or band resides;

(2) A descendant of a parent or grandparent who meets the requirements described in paragraph (1) of this definition;

(3) Considered by the Secretary of the Interior to be an Indian for any purpose;

(4) An Eskimo, Aleut, or other Alaska Native; or

(5) A member of an organized Indian group that received a grant under the Indian Education Act of 1988 as it was in effect on October 19, 1994.

Indian organization means an organization that—

(1) Is legally established—

(i) By Tribal or inter-Tribal charter or in accordance with State or Tribal law; and

(ii) With appropriate constitution, by-laws, or articles of incorporation;

(2) Includes in its purposes the promotion of the education of Indians;

(3) Is controlled by a governing board, the majority of which is Indian;

(4) If located on an Indian reservation, operates with the sanction or by charter of the governing body of that reservation;

(5) Is neither an organization or subdivision of, nor under the direct control of, any institution of higher education or TCU; and

(6) Is not an agency of State or local government.

Parent includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare).

Tribal College or University (TCU) means an accredited college or university within the United States cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994, any other institution that qualifies for funding under the Tribally Controlled College or University Assistance Act of 1978, and the Navajo Community College, authorized in the Navajo Community College Assistance Act of 1978.

Program Authority: 20 U.S.C. 7441.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The program regulations in 34 CFR part 263.

Note: The open licensing requirement in 2 CFR 3474.20 does not apply to this program.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian Tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $15,000,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in subsequent fiscal years from the list of unfunded applications from this competition.

Estimated Range of Awards: $500,000–$1,500,000, depending on the number of students to be served and, if applicable, the per-pupil amount proposed.

Estimated Average Size of Awards: $1,000,000.

Estimated Number of Awards: 15–20.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months. We will award grants for an initial period of not more than three years and may renew such grants for an additional period of not more than two years if we find that the grantee is achieving the objectives of the grant.

III. Eligibility Information

1. *Eligible Applicants.* The following entities, either alone or in a consortium, are eligible under this program:

(a) An SEA.

(b) An LEA.

(c) An Indian Tribe.

(d) An Indian organization.

(e) A federally supported elementary school or secondary school for Indian students.

(f) A TCU.

2. (a) *Cost Sharing or Matching:* This program does not require cost sharing or matching.

(b) *Supplement-Not-Supplant:* This program involves supplement-not-supplant funding requirements.

3. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application.

4. *Other:* Projects funded under this competition should budget for a two-day Project Directors' meeting in Washington, DC during each year of the project period.

IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768) and available at *www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf,* which contain requirements and information on how to submit an application.

2. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the Demonstration program, your application may include business information that you consider proprietary. In 34 CFR 5.11 we define ''business information'' and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended).

Because we plan to make successful applications available to the public by posting them on our website, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you believe is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. However, under 34 CFR

79.8(a), we waive intergovernmental review in order to make awards by the end of FY 2020.

4. *Funding Restrictions:* Under ESEA section 6121(e), no more than five percent of funds awarded for a grant under this program may be used for administrative purposes, and for grants made using FY 2020 funds this administrative cost cap applies only to direct administrative costs, not indirect costs.

Under 34 CFR 263.25(g), grantees must spend at least 80 percent of their grant funds on direct services to eligible students. If applicants propose a planning period in the first year of the grant, this 80 percent limit does not apply to that period. Grantees are also prohibited from spending more than 15 percent of grant funds on the service selection method or the parent involvement and feedback process, except in a planning period. Grantees are also prohibited from using grant funds to establish or develop the capacity of entities or individuals that are or may become service providers under this project.

5. *Recommended Page Limit:* The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 30 pages and (2) use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the one-page abstract, the resumes, the bibliography, the letter(s) of support, or the signed consortium agreement. However, the recommended page limit does apply to all of the application narrative. An application will not be disqualified if it exceeds the recommended page limit.

6. *Notice of Intent to Apply:* The Department will be able to review grant applications more efficiently if we know the approximate number of applicants that intend to apply. Therefore, we strongly encourage each potential applicant to notify us of their intent to submit an application. To do so, please email the program contact person listed under **FOR FURTHER INFORMATION CONTACT** with the subject line ''Intent to Apply,'' and include the applicant's name and a contact person's name and email address. Applicants that do not submit a notice of intent to apply may still apply for funding; applicants that do submit a notice of intent to apply are not bound to apply or bound by the information provided.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210 and 34 CFR 263.24. The source of each selection criterion, and the maximum score for addressing each criterion and factor within each criterion, is included in parentheses. The maximum score for these criteria is 100 points.

(a) *Quality of the project design* (25 points). The Secretary considers the following factors in determining the quality of the project design:

(1) The extent to which the project is designed to improve student and parent satisfaction with the student's overall education experience, as measured by pre- and post-project data. (5 points) (34 CFR 263.24(c)(1))

(2) The extent to which the applicant proposes a fair and neutral process of selecting service providers that will result in high-quality options from which parents and students can select services. (5 points) (34 CFR 263.24(c)(2))

(3) The quality of the proposed plan to inform parents and students about available service choices under the project, and about the timeline for termination of the project. (5 points) (34 CFR 263.24(c)(3))

(4) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable. (10 points) (34 CFR 75.210(c)(2)(i))

(b) *Quality of project services* (25 points). The Secretary considers the following factors in determining the quality of project services:

(1) The quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. (3 points) (34 CFR 75.210(d)(2))

(2) The extent to which the project would offer high-quality choices of services, including culturally relevant services, and providers, for parents and students to select. (9 points) (34 CFR 263.24(b)(1))

(3) The extent to which the services to be offered would meet the needs of the local population, as demonstrated by an analysis of community-level data, including direct input from parents and families of Indian children and youth. (9 points) (34 CFR 263.24(b)(2))

(4) The quality of the plan to ensure that the services to be offered are evidence-based, where applicable, or are based on existing evidence-based programs that have been modified to be culturally appropriate for Indian students. (4 points) (34 CFR 263.24(b)(3))

(c) *Reasonableness of budget* (20 points). The Secretary considers the following factors in determining the reasonableness of the project budget:

(1) The extent to which the budget reflects the number of students to be served and a per-pupil amount for services, based only on direct costs for student services, that is reasonable in relation to the project objectives; (10 points) (34 CFR 263.24(d)(1))

(2) The extent to which the per-pupil costs of specific services and per-pupil funds available are transparent to parents and other stakeholders. (10 points) (34 CFR 263.24(d)(2))

(d) *Quality of the management plan* (30 points). In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(1) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks. (10 points) (34 CFR 75.210(g)(2)(i))

(2) The quality of the applicant's plan to oversee service providers and ensure that students receive high-quality services under the project. (20 points) (34 CFR 263.24(c)(4))

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires

various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this program, the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose specific conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $250,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:*

We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:*

(a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

5. *Performance Measures:* The Department has established the following Government Performance and Results Act of 1993 (GPRA) performance measures for the Demonstration program:

(1) The total number of options from which participating students can choose.

(2) The number of options offered from which participating students can choose education-related services that are culturally relevant, as determined by the grantee.

(3) The number of grantees that meet their educational outcome objectives (*e.g.,* decreased school suspension rates, increased graduation rates, increased school attendance, etc.), as defined by the grantee.

(4) The total number of students served.

(5) The percentage of parents who report that the number and variety of options offered meet their children's needs.

(6) The percentage of parents who report that the quality of options offered meet their children's needs.

(7) The average time it took a grantee to respond to requests for specific services.

(8) The percentage of parent requests for additional services that resulted in adding new services to the offerings.

These measures constitute the Department's indicators of success for this program. Consequently, we advise an applicant for a grant under this program to carefully consider these measures in conceptualizing the approach to, and evaluation for, its proposed project. Each grantee will be required to provide, in its annual performance and final reports, data about its progress in meeting these measures.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can

view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Frank T. Brogan,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2020–15542 Filed 7–16–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2020–SCC–0068]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Consolidated State Plan

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before August 17, 2020.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection request by selecting ''Department of Education'' under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment'' checkbox.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Melissa Siry, 202–260–0926.

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: Consolidated State Plan.

OMB Control Number: 1810–0576.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local and Tribal Governments.

Total Estimated Number of Annual Responses: 52.

Total Estimated Number of Annual Burden Hours: 108,155.

Abstract: This collection, currently approved by OMB under control number 1810–0576, covers the consolidated State plan (previously known as the consolidated State application), as well as assessment peer review guidance. Section 8302 of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), permits each State Education Agency (SEA), in consultation with the Governor, to apply for program funds through submission of a consolidated State plan (in lieu of individual program State plans). The purpose of consolidated State plans as defined in ESEA is to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery; to enhance program integration; and to provide greater flexibility and less burden for State educational agencies.

Dated: July 13, 2020.

Kate Mullan,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2020–15418 Filed 7–16–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2020–SCC–0113]

Agency Information Collection Activities; Comment Request; EDGAR Recordkeeping and Reporting Requirements

AGENCY: Office of Finance and Operation (OFO), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before September 15, 2020.

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–2020–SCC–0113. 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 Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave SW, LBJ, Room 6W208B, Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Alfreida Pettiford, 202–245–6110.

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: EDGAR Recordkeeping and Reporting Requirements.

OMB Control Number: 1894–0009.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local and Tribal Organizations, Private Sector.

Total Estimated Number of Annual Responses: 4,320.

Total Estimated Number of Annual Burden Hours: 23,130.

Abstract: This is an extension of a previously approved information collection request. There is an overall reflection of the actual number of time extensions notifications received by ED in FY 2019 and an increase in the number of awards awarded to IHEs, NPOs and Hospitals in FY 2019. This results in an adjustment in burden and responses of −668 responses and 682 hours. The total number of responses and hours is 4,320 responses and 23,130 hours, respectively.

Dated: July 14, 2020.

Stephanie Valentine,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2020–15523 Filed 7–16–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CD20–7–000]

Los Angeles County Public Works; Notice of Preliminary Determination of a Qualifying Conduit Hydropower Facility and Soliciting Comments and Motions To Intervene

On July 8, 2020, as supplemented on July 9, 2020, Los Angeles County Public Works filed a notice of intent to construct a qualifying conduit hydropower facility, pursuant to section 30 of the Federal Power Act (FPA). The proposed M5E Pressure Reducing Station Hydroelectric Project would have an installed capacity of 430 kilowatts (kW), and would be located along an existing municipal water pipeline belonging to the applicant near Palmdale, Los Angeles County, California.

Applicant Contact: Eric Melander, 5500 Blue Heron Lane, Deming, Washington 98244, Phone No. (360) 592–5552, Email: *eric.melander@canyonhydro.com.*

FERC Contact: Christopher Chaney, Phone No. (202) 502–6778, Email: *christopher.chaney@ferc.gov.*

Qualifying Conduit Hydropower Facility Description: The proposed project would consist of: (1) Two 215-kW turbine-generators within an existing an approximately 51-foot by 38-foot building at the M5E Pressure Reducing Station; and (2) appurtenant facilities. The proposed project would have an estimated annual generation of approximately 1,236 megawatt-hours.

A qualifying conduit hydropower facility is one that is determined or deemed to meet all the criteria shown in the table below.

TABLE 1—CRITERIA FOR QUALIFYING CONDUIT HYDROPOWER FACILITY

Statutory provision	Description	Satisfies (Y/N)
FPA 30(a)(3)(A)	The conduit the facility uses is a tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.	Y
FPA 30(a)(3)(C)(i)	The facility is constructed, operated, or maintained for the generation of electric power and uses for such generation only the hydroelectric potential of a non-federally owned conduit.	Y
FPA 30(a)(3)(C)(ii)	The facility has an installed capacity that does not exceed 40 megawatts	Y
FPA 30(a)(3)(C)(iii)	On or before August 9, 2013, the facility is not licensed, or exempted from the licensing requirements of Part I of the FPA.	Y

Preliminary Determination: The proposed M5E Pressure Reducing Station Hydroelectric Project will not alter the primary purpose of the conduit, which is to supply potable water to the City of Palmdale and surrounding areas. Therefore, based upon the above criteria, Commission staff preliminarily determines that the proposal satisfies the requirements for a qualifying conduit hydropower facility, which is not required to be licensed or exempted from licensing.

Comments and Motions to Intervene: Deadline for filing comments contesting whether the facility meets the qualifying criteria is 30 days from the issuance date of this notice.

Deadline for filing motions to intervene is 30 days from the issuance date of this notice.

Anyone may submit comments or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210 and 385.214. Any motions to intervene must be received on or before the specified

deadline date for the particular proceeding.

Filing and Service of Responsive Documents: All filings must (1) bear in all capital letters the ''COMMENTS CONTESTING QUALIFICATION FOR A CONDUIT HYDROPOWER FACILITY'' or ''MOTION TO INTERVENE,'' as applicable; (2) state in the heading the name of the applicant and the project number of the application to which the filing responds; (3) state the name, address, and telephone number of the person filing; and (4) otherwise comply with the requirements of sections 385.2001 through 385.2005 of the Commission's regulations.[1] All comments contesting Commission staff's preliminary determination that the facility meets the qualifying criteria must set forth their evidentiary basis.

The Commission strongly encourages electronic filing. Please file motions to intervene and comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may send a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Locations of Notice of Intent: The Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (*i.e.,* CD20–7) in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. Copies of the notice of intent can be obtained directly from the applicant. At this time, the Commission has suspended access to the Commission's Public Reference Room due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, call toll-free 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659.

Dated: July 13, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–15484 Filed 7–16–20; 8:45 am]

BILLING CODE 6717–01–P

[1] 18 CFR 385.2001–2005 (2019).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL19–58–002]

PJM Interconnection, LLC; Notice of Filing

Take notice that on July 6, 2020, PJM Interconnection, LLC submitted a filing in compliance with the Federal Energy Regulatory Commission's (Commission) Order on Proposed Tariff Revisions and Operating Agreement Revisions, in the above captioned proceeding, on May 21, 2020.[1]

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

[1] *PJM Interconnection, L.L.C.,* 171 FERC ¶ 61,153 (2020) (''May 21 Order'').

In addition to publishing the full text of this document in the **Federal Register**, The Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on July 27, 2020.

Dated: July 13, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–15480 Filed 7–16–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1894–000]

Dominion Energy South Carolina, Inc.; Notice of Authorization for Continued Project Operation

On June 28, 2018, South Carolina Electric & Gas Company (now identified as Dominion Energy South Carolina, Inc.),[1] licensee for the Parr Hydroelectric Project, filed an Application for a New License pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. The Parr Hydroelectric Project is on the Broad River in Newberry and Fairfield Counties, South Carolina.

The license for Project No. 1894 was issued for a period ending June 30, 2020. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or

[1] Effective April 29, 2019, South Carolina Electric & Gas Company changed the company name to Dominion Energy South Carolina, Inc. On July 29, 2019, the Commission approved the name change. 168 FERC ¶ 62,053 (2019).

any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 1894 is issued to Dominion Energy South Carolina, Inc. for a period effective July 1, 2020 through June 30, 2021, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before June 30, 2021, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that Dominion Energy South Carolina, Inc., is authorized to continue operation of the Parr Hydroelectric Project, until such time as the Commission acts on its application for a subsequent license.

Dated: July 13, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–15485 Filed 7–16–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2354–148]

Georgia Power Company; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-capacity License Amendment.

b. *Project No:* 2354–148.

c. *Date Filed:* June 15, 2020.

d. *Applicant:* Georgia Power Company.

e. *Name of Project:* North Georgia Project.

f. *Location:* Savannah River basin on the Tallulah, Chattooga, and Tugalo Rivers, in Rabun, Habersham, and Stephens counties, Georgia, and Oconee County, South Carolina.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Courtenay O'Mara, Hydro Licensing & Compliance Supervisor, 241 Ralph McGill Boulevard NE, BIN 10193, Atlanta, Georgia 30308–3374, 404–506–7219, *cromara@southernco.com*.

i. *FERC Contact:* Aneela Mousam, (202) 502–8357, *aneela.mousam@ferc.gov*.

j. *Deadline for filing comments, motions to intervene, and protests:* August 13, 2020.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–2354–148. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* Georgia Power Company (licensee) is requesting Commission approval to replace and upgrade two generating units in the Mathis-Terrora powerhouse. The licensee proposes to refurbish the turbines, replace the turbine runners, rewind the generators, and replace the control room panels and intake trash racks. The proposal will not change any project features or operations and will not impact water control capabilities of the powerhouse. The unit modifications are expected to increase the generator rating for each unit by 2.4 megawatts each and increase each unit's efficiency. The licensee does not anticipate any environmental impacts as a result of the proposed amendment.

l. *Locations of the Application:* In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''elibrary'' link. Enter the docket number excluding the last three digits in the document field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3673 or TYY, (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: July 13, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–15483 Filed 7–16–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC20–22–000]

Commission Information Collection Activities (FERC–588); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on its request to extend a currently approved information collection, FERC–588 (Emergency Natural Gas Transportation, Sale, and Exchange Transactions).

DATES: Comments on the collection of information are due September 15, 2020.

ADDRESSES: You may submit comments (identified by Docket No. IC20–22–000) by any of the following methods:

- *eFiling at Commission's Website: http://www.ferc.gov/docs-filing/efiling.asp*
- *U.S. Postal Service Mail:* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.
- Effective 7/1/2020, delivery of filings other than by eFiling or the U.S. Postal Service should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Instructions: All comments must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov* and telephone at (202) 502–8663.

SUPPLEMENTARY INFORMATION:

Title: FERC–588 (Emergency Natural Gas Transportation, Sale, and Exchange Transactions).

OMB Control No.: 1902–0144.

Type of Request: Three-year extension of the FERC–588 information collection requirements with no changes to the current reporting and recordkeeping requirements.

Abstract: FERC–588 is an existing information collection consisting of filing requirements and notice procedures at 18 CFR 157.17 and 284.270. These regulations pertain to non-jurisdictional companies' assistance in natural gas emergency circumstances. The non-jurisdictional companies that assist in such emergency transactions must file information with the Commission under 18 CFR 284.270, so that the Commission may ensure compliance with relevant legal requirements. An interstate pipeline that seeks an emergency certificate for facilities must file an application under 18 CFR 157.17.

Types of Respondent: Providers and recipients of assistance in natural gas emergency circumstances.

Estimate of Annual Burden: [1] The Commission estimates the total annual burden and cost [2] for this information collection in the following table:

Number of respondents A	Annual number of responses per respondent B	Total number of responses C (Col. A × Col. B)	Average hour burden and cost per response D	Total annual hour burden and cost E (Col. C × Col. D)
10	3	30	10 hrs; $830	300 hrs.; $24,900.

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: July 13, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–15481 Filed 7–16–20; 8:45 am]

BILLING CODE 6717–01–P

[1] ''Burden'' is the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 CFR 1320.3.

[2] The Commission staff believes that industry is similarly situated in terms of cost for wages and benefits. Therefore, we are using $83.00 per hour in this calculation. That is the current average hourly cost, for wages plus benefits, for one FERC full-time equivalent.

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9051–8]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or *https://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EIS)

Filed July 6, 2020, 10 a.m. EST Through July 13, 2020, 10 a.m. EST

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20200137, Final, USFS, OR, Shasta Agness Landscape Restoration Project, Review Period Ends: 08/31/2020, Contact: Michelle Calvert 541–471–6788.

EIS No. 20200140, Final, FERC, CA, Don Pedro Hydroelectric Project and La Grange Hydroelectric Project, Review Period Ends: 08/17/2020, Contact: Office of External Affairs 866–208–3372.

EIS No. 20200141, Final Supplement, USAF, TT, Tinian Divert Infrastructure Improvements, Commonwealth of the Northern Mariana Islands, Review Period Ends: 08/17/2020, Contact: Julianne Turko 210–925–3777.

EIS No. 20200142, Draft, GSA, CA, Chet Holifield Federal Building, Comment Period Ends: 08/31/2020, Contact: Osmahn Kadri 415–522–3617.

EIS No. 20200143, Final, USACE, IL, Chicago Area Waterway System Dredged Material Management Plan, Review Period Ends: 08/17/2020, Contact: Alex Hoxsie 312–846–5587.

EIS No. 20200144, Draft, MARAD, CA, Port of Long Beach Pier B On-Dock Rail Support Facility Project, Comment Period Ends: 08/31/2020, Contact: Alan Finio 202–366–8024.

EIS No. 20200145, Final, NOAA, FL, Coral Reef Conservation Program Final Programmatic Environmental Impact Statement, Review Period Ends: 08/17/2020, Contact: Elizabeth Fairey 301–427–8632.

Amended Notice

EIS No. 20200112, Draft, USACE, FL, Miami-Dade Back Bay Coastal Storm Risk Management Draft Integrated Feasibility Report and Programmatic Environmental Impact Statement, Comment Period Ends: 08/19/2020, Contact: Justine Woodward 757–201–7728.

Revision to FR Notice Published 6/5/2020; Extending the Comment Period from 7/20/2020 to 8/19/2020.

Dated: July 13, 2020.

Cindy S. Barger,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2020–15444 Filed 7–16–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[10011–54–Region 5]

Proposed Prospective Purchaser Agreement for a Portion of the Delco Chassis Industrial Land I & II Site in Livonia, Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: In accordance with the Prospective Purchaser Agreement, notice is hereby given of a proposed administrative settlement concerning a portion of the Delco Chassis Industrial Land I & II Site (Property) in Livonia, Michigan with the following Settling Party: Livonia West Commerce Center 2, LLC. The settlement requires the Settling Party to, if necessary, execute and record a Declaration of Restrictive Covenant; provide EPA access to the Property, exercise due care with respect to existing contamination on the Property, and not interfere with the on-going environmental work at the Property that is being conducted by the Revitalizing Auto Communities Environmental Response (RACER) Trust.

DATES: Comments must be submitted on or before August 17, 2020.

ADDRESSES: The proposed settlement is available for public inspection at the EPA, Region 5, Records Center, 77 W Jackson Blvd., 7th Fl., Chicago, Illinois 60604. A copy of the proposed settlement may be obtained from Peter Felitti, Assoc. Regional Counsel, EPA, Office of Regional Counsel, Region 5, 77 W Jackson Blvd., mail code: C–14J, Chicago, Illinois 60604. Comments should reference the Delco Chassis Industrial Land I & II Site in Livonia, Michigan and should be addressed to Peter Felitti, Assoc. Regional Counsel, EPA, Office of Regional Counsel, Region 5, 77 W Jackson Blvd., mail code: C–14J, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Peter Felitti, Assoc. Regional Counsel, EPA, Office of Regional Counsel, Region 5, 77 W Jackson Blvd., C–14J, Chicago, Illinois 60604 or (312) 886–5114.

SUPPLEMENTARY INFORMATION: The settlement includes a covenant not to sue the Settling Party pursuant to the Sections 106 and 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, or the Resource Conservation and Recovery Act, with respect to the Existing Contamination at the Property. Existing Contamination is defined as any hazardous substances, pollutants, contaminants or Waste material: (1) Present or existing on or under the Property as of the Effective Date of the Settlement Agreement; (2) that migrated from the Property prior to the Effective Date of the Settlement Agreement; and (3) presently at the Property that migrates onto, on, under, or from the Property after the Effective Date of the Settlement Agreement. For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments will be available for public inspection at the EPA, Region 5, Records Center, 77 W Jackson Blvd., 7th Fl., Chicago, Illinois 60604. Commenters may request an opportunity for a public hearing in the affected area, pursuant to Section 7003(d) of RCRA.

The Settling Party proposes to acquire ownership of a portion of the Delco Chassis Industrial Land I & II Site in Livonia, Michigan. The Site is one of the 89 sites that were placed into an Environmental Response Trust (the ''Trust'') administrated by RACER as a result of the resolution of the 2009 GM bankruptcy.

Douglas Ballotti,

Director, Superfund & Emergency Management Division.

[FR Doc. 2020–15015 Filed 7–16–20; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and

§ 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551–0001, not later than August 3, 2020.

A. Federal Reserve Bank of St. Louis (David L. Hubbard, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *Roy Molitor Ford, Jr. (Mott), as a member of the Ford Family Control Group; Price D. Ford, individually, as a member of the Ford Family Control Group, and as trustee of the Price and Minta Ford Living Trust; and Minta Ford, as a member of the Ford Family Control Group and as trustee of the Price and Minta Ford Living Trust, all of Memphis, Tennessee;* to retain voting shares of Commercial Holding Company, Inc., Paris, Tennessee.

Board of Governors of the Federal Reserve System, July 13, 2020.

Michele Taylor Fennell,

Assistant Secretary of the Board.

[FR Doc. 2020–15443 Filed 7–16–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS–10558 and CMS–10393]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by September 15, 2020.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number _____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10558 Information Collection for Machine Readable Data for Provider Network and Prescription Formulary Content for FFM QHPs

CMS–10393 Beneficiary and Family Centered Data Collection

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. The term ''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 requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Information Collection for Machine Readable Data for Provider Network and Prescription Formulary Content for FFM QHPs; *Use:* Under 45 CFR 156.122(d)(1)(2), 156.230(b), and 156.230(c), and in the final rule, Patient Protection and Affordable Care Act; HHS Notice of

Benefit and Payment Parameters for 2018 (CMS–9934–F), standards for qualified health plan (QHP) issuers (including Small Business Health Options Program (SHOP) issuers and stand-alone dental plans (SADP) issuers) are established for the submission of provider and formulary data in a machine-readable format to the Department of Health and Human Services (HHS) and for posting on issuer websites. These standards provide greater transparency for consumers, including by allowing software developers to access formulary and provider data to create innovative and informative tools. The Centers for Medicare and Medicaid Services (CMS) is continuing an information collection request (ICR) in connection with these standards. *Form Number:* CMS–10558 (OMB control number 0938–1284); *Frequency:* Annually; *Affected Public:* Private Sector, State, Business, and Not-for Profits; *Number of Respondents:* 376; *Number of Responses:* 376; *Total Annual Hours:* 10,495. For questions regarding this collection, contact Joshua Van Drei at 410–786–1659.

2. Type of Information Collection Request: Extension of a previously approved collection; *Title of Information Collection:* Beneficiary and Family Centered Data Collection; *Use:* To ensure the QIOs are effectively meeting their goals, CMS collects information about beneficiary experience receiving support from the QIOs. The information collection uses both qualitative and quantitative strategies to ensure CMS and the QIOs understand beneficiary experiences through all interactions with the QIO including initial contact, interim interactions, and case closure. Information collection instruments are tailored to reflect the steps in each type of process, as well as the average time it takes to complete each process. The information collection will:

- Allow beneficiaries to directly provide feedback about the services they receive under the QIO program;
- Provide quality improvement data for QIOs to improve the quality of service delivered to Medicare beneficiaries; and
- Provide evaluation metrics for CMS to use in assessing performance of QIO contractors.

To achieve the above goals, information collection will include: Experience survey, direct follow-up and general feedback web survey. *Form Number:* CMS–10393 (OMB control number: 0938–1177); *Frequency:* Once; *Affected Public:* Individuals or households; *Number of Respondents:* 9,100; *Number of Responses:* 9,100; *Total Annual Hours:* 2,191. (For policy questions regarding this collection, contact David Russo at 617–565–1310.)

August 21, 2020, Dated: July 14, 2020.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2020–15541 Filed 7–16–20; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3391–FN]

Medicare and Medicaid Programs; Application From the Joint Commission for Continued Approval of its Hospital Accreditation Program

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final notice.

SUMMARY: This final notice announces our decision to approve The Joint Commission (TJC) for continued recognition as a national accrediting organization for hospitals that wish to participate in the Medicare or Medicaid programs.

DATES: The decision announced in this notice is effective on July 15, 2020, through July 15, 2022.

FOR FURTHER INFORMATION CONTACT: Caecilia Blondiaux, (410) 786–2190.

SUPPLEMENTARY INFORMATION:

I. Background

Under the Medicare program, eligible beneficiaries may receive covered services from a hospital provided certain requirements are met. Section 1861(e) of the Social Security Act (the Act), establish distinct criteria for facilities seeking designation as a hospital. Regulations concerning provider agreements are at 42 CFR part 489 and those pertaining to activities relating to the survey and certification of facilities are at 42 CFR part 488. The regulations at 42 CFR part 482 specify the minimum conditions that a hospital must meet to participate in the Medicare program.

Generally, to enter into an agreement, a hospital must first be certified by a state survey agency (SA) as complying with the conditions or requirements set forth in part 482 of our regulations. Thereafter, the hospital is subject to regular surveys by a SA to determine whether it continues to meet these requirements. There is an alternative; however, to surveys by SAs.

Section 1865(a)(1) of the Act provides that, if a provider entity demonstrates through accreditation by a Centers for Medicare & Medicaid Services (CMS)-approved national accrediting organization (AO) that all applicable Medicare requirements are met or exceeded, we will deem those provider entities as having met such requirements. Accreditation by an AO is voluntary and is not required for Medicare participation.

If an AO is recognized by the Secretary of the Department of Health and Human Services (the Secretary) as having standards for accreditation that meet or exceed Medicare requirements, any provider entity accredited by the national accrediting body's approved program would be deemed to meet the Medicare requirements. A national AO applying for approval of its accreditation program under part 488, subpart A, must provide CMS with reasonable assurance that the AO requires the accredited provider entities to meet requirements that are at least as stringent as the Medicare requirements. Our regulations concerning the approval of AOs are set forth at §§ 488.4, 488.5, and 488.5(e)(2)(i). The regulations at § 488.5(e)(2)(i) require AOs to reapply for continued approval of its accreditation program every 6 years or sooner, as determined by CMS.

The Joint Commission's current term of approval for their hospital accreditation program expires July 15, 2020.

II. Application Approval Process

Section 1865(a)(3)(A) of the Act provides a statutory timetable to ensure that our review of applications for CMS-approval of an accreditation program is conducted in a timely manner. The Act provides us 210 days after the date of receipt of a complete application, with any documentation necessary to make the determination, to complete our survey activities and application process. Within 60 days after receiving a complete application, we must publish a notice in the **Federal Register** that identifies the national accrediting body making the request, describes the request, and provides no less than a 30-day public comment period. At the end of the 210-day period, we must publish a notice in the **Federal Register** approving or denying the application.

III. Provisions of the Proposed Notice

On February 18, 2020, we published a proposed notice in the **Federal Register** (85 FR 8874), announcing TJC's request for continued approval of its Medicare hospital accreditation program. In the February 18, 2020

proposed notice, we detailed our evaluation criteria. Under section 1865(a)(2) of the Act and in our regulations at § 488.5, we conducted a review of TJC's Medicare hospital accreditation application in accordance with the criteria specified by our regulations, which include, but are not limited to the following:

- An onsite administrative review of TJC's: (1) Corporate policies; (2) financial and human resources available to accomplish the proposed surveys; (3) procedures for training, monitoring, and evaluation of its hospital surveyors; (4) ability to investigate and respond appropriately to complaints against accredited hospitals; and (5) survey review and decision-making process for accreditation.
- The comparison of TJC's Medicare hospital accreditation program standards to our current Medicare hospital conditions of participation (CoPs).
- A documentation review of TJC's survey process to do the following:

++ Determine the composition of the survey team, surveyor qualifications, and TJC's ability to provide continuing surveyor training.

++ Compare TJC's processes to those we require of state survey agencies, including periodic resurvey and the ability to investigate and respond appropriately to complaints against TJC-accredited hospitals.

++ Evaluate TJC's procedures for monitoring accredited hospitals it has found to be out of compliance with TJC's program requirements. (This pertains only to monitoring procedures when TJC identifies non-compliance. If noncompliance is identified by a SA through a validation survey, the SA monitors corrections as specified at § 488.9(c)).

++ Assess TJC's ability to report deficiencies to the surveyed hospitals and respond to the hospitals plan of correction in a timely manner.

++ Establish TJC's ability to provide CMS with electronic data and reports necessary for effective validation and assessment of the organization's survey process.

++ Determine the adequacy of TJC's staff and other resources.

++ Confirm TJC's ability to provide adequate funding for performing required surveys.

++ Confirm TJC's policies with respect to surveys being unannounced.

++ Confirm TJC's policies and procedures to avoid conflicts of interest, including the appearance of conflicts of interest, involving individuals who conduct surveys or participate in accreditation decisions.

++ Obtain TJC's agreement to provide CMS with a copy of the most current accreditation survey together with any other information related to the survey as we may require, including corrective action plans.

IV. Analysis of and Responses to Public Comments on the Proposed Notice

In accordance with section 1865(a)(3)(A) of the Act, the February 18, 2020 proposed notice also solicited public comments regarding whether TJC's requirements met or exceeded the Medicare CoPs for hospitals. No comments were received in response to our proposed notice.

V. Provisions of the Final Notice

A. Differences Between TJC's Standards and Requirements for Accreditation and Medicare Conditions and Survey Requirements

We compared TJC's hospital accreditation requirements and survey process with the Medicare CoPs of parts 482, and the survey and certification process requirements of parts 488 and 489. Our review and evaluation of TJC's hospital application, which were conducted as described in section III. of this final notice, yielded the following areas where, as of the date of this notice, TJC has completed revising its standards and certification processes in order to—

- Meet the standard's requirements of all of the following regulations:

++ Section 482.21(b)(2)(i), to incorporate language related to using patient care data to monitor the effectiveness and safety of services and quality of care.

++ Section 482.22(c)(5)(ii), to include comparable language, which requires that the updated examination of the patient including any changes in the patient's condition be completed and documented by a physician (as defined in section 1861(r) of the Act), an oromaxillofacial surgeon, or other qualified licensed individual in accordance with State law and hospital policy.

++ Section 482.23(c)(6)(i)(A), to address patients' self-administration of hospital-issued medications that may be allowed by a hospital pursuant to a practitioner's order (specifically to incorporate a comparable standard to ensure that a practitioner responsible for the care of the patient has issued an order, consistent with hospital policy, permitting such self-administration of medications).

++ Section 482.26(d)(2), to address timeframes related to records retention of accredited hospitals.

++ Section 482.41(c)(2), to include reference to the Healthcare Facilities Code (HCFC) NFPA Health Care Facilities Code (NFPA 99) (2012 edition).

++ Section 482.57(b)(1), to incorporate language related to written documentation requirements for personnel qualified to perform specific respiratory care procedures and the amount of supervision required for personnel to carry out such procedures.

++ Glossary adjustment to incorporate language to include the caregiver or support person within the definition of family member.

In addition to the standards review, CMS also reviewed TJC's comparable survey processes, which were conducted as described in section III. of this final notice, and yielded the following areas where, as of the date of this notice, TJC has completed revising its survey processes in order to demonstrate that it uses survey processes that are comparable to state survey agency processes by:

++ Providing additional clarity to the how TJC determines the size and composition of the organization's survey teams for hospitals as required under § 488.5(a)(5) including Life Safety Code (LSC) surveyors.

++ Modifying TJC's accreditation award letter to facilities to remove the term ''lengthen'' to eliminate potential conflict as it relates to survey cycle length not to exceed 36 months, as survey cycles for deeming purposes do not exceed this timeframe.

++ Adding references to the 2012 edition of the (NFPA) Health Care Facilities Code (NFPA 99) within its Accreditation Process and Surveyor Activity Guide.

++ Providing clarification to its Surveyor Activity Guide indicating that the 2012 edition of the NFPA Life Safety Code and NFPA 99 applies at hospital outpatient surgical departments, regardless of the number of patients served.

++ Providing clarification to its Surveyor Activity Guide indicating that surveys must consider all hospital provider-based locations.

++ Requiring additional training for TJC's surveyors and adjusting TJC's survey processes as they relate to off-site locations, to include surveying for LSC and other Physical Environment standards.

++ Making adjustments to TJC's survey processes as they relate to leading and probing questions during interviews.

++ Making adjustments to TJC's survey processes as they relate to providing a setting, which promotes ease of sharing information with surveyors during interviews, in

particular placing restrictions on interviewing staff in front of first line supervisors.

++ Requiring additional training for surveyors and making modifications instructing surveyors regarding the level of detail provided to the facility during TJC's daily briefing, to ensure it does not change the integrity of the survey process.

++ Requiring additional training for TJC's surveyors and adjusting TJC's survey processes as they relate to in-depth review of medical records.

++ Making modifications to TJC's survey processes as they relate to the ''Governing Body'' Condition of Participation (§ 482.12). Specifically:

— Clarifications to TJC's governing body Tracer and Leadership sessions, as they relate to discussion-based investigation techniques and record reviews.

— Determinations of deficiencies and TJC's preliminary decision making processes, such as determining the severity of deficiencies, and TJC's process for citing the governing body based on the deficiencies found at a facility.

— Citing the governing body for deficiencies within a facility's physical environment based on the severity of deficiencies.

++ Clarifying timeframes for Plans of Corrections to be submitted by the facility to TJC and TJC's performance of Evidence of Standard Compliance (ESC) processes, as well as onsite follow up surveys as part of TJC's ESC survey activities.

++ Modifying TJC's survey process related to providing each patient in the sample a unique identifier in deficiency reports and for TJC surveyors to have appropriate identifiable information on a separate identifier list which can be provided to the facility upon exit.

++ Clarifying and providing additional training to surveyors related to survey processes and procedures for review of credentialing and human resources and or personnel file reviews.

B. Term of Approval

Based on our review and observations described in section III. and section V. of this final notice, we approve TJC as a national accreditation organization for hospitals that request participation in the Medicare program. The decision announced in this final notice is effective July 15, 2020 through July 15, 2022 (2 years). In accordance with § 488.5(e)(2)(i) the term of the approval will not exceed 6 years. This shorter term of approval is based on our concerns related to the comparability of TJC's survey processes to those of CMS, as well as what CMS has observed of TJC's performance on the survey observation. Some of these concerns stem from the level of detail TJC provides in the daily briefings it provides to facilities, as well as TJC's processes surrounding its staff interview practices. Additionally, we are concerned about TJC's review of medical records and surveying off-site locations, in particular for the Physical Environment condition of participation. Based on these observations and review of TJC's processes as discussed at section V.A. (Differences Between TJC's Standards and Requirements for Accreditation and Medicare Conditions and Survey Requirements), we remain concerned about the thoroughness of review conducted within the facilities. While TJC has taken action based on the findings annotated in section V.A., as authorized under § 488.8, we will continue ongoing review of TJC's survey processes across all their approved accrediting programs to ensure that all our recommended changes have been implemented. In keeping with CMS's initiative to increase AO oversight, and ensure that our requested revisions by TJC are complied with, CMS expects more frequent review of TJC's activities to avoid any continued inconsistencies.

VI. Collection of Information and Regulatory Impact Statement

This document does not impose information collection requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). In accordance with the provisions of Executive Order 12866, this regulation was not reviewed by the Office of Management and Budget.

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Seema Verma, having reviewed and approved this document, authorizes Evell J. Barco Holland, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Dated: July 15, 2020.

Evell J. Barco Holland,

Federal Register Liaison, Department of Health and Human Services.

[FR Doc. 2020–15599 Filed 7–15–20; 4:15 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS–10396]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. 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 or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by August 17, 2020.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain*. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (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. The term ''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 publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension without change of a currently approved collection; *Title of Information Collection:* Medication Therapy Management Program Improvements—Standardized Format; *Use:* The Medicare Modernization Act of 2003 (MMA) under title 42 CFR part 423, subpart D, establishes the requirements that Part D sponsors, an organization which has one or more contract(s) with CMS to provide Part D benefits to Medicare beneficiaries, must meet with regard to cost control and quality improvement including requirements for medication therapy management (MTM) programs. MTM is a patient-centric and comprehensive approach to improve medication use, reduce the risk of adverse events, and improve medication adherence. At minimum, a Part D sponsors' MTM program must offer to its enrollees an annual comprehensive medication review with written summaries, quarterly targeted medication reviews, and follow-up interventions for both beneficiaries and prescribers when necessary.

Information collected by Part D MTM programs as required by the Standardized Format for the CMR summary, which is used by beneficiaries or their authorized representatives, caregivers, and their healthcare providers to improve medication use and achieve better healthcare outcomes. The Standardized Format must comply with applicable industry standards for medication therapy management and electronic data interchange, and should enable CMR data elements to be captured for clinical, reporting or measurement purposes.

After a CMR is performed, the sponsor creates and sends a summary of the CMR to the beneficiary that includes a medication action plan and personal medication list using the Standardized Format. The information users are beneficiaries or their authorized representatives, caregivers, and their healthcare providers as stated in this section. *Form Number:* CMS–10396 (OMB control number: 0938–1154); *Frequency:* Yearly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 735; *Total Annual Responses:* 2,173,254; *Total Annual Hours:* 1,448,908. (For policy questions regarding this collection contact Victoria Dang at 410–786–3991.)

Dated: July 14, 2020.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2020–15540 Filed 7–16–20; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Realignment of the Office of the Deputy Assistant Secretary for Administration

AGENCY: Administration for Children and Families, HHS.

ACTION: Notice; realignment of the Office of the Deputy Assistant Secretary for Administration.

SUMMARY: The Administration for Children and Families (ACF) has realigned functions under the Office of the Deputy Assistant Secretary for Administration (ODASA). This realignment establishes the Office of Transformation, Business, and Management; establishes the Office of Government Contracting Services; realigns functions currently organized under the Immediate Office, Office of Workforce Planning and Development, and Office of Financial Services; and renames the Office of Financial Services to the Office of Grants Policy.

FOR FURTHER INFORMATION CONTACT: Ben Goldhaber, Deputy Assistant Secretary for Administration, Office of Administration, 330 C St. SW, Washington, DC 20201, (202) 795–7790.

SUPPLEMENTARY INFORMATION: This notice amends Part K of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (HHS), Administration for Children and Families (ACF) as follows: Chapter KP, Office of the Deputy Assistant Secretary for Administration (ODASA), as last amended at 83 FR 24119–24122 (May 24, 2018):

I. Under Chapter KP, Office of the Deputy Assistant Secretary for Administration, delete section KP.10 Organization in its entirety and replace with the following:

KP.10 Organization. The Office of the Deputy Assistant Secretary for Administration is headed by the Deputy Assistant Secretary for Administration (DASA) who reports to the Assistant Secretary for Children and Families. The office is organized as follows:

- Office of the Deputy Assistant Secretary for Administration (KPA)
- Office of Transformation, Business, and Management (KPA)
- Office of Grants Policy (KPC)
- Office of Grants Management (KPG)
- Office of Diversity Management and Equal Employment Opportunity (KPH)
- Office of the Chief Information Officer (KPI)
- Office of Government Contracting Services (KPA)

II. Under Chapter KP, Office of the Deputy Assistant Secretary for Administration, delete section KP.20 Functions, paragraph A in its entirety and replace with the following:

KP.20 *Functions.* A. The Office of the Deputy Assistant Secretary for Administration (ODASA) directs and coordinates all administrative activities for the Administration for Children and Families (ACF). The Deputy Assistant Secretary for Administration serves as ACF's Chief Financial Officer; Chief Grants Management Officer; Federal Manager's Financial Integrity Act (FMFIA) Management Control Officer; Deputy Ethics Counselor; Personnel Security Representative; and Reports Clearance Officer. The Deputy Assistant Secretary for Administration serves as the ACF liaison to the Office of the General Counsel and, as appropriate, initiates action in securing resolution of legal matters relating to management of the agency and represents the Assistant Secretary on all administrative litigation matters.

The Deputy Assistant Secretary for Administration represents the Assistant Secretary in HHS and with other federal

agencies and task forces in defining objectives and priorities, and in coordinating activities associated with federal reform initiatives. ODASA provides leadership of assigned ACF special initiatives arising from Departmental, federal, and non-federal directives to improve service delivery to customers. The Deputy Assistant Secretary for Administration provides day-to-day executive leadership and direction to the Office of the Deputy Assistant Secretary, Office of Grants Policy, Office of Grants Management, Office of Diversity Management and Equal Employment Opportunity, Office of the Chief Information Officer, and the Office of Government Contracting Services. The Office of the Deputy Assistant Secretary for Administration consists of the Associate Deputy Assistant Secretary for Administration, who provides executive leadership and direction to the Office of Transformation, Business, and Management, and the Chief of Staff.

VI. Under Chapter KP, Office of the Deputy Assistant Secretary for Administration, establish section KP.20 Functions, paragraph B, as follows:

B. The Office of Transformation, Business, and Management (TBM) directs and coordinates administrative activities for ACF and the Office of the Deputy Assistant Secretary for Administration, as well as provides leadership of special initiatives to improve service delivery to customers. The Office supports the Deputy Assistant Secretary for Administration in fulfilling ACF's Chief Financial Officer and FMFIA Management Control Officer responsibilities, and conducts Enterprise Risk Management and Program Integrity activities across ACF. The Office provides cross-cutting services to support ACF's human capital management, including organizational and employee development activities; facility, safety, security and emergency management activities; and activities to support the DASA's role as Deputy Ethics Counselor. TBM carries out cross-cutting activities to improve ACF service delivery, including business process engineering and data analytics. The Office manages operations for the Office of the Deputy Assistant Secretary for Administration, including human capital management, travel management, management operations and administration, and budget functions.

III. Under Chapter KP, Office of the Deputy Assistant Secretary for Administration, delete section KP.20 Functions, paragraph C in its entirety and replace with the following:

C. The Office of Grants Policy (OGP) provides agency-wide guidance to program and regional office staff on grant related issues, including developing and interpreting grants policy, coordinating strategic grants planning, facilitating policy advisory groups, and ensuring consistent grant program announcements. The Office prepares, coordinates, and disseminates action transmittals, information memoranda, and other policy guidance on grants management issues; provides grants administration technical assistance to ACF staff; and directs and/or coordinates management initiatives to improve financial administration of ACF mandatory and discretionary grant programs. OGP develops and administers grants management training for ACF program and grants staff, and administers grants management certification for ACF grants staff. The Office serves as the centralized receipt point for grant applications, performs initial application qualification reviews, provides standard guidance and training to ACF staff on recruiting grant reviewers and conducting grant panel reviews, and oversees logistical support for program-led objective reviews.

III. Under Chapter KP, Office of Administration, KP.20 Functions, delete Paragraph D in its entirety.

V. Under Chapter KP, Office of the Deputy Assistant Secretary for Administration, delete section KP.20 Functions, paragraph G in its entirety and replace with the following:

G. The Office of Grants Management (OGM), led by the Associate Deputy Assistant Secretary for Grants, supports the Deputy Assistant Secretary for Administration in fulfilling ACF's Chief Grants Management Officer Responsibilities. The Office serves as the principal office within ACF for ensuring the business and financial responsibilities of grants administration are carried out. OGM provides direct administration and management of ACF discretionary, formula, entitlement, and block grants; directs all grants and cooperative agreements awarded by ACF and ensures compliance with applicable statutes, regulations, and policies; and performs audit resolutions. The Office provides leadership and technical guidance to ACF program and regional Offices on grant operations and grants management issues. OGM interprets and implements financial policies, regulations, legislation, and appropriations law, and secures resolution of legal matters relating to grants administration and management. The Office coordinates with the Office of Grants Policy on crosscutting issues.

OGM provides agency-wide leadership and guidance to program officials and staff on grants management related issues, including assisting in developing, implementing, and evaluating program plans, strategies, regulations, program announcements, guidelines, and procedures applicable to ACF discretionary, formula, entitlement, and block grant programs. The Office provides oversight and direction in the establishment of appropriate State and grantee allocations.

OGM is responsible for directing the receipt and review of all competitive grant applications; developing proposals and/or coordinating management initiatives to improve the efficiency of both the financial administration and awarding of ACF discretionary, formula, entitlement, and block grant programs; and developing procedures for the monitoring and review of ACF grant programs. The Office serves as the lead for ACF in coordination and liaison with the Department, regional offices, and other Federal agencies on grants administration and management.

III. Under Chapter KP, Office of Administration, KP.20 Functions, delete Paragraph H in its entirety.

VI. Under Chapter KP, Office of the Deputy Assistant Secretary for Administration, establish section KP.20 Functions, paragraph K, as follows:

K. The Office of Government Contracting Services (OGCS) serves as ACF's centralized contracting office. OGCS analyzes ACF's mission needs in order to determine how best to utilize procured services to achieve the agency's strategic goals. The Office prepares annual acquisition strategies and specific acquisition plans, conducts market research, prepares documentation, and provides centralized coordination and review to support ACF contract awards. OGCS manages ACF's acquisition certification training programs and serves as the central point of contact for the ACF acquisition workforce. OGCS develops guidance and procedures, and ensures compliance with applicable regulations, rules, and policies.

Linda K. Hitt,

Executive Secretariat Certifying Officer.

[FR Doc. 2020–15517 Filed 7–16–20; 8:45 am]

BILLING CODE 4184–40–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–N–1618]

Eli Lilly and Co.; Announcement of the Revocation of the Biologics License for LARTRUVO

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the revocation of the biologics license application (BLA) for LARTRUVO (olaratumab) injection. Eli Lilly and Co. requested withdrawal (revocation) of the biologics license application and has waived its opportunity for a hearing.

DATES: The BLA is revoked as of February 25, 2020.

FOR FURTHER INFORMATION CONTACT: Kimberly Lehrfeld, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6226, Silver Spring, MD 20993–0002, 301–796–3137.

SUPPLEMENTARY INFORMATION: On October 19, 2016, FDA approved the BLA for LARTRUVO (olaratumab) injection held by Eli Lilly and Co. (Eli Lilly), Lilly Corporate Center, Indianapolis, IN 46285, indicated, in combination with doxorubicin, for the treatment of adult patients with soft tissue sarcoma with a histologic subtype for which an anthracycline-containing regimen is appropriate and which is not amenable to curative treatment with radiotherapy or surgery, under the Agency's accelerated approval regulations at 21 CFR part 601, subpart E. On January 18, 2019, Eli Lilly reported in a press release that the confirmatory study required as a condition of LARTRUO's accelerated approval, entitled ''Randomized, Double-Blind, Placebo-Controlled, Phase 3 Trial of Doxorubicin Plus Olaratumab Versus Doxorubicin Plus Placebo in Patients With Advanced or Metastatic Soft Tissue Sarcoma'' (ANNOUNCE trial), ''did not meet the primary endpoints of overall survival in the full study population or in the leiomyosarcoma subpopulation.'' On September 27, 2019, Eli Lilly requested withdrawal (revocation), in writing, of the BLA for LARTRUVO (olaratumab) injection (BLA 761038) under § 601.5(a) (21 CFR 601.5(a)) because the ANNOUNCE trial failed to demonstrate improvement in overall survival for olaratumab in combination with doxorubicin compared to doxorubicin alone. In that letter, Eli Lilly waived its opportunity for a hearing. On February 25, 2020, the Agency issued a letter to Eli Lilly revoking the approval to manufacture and market LARTRUVO (olaratumab) injection (BLA 761038).

Therefore, under § 601.5(a), the Agency revoked the BLA for LARTRUVO (olaratumab) injection (BLA 761038), applicable as of February 25, 2020.

Dated: July 14, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–15516 Filed 7–16–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–N–1647]

Science Advisory Board to the National Center for Toxicological Research Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) announces a forthcoming public advisory committee meeting of the Science Advisory Board (SAB) to the National Center for Toxicological Research (NCTR). The general function of the committee is to provide advice and recommendations to the Agency on research being conducted at the NCTR. At least one portion of the meeting will be closed to the public.

DATES: The meeting will be held on August 18, 2020, from 8 a.m. to 5:55 p.m. (CST), and on August 19, 2020, from 8 a.m. to 11:30 a.m. (CST).

ADDRESSES: Please note that due to the impact of this COVID–19 pandemic, all meeting participants will be joining this advisory committee meeting via an online teleconferencing platform. Answers to commonly asked questions about FDA advisory committee meetings may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.* The meeting will be webcast both days and will be available at the following link: *https://collaboration.fda.gov/nctr1000/.*

FOR FURTHER INFORMATION CONTACT: Donna Mendrick, National Center for Toxicological Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 2208, Silver Spring, MD 20993–0002, 301–796–8892, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: On August 18, 2020, the SAB Chair will welcome the participants, and the NCTR Director will provide a Center-wide update on scientific initiatives and accomplishments during the past year. The SAB will be presented with an overview of the SAB Subcommittee Site Visit Report and a response to this review. The Center for Biologics Evaluation and Research, Center for Drug Evaluation and Research, Center for Devices and Radiological Health, Center for Food Safety and Applied Nutrition, Center for Tobacco Products, and Office of Regulatory Affairs will each briefly discuss their specific research strategic needs and potential areas of collaboration.

On August 19, 2020, there will be updates from the NCTR Research Divisions and a public comment session. Following an open discussion of all the information presented, the open session of the meeting will close so the SAB members can discuss personnel issues at the NCTR at the end of the day.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's website after the meeting. Background material is available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: On August 18, 2020, from 8 a.m. to 5:55 p.m., and on August 19, 2020, from 8 a.m. to 11:30 a.m. (CST),

the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before August 11, 2020. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before August 3, 2020. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by August 4, 2020.

Closed Committee Deliberations: On August 18, 2020, from 11:30 a.m. to 12 p.m. (CST), the meeting will be closed to permit discussion where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)). This portion of the meeting will be closed to permit discussion of information concerning individuals associated with the research programs at the NCTR.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Donna Mendrick at least 14 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: July 14, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–15524 Filed 7–16–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Charter Renewal for the Advisory Commission on Childhood Vaccines

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, HHS is hereby giving notice that the Advisory Commission on Childhood Vaccines (ACCV) charter has been renewed. The effective date of the renewed charter is July 20, 2020.

FOR FURTHER INFORMATION CONTACT: Tamara Overby, Designated Federal Officer, Healthcare Systems Bureau, HRSA, 5600 Fishers Lane, 08N186A, Rockville, Maryland 20857; 301–443–3766; or *toverby@hrsa.gov.*

SUPPLEMENTARY INFORMATION: The ACCV was established by section 2119 of the Public Health Service Act (the Act) (42 U.S.C. 300aa–19), as enacted by Public Law (Pub. L.) 99–660, and as subsequently amended, and advises the Secretary of Health and Human Services (the Secretary) on issues related to the implementation of the National Vaccine Injury Compensation Program (VICP). Other activities of the ACCV include: Recommending changes in the Vaccine Injury Table at its own initiative or as the result of the filing of a petition; advising the Secretary in implementing section 2127 of the Act regarding the need for childhood vaccination products that result in fewer or no significant adverse reactions; surveying federal, state, and local programs and activities related to gathering information on injuries associated with the administration of childhood vaccines, including the adverse reaction reporting requirements of section 2125(b) of the Act; advising the Secretary on the methods of obtaining, compiling, publishing, and using credible data related to the frequency and severity of adverse reactions associated with childhood vaccines; consulting on the development or revision of Vaccine Information Statements; and recommending to the Director of the National Vaccine Program research related to vaccine injuries which should be conducted to carry out the VICP.

The renewed charter for the ACCV was approved on July 20, 2020, which will also stand as the filing date. Renewal of the ACCV charter gives authorization for the commission to operate until July 20, 2022.

A copy of the ACCV charter is available on the ACCV's website at *https://www.hrsa.gov/advisory-committees/vaccines/index.html.* A copy of the charter also can be obtained by accessing the FACA database that is maintained by the Committee Management Secretariat under the General Services Administration. The website address for the FACA database is *http://www.facadatabase.gov/.*

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2020–15494 Filed 7–16–20; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Presidential Advisory Council on HIV/AIDS

AGENCY: Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice of a virtual meeting.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the U.S. Department of Health and Human Service is hereby giving notice that the Presidential Advisory Council on HIV/AIDS (PACHA or the Council) will be holding the 68th full Council meeting utilizing virtual technology. PACHA members will be discussing novel coronavirus (COVID–19) and HIV, and Ready, Set, PrEP enrollment. The meeting will be open to the public; a public comment session will be held during the meeting. Pre-registration is required to provide public comment.

DATES: The meeting will be held on Thursday, August 6, from approximately 3:00 p.m. to 5:00 p.m. (ET). This meeting will be conducted utilizing virtual technology.

ADDRESSES: Instructions regarding attending this meeting virtually will be posted one week prior to the meeting at: *https://www.hiv.gov/federal-response/pacha/about-pacha.*

FOR FURTHER INFORMATION CONTACT: Ms. Caroline Talev, MPA, Public Health Analyst, Presidential Advisory Council on HIV/AIDS, 330 C Street SW, Room L609A, Washington, DC 20024; (202) 795–7622 or *PACHA@hhs.gov.* Additional information can be obtained by accessing the Council's page on the *HIV.gov* site at *www.hiv.gov/pacha.*

SUPPLEMENTARY INFORMATION: Individuals who wish to participate in the meeting and/or provide public

comment should pre-register by sending an email to *PACHA@hhs.gov* by close of business Thursday, July 30, 2020. Individuals will be required to provide their name, organization, and email address to pre-register. If you decide you would like to provide public comment and do not pre-register by the deadline, you have an opportunity to submit your written statement by emailing *PACHA@hhs.gov* by close of business Thursday, August 13, 2020. The meeting agenda will be posted on the PACHA website at *https://www.hiv.gov/federal-response/pacha/about-pacha* as soon as it becomes available.

PACHA was established by Executive Order 12963, dated June 14, 1995, as amended by Executive Order 13009, dated June 14, 1996 and is currently operating under the authority given in Executive Order 13889, dated September 27, 2019. The Council was established to provide advice, information, and recommendations to the Secretary regarding programs and policies intended to promote effective prevention and care of HIV infection and AIDS. The functions of the Council are solely advisory in nature.

The Council consists of not more than 25 members. Council members are selected from prominent community leaders with particular expertise in, or knowledge of, matters concerning HIV and AIDS, public health, global health, philanthropy, marketing or business, as well as other national leaders held in high esteem from other sectors of society. Council members are appointed by the Secretary or designee, in consultation with the White House.

Dated: July 1, 2020.

B. Kaye Hayes,

Principal Deputy Director, Office of Infectious Disease and HIV/AIDS Policy, Executive Director, Presidential Advisory Council on HIV/AIDS, Office of the Assistant Secretary for Health, Department of Health and Human Services.

[FR Doc. 2020–15447 Filed 7–16–20; 8:45 am]

BILLING CODE 4150–43–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; 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: Center for Scientific Review Special Emphasis Panel; Pediatric Formulations and Drug Delivery Systems and Psychoactive Surveillance.

Date: August 6, 2020.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Mary Custer, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4148, MSC 7850, Bethesda, MD 20892, (301) 435–1164, *custerm@csr.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: July 13, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–15422 Filed 7–16–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Board on Medical Rehabilitation Research.

The meeting will be open to the public and held as a virtual meeting. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Advisory Board on Medical Rehabilitation Research.

Date: August 18, 2020.

Time: 11:00 a.m. to 3:00 p.m. (EST).

Agenda: NICHD Director's report; NCMRR Director's report; Updates on the NIH Rehabilitation Research Conference and NIH Rehabilitation Research Plan; Scientific presentation on Data Science in Rehabilitation; Agenda Planning for the next Board meeting.

Place: National Center for Medical Rehabilitation Research, Eunice Kennedy Shriver National Institute, of Child Health and Human Development, NIH, DHHS, 6710B Rockledge Drive, Room 2116, Bethesda, MD 20892–7002 (Virtual Meeting).

Contact Person: Ralph M. Nitkin, Ph.D., Deputy Director, National Center for Medical Rehabilitation Research, Eunice Kennedy Shriver National Institute, of Child Health and Human Development, NIH, DHHS, 6710B Rockledge Drive, Room 2116, Bethesda, MD 20892–7002, Phone: (301) 402–4206, Email: *RN21e@nih.gov.*

The meeting will be NIH Videocast. Please select the following link for Videocast on the day of the meeting: *https://videocast.nih.gov/default.asp.*

Information is also available on the Institute's/Center's home page: *http://www.nichd.nih.gov/about/advisory/nabmrr/Pages/index.aspx* where the current roster and minutes from past meetings are posted.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: July 13, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–15424 Filed 7–16–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Neurological Disorders and Stroke Special Emphasis Panel, July 10, 2020, 10:00 a.m. to July 10, 2020, 03:30 p.m., National Institutes of Health Rockville, MD 20852 which was published in the **Federal Register** on July 01, 2020, 85FR574.

This meeting notice is to change the ZNS1 SRB–G 30 July 10, 2020 SEP meeting date to July 27, 2020. The meeting is closed to the public.

Dated: July 13, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–15426 Filed 7–16–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious 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 Allergy and Infectious Diseases Special Emphasis Panel Emergency Awards: Rapid Investigation of Severe Acute Respiratory Syndrome Coronavirus 2 (SARS–CoV–2) and Coronavirus Disease 2019 (COVID–19).

Date: July 31, 2020.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health 5601 Fishers Lane, Room 3G13B, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Yong Gao, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G13B Rockville, MD 20892–9834 (240) 669–5048, *yong.gao@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: July 13, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–15423 Filed 7–16–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Quarterly IRS Interest Rates Used in Calculating Interest on Overdue Accounts and Refunds on Customs Duties

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: This notice advises the public that the quarterly Internal Revenue Service interest rates used to calculate interest on overdue accounts (underpayments) and refunds (overpayments) of customs duties will decrease from the previous quarter. For the calendar quarter beginning July 1, 2020, the interest rates for overpayments will be 2 percent for corporations and 3 percent for non-corporations, and the interest rate for underpayments will be 3 percent for both corporations and non-corporations. This notice is published for the convenience of the importing public and U.S. Customs and Border Protection personnel.

DATES: The rates announced in this notice are applicable as of July 1, 2020.

FOR FURTHER INFORMATION CONTACT: Bruce Ingalls, Revenue Division, Collection Refunds & Analysis Branch, 6650 Telecom Drive, Suite #100, Indianapolis, Indiana 46278; telephone (317) 298–1107.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to 19 U.S.C. 1505 and Treasury Decision 85–93, published in the **Federal Register** on May 29, 1985 (50 FR 21832), the interest rate paid on applicable overpayments or underpayments of customs duties must be in accordance with the Internal Revenue Code rate established under 26 U.S.C. 6621 and 6622. Section 6621 provides different interest rates applicable to overpayments: One for corporations and one for non-corporations.

The interest rates are based on the Federal short-term rate and determined by the Internal Revenue Service (IRS) on behalf of the Secretary of the Treasury on a quarterly basis. The rates effective for a quarter are determined during the first-month period of the previous quarter.

In Revenue Ruling 2020–13, the IRS determined the rates of interest for the calendar quarter beginning July 1, 2020, and ending on September 30, 2020. The interest rate paid to the Treasury for underpayments will be the Federal short-term rate (0%) plus three percentage points (3%) for a total of three percent (3%) for both corporations and non-corporations. For corporate overpayments, the rate is the Federal short-term rate (0%) plus two percentage points (2%) for a total of two percent (2%). For overpayments made by non-corporations, the rate is the Federal short-term rate (0%) plus three percentage points (3%) for a total of three percent (3%). These interest rates used to calculate interest on overdue accounts (underpayments) and refunds (overpayments) of customs duties have decreased from the previous quarter. These interest rates are subject to change for the calendar quarter beginning October 1, 2020, and ending on December 31, 2020.

For the convenience of the importing public and U.S. Customs and Border Protection personnel, the following list of IRS interest rates used, covering the period from July of 1974 to date, to calculate interest on overdue accounts and refunds of customs duties, is published in summary format.

Beginning date	Ending date	Under-payments (percent)	Over-payments (percent)	Corporate overpayments (eff. 1–1–99) (percent)
070174	063075	6	6	
070175	013176	9	9	
020176	013178	7	7	
020178	013180	6	6	
020180	013182	12	12	
020182	123182	20	20	
010183	063083	16	16	
070183	123184	11	11	
010185	063085	13	13	
070185	123185	11	11	
010186	063086	10	10	

Beginning date	Ending date	Under-payments (percent)	Over-payments (percent)	Corporate overpayments (eff. 1–1–99) (percent)
070186	123186	9	9	
010187	093087	9	8	
100187	123187	10	9	
010188	033188	11	10	
040188	093088	10	9	
100188	033189	11	10	
040189	093089	12	11	
100189	033191	11	10	
040191	123191	10	9	
010192	033192	9	8	
040192	093092	8	7	
100192	063094	7	6	
070194	093094	8	7	
100194	033195	9	8	
040195	063095	10	9	
070195	033196	9	8	
040196	063096	8	7	
070196	033198	9	8	
040198	123198	8	7	
010199	033199	7	7	6
040199	033100	8	8	7
040100	033101	9	9	8
040101	063001	8	8	7
070101	123101	7	7	6
010102	123102	6	6	5
010103	093003	5	5	4
100103	033104	4	4	3
040104	063004	5	5	4
070104	093004	4	4	3
100104	033105	5	5	4
040105	093005	6	6	5
100105	063006	7	7	6
070106	123107	8	8	7
010108	033108	7	7	6
040108	063008	6	6	5
070108	093008	5	5	4
100108	123108	6	6	5
010109	033109	5	5	4
040109	123110	4	4	3
010111	033111	3	3	2
040111	093011	4	4	3
100111	033116	3	3	2
040116	033118	4	4	3
040118	123118	5	5	4
010119	063019	6	6	5
070119	063020	5	5	4
070120	093020	3	3	2

Dated: July 14, 2020.

Jeffrey Caine,

Chief Financial Officer, U.S. Customs and Border Protection.

[FR Doc. 2020–15479 Filed 7–16–20; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2020–0021; OMB No. 1660–0118]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Homeland Security Exercise and Evaluation Program (HSEEP) Documentation

AGENCY: Federal Emergency Management Agency, Homeland Security (DHS).

ACTION: 30 Day notice and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before August 17, 2020.

ADDRESSES: Written comments and recommendations for the proposed

information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Kate Bogan, National Exercise Division, Analytics and Narrative Management Section Chief, 400 C Street SW, Washington, DC 20024, (telephone) 202.679.9820, or (email) *Kate.Bogan@fema.dhs.gov.* Requests for additional information or copies of the information collection should be made to Director, Information Management Division, email address *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: This proposed information collection previously published in the **Federal Register** on April 24, 2020, at 85 FR 23054 with a 60 day public comment period. No comments were received. The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

Collection of Information

Title: Homeland Security Exercise and Evaluation Program (HSEEP) Documentation.

Type of information collection: Extension, without change, of a currently approved information collection.

OMB Number: 1660–0118.

Form Titles and Numbers: FEMA Form 091–0, After Action Report/Improvement Plan (AAR/IP); FEMA Form 008–0–26, Multi-Year Training Exercise Plan (TEP); FEMA Form 008–0–27, National Exercise Program (NEP) Nomination Form.

Abstract: The Homeland Security Exercise and Evaluation Program (HSEEP) Documentation collection provides reporting on the results of preparedness exercises and provides assessments of the respondents' capabilities so that strengths and areas for improvement are identified, corrected, and shared as appropriate prior to a real incident. This information is also required to be submitted as part of certain FEMA grant programs.

Affected Public: State, local, or Tribal governments.

Estimated Number of Respondents: 268.

Estimated Number of Responses: 704.

Estimated Total Annual Burden Hours: 23,208 hours.

Estimated Total Annual Respondent Cost: $1,469,995.

Estimated Respondents' Operation and Maintenance Costs: 0.

Estimated Respondents' Capital and Start-Up Costs: 0.

Estimated Total Annual Cost to the Federal Government: $67,950.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) 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.

Maile Arthur,

Acting Records Management Branch Chief, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2020–15337 Filed 7–16–20; 8:45 am]

BILLING CODE 9111–27–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2020–0018; OMB No. 1660–0148]

Agency Information Collection Activities: Proposed Collection; Comment Request; Letter of Attestation Regarding Export of Certain Scarce or Threatened Medical Resources

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on a revision of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning FEMA requiring a letter of attestation regarding the Export of Certain Scarce or Threatened Medical Resources submitted to FEMA via Customs and Border Protection's (CBP's) document imaging system.

DATES: Comments must be submitted on or before September 15, 2020.

ADDRESSES: Submit comments at *www.regulations.gov* under Docket ID FEMA–2020–0018. Follow the instructions for submitting comments.

All submissions received must include the agency name and Docket ID and 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 read the Privacy and Security Notice that is available via a link on the homepage of *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Office of Policy and Program Analysis, Marc Geier, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (telephone) 202–924–0196, or (email) *FEMA-DPA@fema.dhs.gov.* You may contact the Information Management Division for copies of the proposed collection of information at email address: *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: On April 10, 2020, the FEMA Administrator (Administrator) issued a Temporary Final Rule (TFR) to allocate certain scarce or threatened materials for domestic use, so that these materials may not be exported from the United States without explicit approval by FEMA. The TFR aids the response of the United States to the spread of COVID–19 by ensuring that certain scarce or threatened health and medical resources are appropriately allocated for domestic use.

The Administrator issued the TFR under the authority of the Defense Production Act of 1950, as amended (DPA), and related executive orders and delegations. Most prominently, on April 3, 2020, the President signed a Memorandum on Allocating Certain Scarce or Threatened Health and Medical Resources to Domestic Use (Memorandum). In the Memorandum, the President directed the Secretary of Homeland Security, through the Administrator, and in consultation with the Secretary of Health and Human Services (HHS), to use any and all authority available under section 101 of the DPA to allocate to domestic use, as appropriate, five types of personal

protective equipment (PPE) materials (covered materials).

Consistent with the Memorandum, the TFR provides that until August 10, 2020, and subject to certain exemptions, no shipments of covered materials may leave the United States without explicit approval by FEMA. The TFR requires U.S. Customs and Border Protection (CBP), in coordination with such other officials as may be appropriate, to notify FEMA of an intended export of covered materials. CBP must temporarily detain any shipment of such covered materials pending the Administrator's determination whether to return for domestic use, issue a rated order for, or allow the export of part or all of the shipment. In making such determination, the Administrator may consult other agencies and will consider the totality of the circumstances, including: (1) The need to ensure that scarce or threatened items are appropriately allocated for domestic use; (2) minimization of disruption to the supply chain, both domestically and abroad; (3) the circumstances surrounding the distribution of the materials and potential hoarding or price-gouging concerns; (4) the quantity and quality of the materials; (5) humanitarian considerations; and (6) international relations and diplomatic considerations.

FEMA requires a letter of attestation regarding the Export of Certain Scarce or Threatened Medical Resources be submitted to FEMA via CPB's document imaging system and placed on file with CBP, certifying to FEMA the purpose of the shipment of covered materials.

This new collection was submitted and approved by OMB until August 10, 2020, under the emergency clearance process. FEMA is seeking public comments on the collection through the normal clearance process in order to extend the collection, if necessary, should the TFR also be extended beyond its current end date of August 10, 2020.

Collection of Information

Title: Letter of Attestation regarding Export of Certain Scarce or Threatened Medical Resources.

Type of Information Collection: Revision of a currently approved information collection.

OMB Number: 1660–0148.

FEMA Forms: None.

Abstract: FEMA requires a letter of attestation regarding the Export of Certain Scarce or Threatened Medical Resources be submitted to FEMA via CPB's document imaging system and placed on file with CBP, certifying to FEMA the purpose of the shipment of covered materials.

Affected Public: For-Profit Business.

Estimated Number of Respondents: 168.

Estimated Number of Responses: 168.

Estimated Total Annual Burden Hours: 84.

Estimated Total Annual Respondent Cost: $8,568.

Estimated Respondents' Operation and Maintenance Costs: None.

Estimated Respondents' Capital and Start-Up Costs: None.

Estimated Total Annual Cost to the Federal Government: $9,933.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) 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.

Maile Arthur,

Acting Records Management Branch Chief, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2020–15664 Filed 7–15–20; 4:15 pm]

BILLING CODE 9111–19–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

Determination Pursuant to Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as Amended

AGENCY: Office of the Secretary, Department of Homeland Security.

ACTION: Notice of determination.

SUMMARY: The Acting Secretary of Homeland Security has determined, pursuant to law, that it is necessary to waive certain laws, regulations, and other legal requirements in order to ensure the expeditious construction of roads in the vicinity of the international land border in Starr County, Texas.

DATES: This determination takes effect on July 17, 2020.

SUPPLEMENTARY INFORMATION: Important mission requirements of the Department of Homeland Security (''DHS'') include border security and the detection and prevention of illegal entry into the United States. Border security is critical to the nation's national security. Recognizing the critical importance of border security, Congress has mandated DHS to achieve and maintain operational control of the international land border. Secure Fence Act of 2006, Public Law 109–367, section 2, 120 Stat. 2638 (Oct. 26, 2006) (8 U.S.C. 1701 note). Congress defined ''operational control'' as the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband. *Id.* Consistent with that mandate from Congress, the President's Executive Order on Border Security and Immigration Enforcement Improvements directed executive departments and agencies to deploy all lawful means to secure the southern border. Executive Order 13767, section 1. In order to achieve that end, the President directed, among other things, that I take immediate steps to prevent all unlawful entries into the United States, including the immediate construction of physical infrastructure to prevent illegal entry. Executive Order 13767, section 4(a).

Congress has provided to the Secretary of Homeland Security a number of authorities necessary to carry out DHS's border security mission. One of those authorities is found at section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended (''IIRIRA''). Public Law 104–208, Div. C, 110 Stat. 3009–546, 3009–554 (Sept. 30, 1996) (8 U.S.C 1103 note), as amended by the REAL ID Act of 2005, Public Law 109–13, Div. B, 119 Stat. 231, 302, 306 (May 11, 2005) (8 U.S.C. 1103 note), as amended by the Secure Fence Act of 2006, Public Law 109–367, section 3, 120 Stat. 2638 (Oct. 26, 2006) (8 U.S.C. 1103 note), as amended by the Department of Homeland Security Appropriations Act, 2008, Public Law 110–161, Div. E, Title V, section 564, 121 Stat. 2090 (Dec. 26, 2007). In section 102(a) of IIRIRA, Congress provided that the Secretary of Homeland Security shall take such actions as may be necessary to install additional physical barriers and roads (including the removal of obstacles to

detection of illegal entrants) in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States. In section 102(b) of IIRIRA, Congress mandated the installation of additional fencing, barriers, roads, lighting, cameras, and sensors on the southwest border. Finally, in section 102(c) of IIRIRA, Congress granted to the Secretary of Homeland Security the authority to waive all legal requirements that I, in my sole discretion, determine necessary to ensure the expeditious construction of barriers and roads authorized by section 102 of IIRIRA.

Determination and Waiver

Section 1

The United States Border Patrol's (Border Patrol) Rio Grande Valley Sector is an area of high illegal entry. In fiscal year 2019, the Border Patrol apprehended over 339,000 illegal aliens attempting to enter the United States between border crossings in the Rio Grande Valley Sector. In that same time period, the Border Patrol had over 1,000 drug-related events between border crossings in the Rio Grande Valley Sector, through which it seized over 122,000 pounds of marijuana, over 2,500 pounds of cocaine, over 90 pounds of heroin, over 1,700 pounds of methamphetamine, and over 11 pounds of fentanyl.

Owing to the high levels of illegal entry within the Rio Grande Valley Sector, I must use my authority under section 102 of IIRIRA to install additional roads in the Rio Grande Valley Sector. These roads will assist in deterring illegal crossings by providing the Border Patrol with increased access to areas along and near the Rio Grande River. Therefore, DHS will take immediate action to construct roads. The areas in the vicinity of the border within which such construction will occur are more specifically described in Section 2 below.

Section 2

I determine that the following areas in the vicinity of the United States border, located in the State of Texas within the Border Patrol's Rio Grande Valley Sector, are areas of high illegal entry (the ''project areas''):

- Starting at Falcon Dam and generally following the course of the Rio Grande River south and east to the intersection of Swordfish Drive and Chapeno Road;
- Starting at the intersection of Swordfish Drive and Chapeno Road and generally following the course of the Rio Grande River south and east to the intersection of LaVeja Street and Chapeno Road;
- Starting approximately one-tenth (0.1) of a mile southeast of the intersection of Este Road and Border Avenue and extending southwest for approximately three-tenths (0.3) of a mile;
- Starting approximately three-hundredths (.03) of a mile north of the southern terminus of the Los Picos Road and generally following the course of the Rio Grande River south and east for approximately one and six-tenths (1.6) miles; and
- Starting approximately six-tenths (0.6) of a mile northwest of the intersection of Plaza Street and Alamo Road and generally following the course of the Rio Grande River north and west for approximately five and four-tenths (5.4) miles.

There is presently an acute and immediate need to construct roads in the vicinity of the border of the United States in order to prevent unlawful entries into the United States in the project areas pursuant to sections 102(a) and 102(b) of IIRIRA. In order to ensure the expeditious construction of roads in the project areas, I have determined that it is necessary that I exercise the authority that is vested in me by section 102(c) of IIRIRA.

Accordingly, pursuant to section 102(c) of IIRIRA, I hereby waive in their entirety, with respect to the construction of roads (including, but not limited to, accessing the project areas, creating and using staging areas, the conduct of earthwork, excavation, fill, and site preparation, and installation and upkeep of the roads, drainage, erosion controls, and safety features) in the project areas, all of the following statutes, including all federal, state, or other laws, regulations, and legal requirements of, deriving from, or related to the subject of, the following statutes, as amended: The National Environmental Policy Act (Pub. L. 91–190, 83 Stat. 852 (Jan. 1, 1970) (42 U.S.C. 4321 *et seq.*)); the Endangered Species Act (Pub. L. 93–205, 87 Stat. 884 (Dec. 28, 1973) (16 U.S.C. 1531 *et seq.*)); the Federal Water Pollution Control Act (commonly referred to as the Clean Water Act (33 U.S.C. 1251 *et seq.*)); the National Historic Preservation Act (Pub. L. 89–665, 80 Stat. 915 (Oct. 15, 1966), as amended, repealed, or replaced by Pub. L. 113–287, 128 Stat. 3094 (Dec. 19, 2014) (formerly codified at 16 U.S.C. 470 *et seq.,* now codified at 54 U.S.C. 100101 note and 54 U.S.C. 300101 *et seq.*)); the Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*); the Migratory Bird Conservation Act (16 U.S.C. 715 *et seq.*); the Clean Air Act (42 U.S.C. 7401 *et seq.*); the Archeological Resources Protection Act (Pub. L. 96–95, 93 Stat. 721 (Oct. 31, 1979) (16 U.S.C. 470aa *et seq.*)); the Paleontological Resources Preservation Act (16 U.S.C. 470aaa *et seq.*); the Federal Cave Resources Protection Act of 1988 (16 U.S.C. 4301 *et seq.*); the Safe Drinking Water Act (42 U.S.C. 300f *et seq.*); the Noise Control Act (42 U.S.C. 4901 *et seq.*); the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (42 U.S.C. 6901 *et seq.*); the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 *et seq.*); the Archaeological and Historic Preservation Act (Pub. L. 86–523, 74 Stat. 220 (June 27, 1960) as amended, repealed, or replaced by Pub. L. 113–287, 128 Stat. 3094 (Dec. 19, 2014) (formerly codified at 16 U.S.C. 469 *et seq.,* now codified at 54 U.S.C. 312502 *et seq.*)); the Antiquities Act (formerly codified at 16 U.S.C. 431 *et seq.,* now codified at 54 U.S.C. 320301 *et seq.*); the Historic Sites, Buildings, and Antiquities Act (formerly codified at 16 U.S.C. 461 *et seq.,* now codified at 54 U.S.C. 3201–320303 & 320101–320106); the Farmland Protection Policy Act (7 U.S.C. 4201 *et seq.*); the National Wildlife Refuge System Administration Act (Pub. L. 89–669, 80 Stat. 926 (Oct. 15, 1966) (16 U.S.C. 668dd–668ee)); National Fish and Wildlife Act of 1956 (Pub. L. 84–1024 (16 U.S.C. 742a, *et seq.*)); the Fish and Wildlife Coordination Act (Pub. L. 73–121, 48 Stat. 401 (March 10, 1934) (16 U.S.C. 661 *et seq.*)); the National Trails System Act (16 U.S.C. 1241 *et seq.*); the Administrative Procedure Act (5 U.S.C. 551 *et seq.*); the Rivers and Harbors Act of 1899 (33 U.S.C. 403); the Wild and Scenic Rivers Act (Pub. L. 90–542 (16 U.S.C. 1281 *et seq.*)); the Eagle Protection Act (16 U.S.C. 668 *et seq.*); and the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 *et seq.*).

This waiver does not revoke or supersede any other waiver determination made pursuant to section 102(c) of IIRIRA. Such waivers shall remain in full force and effect in accordance with their terms. I reserve the authority to execute further waivers from time to time as I may determine to be necessary under section 102 of IIRIRA.

Signature

The Acting Secretary of Homeland Security, Chad F. Wolf, having reviewed and approved this document, is delegating the authority to electronically sign this document to Chad R. Mizelle, who is the Senior Official Performing the Duties of the General Counsel for

DHS, for purposes of publication in the **Federal Register**.

Chad R. Mizelle,

Senior Official Performing the Duties of the General Counsel of Homeland Security.

[FR Doc. 2020–15548 Filed 7–16–20; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7024–N–27]

30-Day Notice of Proposed Information Collection: HOME Investment Partnerships Program (OMB Control No. 2506–0171)

AGENCY: Office of the Chief Information Officer, Housing and Urban Development (HUD).

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* August 17, 2020.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806, Email: *OIRA Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Anna P. Guido, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email her at *Anna.P.Guido@hud.gov* or telephone 202–402–5535. This is not a toll-free number. Person with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on March 24, 2020.

A. Overview of Information Collection

Title of Information Collection: HOME Investment Partnerships Program.

OMB Approval Number: 2506–0171.

Type of Request: Extension of approved collection.

Form Number: HUD 40093, SF 1199A, HUD 20755, HUD 40107, HUD 40107A.

Description of the need for the information and proposed use: The information collected through HUD's Integrated Disbursement and Information System (IDIS) (24 CFR 92.502) is used by HUD Field Offices, HUD Headquarters, and HOME Program Participating Jurisdictions (PJs). The information on program funds committed and disbursed is used by HUD to track PJ performance and to determine compliance with the statutory 24-month commitment deadline and the regulatory 5-year expenditure deadline (§ 92.500(d)). The project-specific property, tenant, owner, and financial data is used to compile annual reports to Congress required at Section 284(b) of the HOME Investment Partnerships Act, as well as to make program management decisions about how well program participants are achieving the statutory objectives of the HOME Program. Program management reports are generated by IDIS to provide data on the status of program participants' commitment and disbursement of HOME funds. These reports are provided to HUD staff as well as to HOME PJs.

Management reports required in conjunction with the Annual Performance Report (§ 92.509) are used by HUD Field Offices to assess the effectiveness of locally designed programs in meeting specific statutory requirements and by Headquarters in preparing the Annual Report to Congress. Specifically, these reports permit HUD to determine compliance with the requirement that PJs provide a 25 percent match for HOME funds expended during the Federal fiscal year (Section 220 of the Act) and that program income be used for HOME eligible activities (Section 219 of the Act), as well as the Women and Minority Business Enterprise requirements (§ 92.351(b)).

Financial, project, tenant and owner documentation is used to determine compliance with HOME Program cost limits (Section 212(e) of the Act), eligible activities (§ 92.205), and eligible costs (§ 92.206), as well as to determine whether program participants are achieving the income targeting and affordability requirements of the Act (Sections 214 and 215). Other information collected under subpart H (Other Federal Requirements) is primarily intended for local program management and is only viewed by HUD during routine monitoring visits. The written agreement with the owner for long-term obligation (§ 92.504) and tenant protections (§ 92.253) are required to ensure that the property owner complies with these important elements of the HOME Program and are also reviewed by HUD during monitoring visits. HUD reviews all other data collection requirements during monitoring to assure compliance with the requirements of the Act and other related laws and authorities.

HUD tracks PJ performance and compliance with the requirements of 24 CFR parts 91 and 92. PJs use the required information in the execution of their program, and to gauge their own performance in relation to stated goals.

Reg. section	Paperwork requirement	Number of responses	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
§ 92.61	Program Description and Housing Strategy for Insular Areas.	4.00	1.00	4.00	10.00	40.00	$41.37	$1,654.80
§ 92.66	Reallocation—Insular Areas	4.00	1.00	4.00	3.00	12.00	41.37	496.44
§ 92.101	Consortia Designation	36.00	1.00	36.00	5.00	180.00	41.37	7,446.60
§ 92.201	State Designation of Local Recipients.	51.00	1.00	51.00	1.50	76.50	41.37	3,164.81
§ 92.200	Private-Public Partnership	594.00	1.00	594.00	2.00	1,188.00	41.37	49,147.56
§ 92.201	Distribution of Assistance	594.00	1.00	594.00	2.00	1,188.00	41.37	49,147.56
§ 92.202	Site and Neighborhood Standards.	594.00	1.00	594.00	2.00	1,188.00	41.37	49,147.56
§ 92.203	Income Determination	6,667.00	1.00	6,667.00	2.00	13,334.00	41.37	551,627.58
§ 92.203	Income Determination	85,000.00	1.00	85,000.00	0.75	63,750.00	41.37	2,637,337.50
§ 92.205(e)	Terminated Projects	180.00	1.00	180.00	5.00	900.00	41.37	37,233.00

Reg. section	Paperwork requirement	Number of responses	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
§ 92.206	Eligible Costs—Refinancing	100.00	1.00	100.00	4.00	400.00	41.37	16,548.00
§ 92.210	Troubled HOME-Assisted Rental Projects.	25.00	1.00	25.00	0.50	12.50	41.37	517.13
§ 92.251(a)	Rehabilitation Projects—New Construction.	3,40.000	3.00	10,200.00	3.00	30,600.00	41.37	1,265,922.00
§ 92.251(b)	Rehabilitation Projects—Rehabilitation.	5,100.00	2.00	10,200.00	2.00	20,400.00	41.37	843,948.00
§ 92.252	Qualification as affordable housing: Rental Housing.	50.00	5.00	250.00	25.00	6,250.00	41.37	258,562.50

Reg. section	Paperwork requirement	Number of responses	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
§ 92.252(j)	Fixed and Floating HOME Rental Units.	45.00	1.00	45.00	1.00	45.00	$41.37	$1,861.65
§ 92.251	Written Property Standards	6,667.00	3.00	20,001.00	3.00	60,003.00	41.37	2,482,324.11
§ 92.253	Tenant Protections (including lease requirement).	6,667.00	1.00	6,667.00	5.00	33,335.00	41.37	1,379,068.95
§ 92.254	Homeownership—Median Purchase Price.	80.00	1.00	80.00	5.00	400.00	41.37	16,548.00
§ 92.254	Homeownership—Alternative to Resale/recapture.	100.00	1.00	100.00	5.00	500.00	41.37	20,685.00
§ 92.254(a)(5)	Homeownership—Approval of Resale & Recapture.	2,000.00	1.00	2,000.00	1.50	3,000.00	41.37	124,110.00
§ 92.254(a)(5)	Homeownership—Fair Return & Affordability.	2.00	1.00	2.00	1.00	2.00	41.37	82.74
§ 92.254(f)	Homeownership program policies.	600.00	1.00	600.00	5.00	3,000.00	41.37	124,110.00
§ 92.300	CHDO Identification	594.00	1.00	594.00	2.00	1,188.00	41.37	49,147.56
§ 92.300	CHDO Project Assistance	594.00	1.00	594.00	2.00	1,188.00	41.37	49,147.56
§ 92.303	Tenant Participation Plan	4,171.00	1.00	4,171.00	10.00	41,710.00	41.37	1,725,542.70
§ 92.351	Affirmative Marketing	1,290.00	1.00	1,290.00	5.00	6,450.00	41.37	266,836.50
§ 92.354	Labor	6,667.00	1.00	6,667.00	2.50	16,667.50	41.37	689,534.48
§ 92.357	Debarment and Suspension	6,667.00	1.00	6,667.00	1.00	6667.00	41.37	275,813.79
§ 92.501	HOME Investment Partnership Agreement (HUD 40093).	598.00	1.00	598.00	1.00	598.00	41.37	24,739.26

Reg. section	Paperwork requirement	Number of responses	Frequency of response	Responses per annum	Burden hours per response	Annual burden hours	Hourly cost per response	Annual cost
§ 92.504	Participating Jurisdiction's Written Agreements.	6,667.00	1.00	6,667.00	10.00	66,670.00	41.37	2,758,137.90
§ 92.300	Designation of CHDOs	480.00	1.00	480.00	1.50	720.00	41.37	29,786.40
§ 92.502	Homeownership and Rental Set-Up and Completion.	594.00	1.00	594.00	16.00	9,504.00	41.37	393,180.48
§ 92.502	Tenant-Based Rental Assistance Set-Up (IDIS).	225.00	1.00	225.00	5.50	1,237.50	41.37	51,195.38
§ 92.502	Performance Measurement Set-Up and Completion Screens (IDIS).	6,671.00	1.00	6,671.00	21.00	140,091.00	41.37	5,795,564.67
§ 92.502	IDIS Access Request form (HUD 27055).	50.00	1.00	50.00	0.50	25.00	41.37	1,034.25
§ 92.502(a)	Required Reporting of Program Income.	645.00	1.00	645.00	12.00	7,740.00	41.37	320,203.80
§ 92.504(c)	Written Agreement	8,500.00	1.00	8,500.00	1.00	8,500.00	41.37	351,645.00
§ 92.504(d)(2)	Financial Oversight and HOME Rental projects.	18,500.00	1.00	18,500.00	1.00	18,500.00	41.37	765,345.00
§ 92.508	Recordkeeping- Subsidy Layering and Underwriting.	13,302.00	1.00	13,302.00	4.00	53,208.00	41.37	2,201,214.96
§ 92.508	Recordkeeping (Additional)	10,110.00	1.00	10,110.00	1.00	10,110.00	41.37	418,250.70
§ 92.509	Annual Performance Reports (HUD 40107).	598.00	1.00	598.00	2.50	1,495.00	41.37	61,848.15
§ 92.509	Management Reports—FY Match Report (HUD 40107A).	594.00	1.00	594.00	0.75	445.50	41.37	18,430.34

Reg. section	Paperwork requirement	Number of responses	Frequency of response	Responses per annum	Burden hours per response	Annual burden hours	Hourly cost per response	Annual cost
§ 92.550,	HUD Monitoring of Program	645.00	1.00	645.00	0.25	161.25	41.37	6,670.91
§ 91.525	Documentation and Activities							
§ 91.220	Describe the plan for outreach	427.00	1.00	427.00	1.00	427.00	41.37	17,664.99
§ 91.220	Describe plan to ensure suitability.	427.00	1.00	427.00	1.00	427.00	41.37	17,664.99
	Direct Deposit Sign up form (SF 1199A).	10.00	1.00	10.00	0.25	2.50	41.37	103.43
Totals		204,176.00				633,536.25		26,209,394.66

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(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;

(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 those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: June 30, 2020.

Anna P. Guido,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2020–15438 Filed 7–16–20; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2020–N073; FXES11140800000–201–FF08ECAR00]

Safe Harbor Agreement for the Reintroduction of the Amargosa Vole (*Microtus californicus scirpensis*) in Shoshone, CA, and Draft Environmental Action Statement, Inyo County, CA

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 an application from Susan Sorrells (applicant) for an enhancement of survival permit (permit) under the Endangered Species Act. The application includes a draft safe harbor agreement (SHA) to facilitate reintroduction and recovery of the federally endangered Amargosa vole on non-Federal land in California. We have prepared a draft environmental action statement (EAS) for our preliminary determination that the SHA and permit decision may be eligible for categorical exclusion under the National Environmental Policy Act. We invite the public to review and comment on the permit application, draft SHA, and the draft EAS.

DATES: To ensure consideration, please send your written comments on or before August 17, 2020.

ADDRESSES: You may view or download copies of the draft SHA and draft EAS and obtain additional information on the internet at *https://www.fws.gov/carlsbad/,* or obtain hard copies or a CD–ROM by calling the phone number listed below. You may submit comments or requests for more information by any of the following methods:

- *Email: fw8cfwocomments@fws.gov.* Include ''Amargosa vole SHA'' in the subject line of the message.
- *U.S. Mail:* Assistant Field Supervisor, U.S. Fish and Wildlife Service, Palm Springs Fish and Wildlife Office, 777 East Tahquitz Canyon Way, Suite 208, Palm Springs, CA 92262.

FOR FURTHER INFORMATION CONTACT: Scott Hoffmann, Palm Springs Fish and Wildlife Office (see **ADDRESSES**); by telephone at 760–322–2070 or by electronic mail at *scott_hoffmann@fws.gov.* If you use a telecommunications device for the deaf (TDD), please call the Federal Information Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: Susan Sorrells, hereafter referred to as the applicant, has applied to the U.S. Fish and Wildlife Service for permit pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The permit application includes a draft safe harbor agreement (SHA), which covers 467 acres owned by the applicant in Inyo County, California. The proposed term of the permit and the SHA is 30 years. The permit would authorize incidental take of the endangered Amargosa vole (*Microtus californicus scirpensis*) in exchange for habitat conservation actions that are expected to provide a net conservation benefit for the species. We have prepared a draft environmental action statement (EAS) for our preliminary determination that the SHA and permit decision may be eligible for categorical exclusion under the National Environmental Policy Act (NEPA; 43 U.S.C. 4321 *et seq.*). We invite the public to review and comment on the permit application, draft SHA, and the draft EAS.

Background Information

SHAs are intended to encourage private or other non-Federal property owners to implement beneficial conservation actions for species listed under the ESA. SHA permit holders are assured that they will not be subject to increased property use restrictions as a result of their proactive actions to benefit listed species. Incidental take of listed species is authorized under a permit pursuant to the provisions of section 10(a)(1)(A) of the ESA. For an applicant to receive a permit through an SHA, the applicant must submit an application form that includes the following:

(1) The common and scientific names of the listed species for which the applicant requests incidental take authorization;

(2) A description of how incidental take of the listed species pursuant to the SHA is likely to occur, both as a result of management activities and as a result of the return to baseline; and

(3) A description of how the SHA complies with the requirements of the Service's Safe Harbor policy.

For the Service to issue a permit, we must determine that:

(1) The take of listed species will be incidental to an otherwise lawful activity and will be in accordance with the terms of the SHA;

(2) The implementation of the terms of the SHA is reasonably expected to provide a net conservation benefit to the covered species by contributing to its recovery, and the SHA otherwise complies with the Service's Safe Harbor Policy (64 FR 32717, June 17, 1999);

(3) The probable direct and indirect effects of any authorized take will not appreciably reduce the likelihood of survival and recovery in the wild of any listed species;

(4) Implementation of the terms of the SHA is consistent with applicable Federal, State, and Tribal laws and regulations;

(5) Implementation of the terms of the SHA will not be in conflict with any ongoing conservation or recovery programs for listed species covered by the permit; and

(6) The applicant has shown capability for and commitment to implementing all of the terms of the SHA.

The Service's Safe Harbor Policy (64 FR 32717) and the Safe Harbor Regulations (68 FR 53320, 69 FR 24084) provide important terms and concepts for developing SHAs. The Service's Safe Harbor policy and regulations are

available at the following website: *http://www.fws.gov/endangered/laws-policies/regulations-and-policies.html.*

Proposed Action

The applicant has submitted a draft SHA for the Amargosa vole that covers approximately 467 acres of land (enrolled property) in Inyo County, California, within historical but currently unoccupied habitat of the Amargosa vole. The enrolled property comprises marsh habitat in areas irrigated by water from Shoshone Spring or other sources, interspersed trees of various species, open meadow, various degrees of undisturbed and disturbed salt scrub desert, and developed areas. Development within the enrolled property includes the Shoshone Trailer RV Park (camping sites, picnic areas, walking trails, and a swimming pool), various parking areas, and unpaved trails and roads. The broader Enrolled Property is bisected by Old State Highway CA 127 and State Highway CA 127, and lies adjacent to land owned by the Death Valley Unified School District. Within the enrolled property is a core area comprising three connected marsh sites where intensive habitat restoration activities have been implemented by the applicant, the Service, and other cooperators.

The permit and implementation of management activities described in the SHA will enable the translocation and reintroduction of wild Amargosa voles, which will expand the species' current range into historical habitat where it had previously been extirpated. Management activities will also include ongoing restoration in the core area to support this newly established population. The re-establishment of Amargosa vole populations within their historical range is a high-priority recovery action. Management activities in the SHA have been developed to support recovery actions for the Amargosa vole by restoring and protecting suitable habitat, and by implementing habitat management plans. The Service anticipates that implementation of these activities will produce the following net conservation benefits to the Amargosa vole:

- Re-establish Amargosa vole populations at the northern extent of the subspecies' range, in its historical type locality;
- Provide areas where suitable habitat for the Amargosa vole will be maintained, protected, and remain relatively undisturbed;
- Increase population redundancy within the subspecies' range; and
- Reduce the potential for local extirpation and extinction due to stochastic events (*e.g.,* wildfire and disease) within the species' limited existing occupied habitat.

Species Information

The current range of the Amargosa vole is confined to 36 marshes in the Lower Amargosa River Valley in the vicinity of Tecopa Hot Springs and the northern end of the Amargosa Canyon. The Amargosa vole obligately depends upon, and is closely associated with, wetland vegetation dominated by Olney's three-square bulrush (*Schoenoplectus americanus*), where it generally occurs in isolated and disjunct marshes surrounded by saltgrass-dominated habitats or more xeric desert scrub or barren areas. Although not all of the mechanisms that drive habitat selection are fully understood, plausible explanations for habitat preference may include the presence of standing and flowing water, reliance on Olney's three-square bulrush as a vital food source, and utilization of bulrush litter layers (up to 3.3 feet in depth) for thermoregulation, nesting, and predator avoidance.

National Environmental Policy Act Compliance

The development of the draft SHA and the proposed issuance of an enhancement of survival permit are Federal actions that trigger the need for compliance with the NEPA (42 U.S.C. 4321 *et seq.*). We have prepared a draft EAS to analyze the impacts of permit issuance and implementation of the SHA on the human environment in comparison to the no-action alternative. We have made a preliminary determination that issuing the permit and implementing the SHA would have minor or negligible impacts to the environment, and thus the proposed SHA and permit actions are eligible for categorical exclusion under NEPA. The basis for our preliminary determination is contained in the EAS, which is available for public review (see **ADDRESSES**).

Next Steps

We will evaluate the permit application, associated documents, and comments we receive to determine whether the permit application meets the requirements of the ESA, NEPA, and their implementing regulations. If we determine that all requirements are met, we will sign the proposed SHA and issue a permit under section 10(a)(1)(A) of the ESA to the applicant. We will not make our final decision on the permit application until after the end of the public comment period, and we will fully consider all comments we receive during the comment period.

Public Availability of Comments

Written comments 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 comment, you should be aware that the entire comment, including your personal identifying information, may be made 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.

Authority

We provide this notice under section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22 and 17.32), and NEPA (42 U.S.C. 4371 *et seq.*) and its implementing regulations (40 CFR 1506.6; 43 CFR part 46).

Scott Sobiech,

Field Supervisor, Carlsbad Fish and Wildlife Office, Pacific Southwest Region.

[FR Doc. 2020–15437 Filed 7–16–20; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[201D0102DR/DS5A300000/DR.5A311.IA000118]

Land Acquisitions; Osage Nation, Bartlesville Property, Oklahoma

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Assistant Secretary—Indian Affairs made a final agency determination to acquire 125 acres, more or less, of land in trust for the Osage Nation for gaming and other purposes on June 26, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Mailstop 3543, 1849 C Street NW, Washington, DC 20240, telephone (202) 219–4066.

SUPPLEMENTARY INFORMATION: On June 26, 2020, the Assistant Secretary—Indian Affairs made a final agency determination to accept land into trust for the Osage Nation under the authority of the Indian Reorganization Act of June 18, 1934, 25 U.S.C. 5108. The Assistant Secretary—Indian Affairs also determined that the Osage Nation meets the requirements of the Indian Gaming

Regulatory Act's ''Oklahoma exception,'' 25 U.S.C. 2719(a)(2)(A)(i), to the general prohibition contained in 25 U.S.C. 2719(a) on gaming on lands acquired in trust after October 17, 1988.

The Assistant Secretary—Indian Affairs, on behalf of the Secretary of the Interior, will immediately acquire title to the Bartlesville Property, 125 acres, more or less, in the name of the United States of America in trust for the Osage Nation, upon fulfillment of all Departmental requirements. The 125 acres, more or less, are described as follows:

Legal Description of Property

Surface Only

The SE¼ of the NW¼ and the W½ of the NE¼ of Section 8, Township 26 North, Range 12 East, of the Indian Base and Meridian, Osage County, Oklahoma, according to the U.S. Government Survey thereof.

Less and except Tracts A and B located in the NW¼ of the NE¼ of Section 8, Township 26 North, Range 12 East, fdescribed as follows:

Tract A

Commencing at the northwest corner of the NW¼ of the NE¼ of Section 8, thence South 01°57′28″ East along the westerly line thereof 98.19 feet to the point of beginning; thence continuing South 01°57′28″ East along the westerly line thereof for 126.98 feet; thence South 89°09′03″ East for 285.22 feet; thence North 81°13′42″ East for 188.48 feet; thence North 0°09′01″ West for 103.64 feet; thence South 89°50′59'' West for 475.54 feet to the point of beginning, containing 1.357 acres, more or less.

Tract B

Commencing at the northeast corner of the NW¼ of the NE¼ of Section 8, thence South 01°00′03″ East along the easterly line thereof for 49.07 feet to the point of beginning; thence South 01°00′03″ East continuing along the easterly line thereof for 126.70 feet; thence North 89°09′06″ West for 283.38 feet; thence North 00°50′57″ East for 6.50 feet; thence North 00°09′01″ West for 115.24 feet; thence North 89°50′57″ East for 281.34 feet to the point of beginning, containing 0.805 acre, more or less.

Containing 125.48 acres, more or less.

Authority: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 Departmental Manual 8.1, and is published to comply with the requirements of 25 CFR 151.12 (c)(2)(ii) that notice of the decision to acquire land in trust be promptly provided in the **Federal Register**.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2020–15489 Filed 7–16–20; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[201D0102DR/DS5A300000/DR.5A311.IA000118]

Land Acquisitions; Osage Nation, Pawhuska Property, Oklahoma

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Assistant Secretary—Indian Affairs made a final agency determination to acquire 63.1 acres, more or less, of land known as the Pawhuska Property in Osage County, Oklahoma, in trust for the Osage Nation for gaming and other purposes on June 26, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Mailstop 3543, 1849 C Street NW, Washington, DC 20240, telephone (202) 219–4066.

SUPPLEMENTARY INFORMATION: On June 26, 2020, the Assistant Secretary—Indian Affairs made a final agency determination to accept land into trust for the Osage Nation under the authority of the Indian Reorganization Act of June 18, 1934, 25 U.S.C. 5108. The Assistant Secretary—Indian Affairs also determined that the Osage Nation meets the requirements of the Indian Gaming Regulatory Act's ''Oklahoma exception,'' 25 U.S.C. 2719(a)(2)(A)(i), to the general prohibition contained in 25 U.S.C. 2719(a) on gaming on lands acquired in trust after October 17, 1988.

The Assistant Secretary—Indian Affairs, on behalf of the Secretary of the Interior, will immediately acquire title to the Pawhuska Property, 63.1 acres, more or less, in the name of the United States of America in Trust for Osage Nation upon fulfillment of all Departmental requirements. The 63.1 acres, more or less, are described as follows:

Legal Description of Property

A parcel or tract of land in the Northwest Quarter of the Southwest Quarter (NW/4 of the SW/4) and part of the South Half of the Northwest Quarter (S/2 of the NW/4) of Section Two (2), Township Twenty-five (25) North, Range Nine (9) East of the Indian Base and Meridian, Osage County, Oklahoma, more particularly described as follows:

Commencing at the Southwest corner of the S/2 NW/4; thence N 01°06′02″ W along the Westerly line of said S/2 NW/4 for 611.20 feet; thence N 82°51′58″ E for 182.05 feet to the point of beginning of said tract of land, thence continuing N 82°51′58″ E for 47.95 feet; thence N 73°16′58″ E for 430.00 feet; thence N 88°51′58″ E for 1272.93 feet to a point at the centerline of Bird Creek; thence S 47°23′50″ W along said centerline for 134.88 feet; thence S 39°43′47″ W along said centerline for 306.80 feet to a point of curve; thence Southwesterly, Southerly and Southeasterly along said centerline on a curve to the left having a central angle of 113°05′30″, a radius of 130.00 feet, a chord bearing of S 16°48′58″ E, and a chord distance of 216.93 feet for an arc length of 256.60 feet to a point of tangency; thence S 73°21′43″ E along said centerline for 386.38 feet to a point of curve; thence Southeasterly along said centerline on a curve to the right having a central angle of 20°49′19″, a radius of 550.00 feet, a chord bearing of S 62°57′03″ E, and a chord distance of 198.78 feet for an arc length of 199.88 feet to a point on the Southerly line of said S/2 NW/4; thence S 88°38′24″ W along said Southerly line for 901.32 feet to the Northeast corner of said NW/4 SW/4; thence S 00°58′53″ E along the Easterly line of said NW/4 SW/4 for 1313.82 feet to the Southeast corner of said NW/4 SW/4; thence S 88°41′32″ W along the Southerly line of said NW/4 SW/4 for 1264.28 feet to a point, said point being N 88°41′32″ E a distance of 51.32 feet from the Southwest corner of said NW/4 SW/4; thence N 04°03′46″ E for 1318.54 feet to a point on the Northerly line of said NW/4 SW/4, said point being N 88°38′24″ E a distance of 166.56 feet from the Southwest corner of said S/2 NW/4; thence N 04°00′06″ E for 153.36 feet; thence N 00°59′56″ W for 476.83 feet to the point of beginning of said tract of land, containing 63.100 acres, more or less. SURFACE ONLY.

Authority

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 Departmental Manual 8.1, and is published to comply with the requirements of 25 CFR 151.12(c)(2)(ii) that notice of the decision to acquire land in trust be promptly provided in the **Federal Register**.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2020–15487 Filed 7–16–20; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNV922000.L2642000.BH0000. LXHMFAB20000.18X MO# 4500144069]

Notice of Proposed CERCLA Settlement Agreement for Recovery of Past Response Costs for the Anaconda Copper Mine Site, Yerington, Lyon County, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of proposed settlement; request for public comment.

SUMMARY: In accordance with the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), notice is hereby given that the United States Department of the Interior (DOI) has entered into a proposed settlement, embodied in a CERCLA Settlement Agreement for Recovery of Past Response Costs for the Anaconda Copper Mine Site, Yerington, Lyon County, Nevada (Settlement Agreement), with Atlantic Richfield Company (ARC). Under the proposed settlement, ARC agrees to pay DOI compromised past costs incurred by DOI at the Anaconda Copper Mine Site.

DATES: Comments must be received on or before August 17, 2020.

ADDRESSES: The Settlement Agreement is available for public inspection at the Bureau of Land Management, Nevada State Office, 1340 Financial Boulevard, Reno, Nevada 89502, phone: (775) 861–6400. Comments should be addressed to Nathalie Doherty, Attorney-Advisor, Office of the Solicitor, U.S. Department of the Interior, 601 SW 2nd Avenue, Suite 1950, Portland, Oregon 97204; Email: *nathalie.doherty@sol.doi.gov;* and should reference the Anaconda Copper Mine Site. The BLM's response to any comments received will be available for public inspection at the same address.

FOR FURTHER INFORMATION CONTACT: Nathalie Doherty, Attorney-Advisor, Office of the Solicitor, U.S. Department of the Interior, 601 SW 2nd Avenue, Suite 1950, Portland, Oregon 97204; Email: *nathalie.doherty@sol.doi.gov;* Phone: (503) 872–2784.

SUPPLEMENTARY INFORMATION: Notice of this proposed Settlement Agreement is made in accordance with the Section 122(i) of CERCLA. The Settlement Agreement entered into under Section 122(h) of CERCLA concerns ARC's payment of compromised past costs incurred by DOI in connection with Anaconda Copper Mine Site, located near Yerington, Lyon County, Nevada. Parties to the Settlement Agreement include the DOI and ARC. Under the Settlement Agreement, ARC agrees to pay DOI $700,000 in past response costs. This represents a compromise payment for past costs incurred by DOI. In exchange, DOI covenants not to sue or take administrative action against ARC pursuant to Section 107(a) of CERCLA, for DOI's past response costs as those costs are defined in the Settlement Agreement. BLM will consider all comments received on the proposed Settlement Agreement in accordance with the **DATES** and **ADDRESSES** sections of this Notice, and may modify or withhold its consent to the proposed Settlement Agreement if comments received disclose facts or considerations that indicate that the proposed Settlement Agreement is inappropriate, improper, or inadequate.

Jon K. Raby,

State Director, Nevada State Office, Bureau of Land Management.

[FR Doc. 2020–15471 Filed 7–16–20; 8:45 am]

BILLING CODE 4310–HC–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1153]

Certain Bone Cements, Components Thereof and Products Containing the Same; Commission Determination To Review in Part a Final Initial Determination Finding a Violation of Section 337; Schedule for Filing Written Submissions on the Issues Under Review and on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in part the final initial determination (''final ID'') issued by the presiding administrative law judge (''ALJ'') on May 6, 2020, finding no violation of section 337 of the Tariff Act of 1930, as amended, in connection with the alleged misappropriation of trade secrets. The Commission requests briefing from the parties on certain issues under review, as indicated in this notice. The Commission also requests briefing from the parties, interested government agencies, and interested persons on the issues of remedy, the public interest, and bonding.

FOR FURTHER INFORMATION CONTACT: Ron Traud, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3427. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.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: The Commission instituted this investigation on April 10, 2019, based on a complaint filed by Heraeus Medical LLC of Yardley, Pennsylvania, and Heraeus Medical GmbH of Wehrheim, Germany (collectively, ''Heraeus''). 84 FR 14394–95 (Apr. 10, 2019). The complaint alleges a violation of section 337 by reason of misappropriation of trade secrets, the threat or effect of which is to destroy or substantially injure a domestic industry in the United States or to prevent the establishment of such an industry. The complaint named the following respondents: Zimmer Biomet Holdings, Inc. of Warsaw, Indiana; Biomet, Inc. of Warsaw, Indiana; Zimmer Orthopaedic Surgical Products, Inc. of Dover, Ohio; Zimmer Surgical, Inc. of Dover, Ohio; Biomet France S.A.R.L. of Valence, France; Biomet Deutschland GmbH of Berlin, Germany; Zimmer Biomet Deutschland GmbH of Freiburg im Breisgau, Germany; Biomet Europe B.V. of Dordrecht, Netherlands; Biomet Global Supply Chain Center B.V. of Dordrecht, Netherlands; Zimmer Biomet Nederland B.V. of Dordrecht, Netherlands; Biomet Orthopedics, LLC of Warsaw, Indiana; and Biomet Orthopaedics Switzerland GmbH of Dietikon, Switzerland. The Commission's Office of Unfair Import Investigations (''OUII'') also was named as a party.

The investigation has terminated as to respondents Zimmer Orthopaedic Surgical Products, Inc. and Biomet Europe B.V., Order No. 10 (May 23, 2019), *not reviewed,* Notice (June 14, 2019), and as to certain accused products, Order No. 30 (Nov. 24, 2019), *not reviewed,* Notice (Dec. 10, 2019). Also, the first amended complaint and notice of investigation were amended to add three entities as respondents: Zimmer US, Inc.; Zimmer, GmbH; and Biomet Manufacturing, LLC. Order No. 18 (June 26, 2019), *not reviewed,* 84 FR

35884–85 (July 25, 2019). The remaining respondents are referred to collectively herein as ''Zimmer Biomet.''

On May 6, 2020, the ALJ issued the final ID, which finds that Zimmer Biomet did not violate section 337. More particularly, the final ID finds, *inter alia,* that: (1) The Commission has subject matter and personal jurisdiction; (2) Zimmer Biomet sold for importation into the United States, imported, or sold after importation the Accused Products; (3) a domestic industry exists with respect to Heraeus's education, training, and research and development and Heraeus owns the asserted trade secrets; (4) trade secrets (''TS'') 1–35 are protectable trade secrets, but TS 121–23, 130–34, and 145 are not protectable trade secrets; (5) Zimmer Biomet misappropriated TS 1–35; and (6) Heraeus did not show a substantial injury or threat of injury to its domestic industry by Zimmer Biomet's misappropriation.

The final ID includes the ALJ's Recommended Determination on Remedy and Bond (the ''RD''). The RD recommends that, if the Commission finds a violation of section 337, the Commission should issue a limited exclusion order directed to copolymer trade secrets TS 1–35 for five years; a limited exclusion order directed to the other categories of asserted trade secrets for two years or less; and cease and desist orders directed to Zimmer Biomet. The RD further recommends imposing a bond of five percent during the period of Presidential review.

On May 18, 2020, the parties filed petitions for review of the final ID, and on May 26, 2020, the parties filed responses. Issues not raised in the petitions for review are deemed to have been abandoned. 19 CFR 210.43.

Having examined the record in this investigation, including the final ID, the petitions for review, and the responses thereto, the Commission has determined to review the final ID in part. In particular, the Commission has determined to review the following:

(1) The ALJ's findings and conclusions as to TS 1–35 and 121–23; and

(2) The ALJ's domestic industry findings, including whether there has been a substantial injury to the alleged domestic industry.

The Commission has determined to not review the remainder of the final ID.

The parties are requested to brief their positions with reference to the applicable law and the evidentiary record regarding the questions provided below:

(1) For purposes of determining whether Heraeus has established the existence of a domestic industry, if the final ID's findings are modified to exclude expenditures for the Reduce Revisions initiative and contracting costs for medical professionals, but to include the contracting costs for FDA Group: (A) What would be the dollar amount of total qualifying investments, and (B) what evidence and argument was presented to the administrative law judge regarding the nature and significance of those investments?

(2) For purposes of determining whether Heraeus has established the existence of a domestic industry, if the final ID's findings are modified to exclude expenditures for the Reduce Revisions initiative and contracting costs for medical professionals, and the contracting costs for FDA Group were excluded (as the ID did): (A) What would be the dollar amount of total qualifying investments, and (B) what evidence and argument was presented to the administrative law judge regarding the nature and significance of those investments?

(3) For the costs related to education-and-training-related investments (*e.g.,* the Reduce Revisions initiative), discuss: (A) How the Commission and the Federal Circuit have considered education-and-training-related investments in prior investigations, *e.g., Certain Sleep-Disordered Breathing Treatment Systems and Components Thereof,* Inv. No. 337–TA–890, Init. Det. at 168–70 (Aug. 21, 2014), *not reviewed in relevant part,* Notice (Oct. 16, 2014), and (B) how the facts of this investigation should be assessed in light of applicable precedent.

(4) For the Reduce Revisions initiative costs: (A) Are these costs incorporated into Heraeus's general marketing expenses? *See Certain Gas Spring Nailer Products and Components Thereof,* Inv. No. 337–TA–1082, Comm'n Op. at 83 n.20 (Apr. 28, 2020); (B) if the costs are viewed as marketing expenses, is there a basis for concluding the costs are technical marketing costs; and (C) how should technical marketing costs be treated?

(5) For the alleged costs related to FDA and other regulatory approvals and compliance: (A) Which of those regulatory efforts had to take place in the United States (for either legal or practical reasons), and which could have been carried out in another country; and (B) does the record permit allocation of costs between those two categories?

(6) Please analyze whether a complainant bringing a claim under section 337(a)(1)(A)(i) must demonstrate that its industry in the United States is ''significant'' or ''substantial.'' Please include a discussion of the relevant statutory language, any relevant legislative history, any relevant Federal Circuit decisions and any relevant prior Commission determinations.

In connection with the final disposition of this investigation, the statute authorizes issuance of: (1) An exclusion order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) one or more cease and desist orders that could result in the respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or are likely to do so. For background, *see Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843, Comm'n Op. at 7–10 (Dec. 1994). In addition, if a party seeks issuance of any cease and desist orders, the written submissions should address that request in the context of recent Commission opinions, including those in *Certain Arrowheads with Deploying Blades and Components Thereof and Packaging Therefor,* Inv. No. 337–TA–977, Comm'n Op. (Apr. 28, 2017) and *Certain Electric Skin Care Devices, Brushes and Chargers Therefor, and Kits Containing the Same,* Inv. No. 337–TA–959, Comm'n Op. (Feb. 13, 2017).

The statute requires the Commission to consider the effects of that remedy upon the public interest. The public interest factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on: (1) The public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve, disapprove, or take no action on the Commission's action. *See* Presidential Memorandum of July 21, 2005, 70 FR

43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: The parties to the investigation are requested to file written submissions on the questions identified in this notice. Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such initial written submissions should include views on the RD that issued on May 6, 2020.

In their initial written submission, Complainants are also requested to identify the form of the remedy sought, and Complainants and OUII are requested to submit proposed remedial orders for the Commission's consideration. Complainants are also requested to state the HTSUS subheadings under which the accused articles are imported, and to supply identification information for all known importers of the accused products. Initial written submissions, including proposed remedial orders must be filed no later than the close of business on July 27, 2020. Reply submissions must be filed no later than the close of business on August 3, 2020. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (March 19, 2020). Submissions should refer to the investigation number (''Inv. No. 337–TA–1153'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf*). Persons with questions regarding filing should contact the Secretary at (202) 205–2000.

Any person desiring to submit a document to the Commission in 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, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

The Commission vote for this determination took place on July 13, 2020.

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: July 13, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–15459 Filed 7–16–20; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Inv. Nos. 701–TA–415 and 731–TA–933–934 (Third Review)]

Polyethylene Terephthalate (PET) Film From India and Taiwan; Cancellation of Hearing for Third Full Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: July 10, 2020.

FOR FURTHER INFORMATION CONTACT: Charles Cummings ((202) 708–1666), 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 (*http://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: Effective March 18, 2020, the Commission established a schedule for the conduct of these reviews (85 FR 16957, March 25, 2020). Counsel for DuPont Teijin Films, Mitsubishi Polyester Film, Inc., SKC, Inc., and Toray Plastics (America), Inc. and counsel for Polyplex USA, LLC filed requests to appear at the hearing. Subsequently, counsel for the domestic parties filed a joint request for consideration of cancellation of the hearing. Counsel indicated a willingness to submit written responses to any Commission questions in lieu of an actual hearing. No other party has entered an appearance in these reviews. Upon consideration of the request, the Commission determined that, in lieu of the public hearing in connection with these reviews, scheduled to begin at 9:30 a.m. on Thursday, July 16, 2020, interested parties who timely made a request to appear at the hearing are invited to respond to any written questions posed by the Commission in their posthearing briefs, which are due to be filed on July 23, 2020.

For further information concerning these reviews see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

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: July 13, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–15460 Filed 7–16–20; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–626 and 731–TA–1452 (Final)]

Certain Collated Steel Staples From China

Determinations

On the basis of the record [1] developed in the subject investigations, 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 certain collated steel staples from China, provided for in subheading 8305.20.0000 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''), and to be subsidized by the government of China.[2]

Background

The Commission instituted these investigations effective June 6, 2019, following receipt of petitions filed with the Commission and Commerce by Kyocera Senco Industrial Tools, Inc. (''Senco''), Cincinnati, Ohio. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of certain collated steel staples from China were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and sold at LTFV within the meaning of 733(b) of the Act (19 U.S.C. 1673b(b)). 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 January 21, 2020 (85 FR 3417). In light of the restrictions on access to the Commission building due to the COVID–19 pandemic, and in accordance with 19 U.S.C. 1677c(a)(1), the Commission conducted its hearing via video conference on May 27, 2020; all persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to sections 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)). It completed and filed its determinations in these investigations on July 13, 2020. The views of the Commission are contained in USITC Publication 5085 (July 2020), entitled *Certain Collated Steel Staples from China: Investigation Nos. 701–TA–626 and 731–TA–1452 (Final).*

By order of the Commission.

Issued: July 13, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–15457 Filed 7–16–20; 8:45 am]

BILLING CODE 7020–02–P

[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] 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 countervailing and antidumping duty orders on certain collated steel staples from China.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–682]

Importer of Controlled Substances Application: United States Pharmacopeial Convention

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before August 17, 2020. Such persons may also file a written request for a hearing on the application on or before August 17, 2020.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All request for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on June 17, 2020, United States Pharmacopeial Convention, 7135 English Muffin Way, Frederick, Maryland 21704, applied to be registered as an importer of the following basic class(es) of a controlled substance:

Controlled substance	Drug code	Schedule
Methcathinone	1237	I

The company plans to import the listed controlled substance for distribution of analytical reference standards to its customers for analytical testing of raw materials. No other activities for this drug code are authorized for this registration.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2020–15465 Filed 7–16–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–669]

Importer of Controlled Substances Application: Cambrex Charles City

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before August 17, 2020. Such persons may also file a written request for a hearing on the application on or before August 17, 2020.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All request for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on May 6, 2020, Cambrex Charles City, 1205 11th Street, Charles City, Iowa 50616, applied to be registered as an importer of the following basic class(es) of controlled substances:

Controlled substance	Drug code	Schedule
4-Anilino-N-phenethyl-4-piperidine (ANPP).	8333	II
Phenylacetone	8501	II
Coca Leaves	9040	II
Opium, raw	9600	II
Poppy Straw Concentrate	9670	II

The company plans to import the listed controlled substances for internal use and to manufacture bulk intermediates for sale to its customers.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2020–15464 Filed 7–16–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

[OMB Number 1125–NEW]

Agency Information Collection Activities; Proposed Collection; Comments Requested; Certification and Release of Records

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Executive Office for Immigration Review (EOIR), 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.

DATES: Comments are encouraged and will be accepted for 60 days until September 15, 2020.

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 Lauren Alder Reid, Assistant Director, Office of Policy, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2500, Falls Church, VA 22041, telephone: (703) 305–0289. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20530 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 agency, 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;

—Enhance the quality, utility, and clarity of the information to be collected; and/or

—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:* New Optional Collection.

2. *The Title of the Form/Collection:* Certification and Release of Records.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form EOIR–59. The applicable component within the Department of Justice is the Office of the General Counsel, Executive Office for Immigration Review.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals.

Other: None.

Abstract: This information collection is necessary to prevent unauthorized disclosure of records of individuals maintained by the Department of Justice, and allows parties who are, or were, in proceedings before EOIR to disclose or release their records to an attorney, accredited representative, qualified organization, or other third party.

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 there are 50,596 respondents, 50,596 annual responses, and that each response takes 10 minutes to complete.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 8,433 hours. It is estimated that respondents will take 10 minutes to complete a questionnaire. The burden hours for collecting respondent data sum to 8,433 hours (50,596 respondents × 10 minutes per response = 8,433 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.405B, Washington, DC 20530.

Dated: July 14, 2020.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020–15462 Filed 7–16–20; 8:45 am]

BILLING CODE 4410–30–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On July 13, 2020, the Department of Justice lodged a proposed consent decree with the United States District Court for the District of New Hampshire in the lawsuit entitled *United States of America* v. *City of Manchester, New Hampshire,* Civil Action No. 20–cv–762.

The United States' Complaint alleges violations of the Clean Water Act and the City of Manchester's National Pollutant Discharge Elimination System Permit. The claims arise from the City's combined sewer overflows which have resulted in the discharge of pollutants from the City's wastewater collection system. The Consent Decree calls for an approximately twenty year program of improvements which will result in the City eliminating or capturing for treatment 95% of the City's annual wet weather combined sewage.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *City of Manchester,* D.J. Ref. No. 90–5–1–1–11620. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $20.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Henry Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2020–15527 Filed 7–16–20; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Respirator Program Records

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Mining Safety and Health Administration (MSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before August 17, 2020.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Anthony May by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811, authorizes the Secretary of Labor to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines. Title 30 CFR 56.5005 and 57.5005 require, whenever respiratory equipment is used, that metal and nonmetal mine operators institute a respirator program governing selection, maintenance, training, fitting, supervision, cleaning, and use of respirators. These standards seek to control miner exposure to harmful airborne contaminants by using engineering controls to prevent contamination and vent or dilute the contaminated air. However, where accepted engineering control measures have not been developed or when necessary by the nature of work involved (for example, while establishing controls or occasional entry into hazardous atmospheres to perform maintenance or investigation), employees may work for reasonable periods of time in concentrations of airborne contaminants exceeding permissible levels if they are protected by appropriate respiratory protective equipment. Sections 56.5005 and 57.5005 incorporate by reference, requirements of the American National Standards Institute's Practices for Respiratory Protection (ANSI Z88.2–1969). These incorporated requirements mandate that miners who must wear respirators be fittested to the respirators that they will use. Certain records are also required to be kept in connection with respirators, including: Written standard operating procedures governing the selection and use of respirators; records of the date of issuance of the respirator; and fit-test results. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 25, 2020 (85 FR 16959).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–MSHA.

Title of Collection: Respirator Program Records.

OMB Control Number: 1219–0048.

Affected Public: Private Sector: Businesses or other for-profits.

Total Estimated Number of Respondents: 350.

Total Estimated Number of Responses: 6,300.

Total Estimated Annual Time Burden: 3,588 hours.

Total Estimated Annual Other Costs Burden: $140,000.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: July 10, 2020.

Anthony May,

Management and Program Analyst.

[FR Doc. 2020–15370 Filed 7–16–20; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Periodic Medical Surveillance Examinations for Coal Miners

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Mining Safety and Health Administration (MSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with

the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before August 17, 2020.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Anthony May by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811, authorizes the Secretary of Labor to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal and metal and nonmetal mines. The Mine Act authorizes the National Institute for Occupational Safety and Health (NIOSH) to study the causes and consequences of coal-related respiratory disease, and in cooperation with MSHA, to carry out a program for early detection and prevention of pneumoconiosis. NIOSH administers the National Coal Workers' Health Surveillance Program, ''Specifications for Medical Examinations of Underground Coal Miners,'' as specified in 42 CFR part 37. Title 30 CFR 72.100 contains collection requirements for these activities in paragraphs (d) and (e). Section 72.100(d) requires that each mine operator must develop and submit for approval to NIOSH a plan in accordance with 42 CFR part 37 for providing miners with the required periodic examinations specified in § 72.100(a) and a roster specifying the name and current address of each miner covered by the plan. Section 72.100(e) requires that each mine operator must post on the mine bulletin board at all times the approved plan for providing the examinations specified in § 72.100(a). Sections 72.100(d) and (e) are requirements that mirror NIOSH information collection requirements under 42 CFR 37.4 (existing OMB No. 0920–0020). Including these requirements allows MSHA to use its inspection and enforcement authority to ensure that operators comply with these provisions. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 25, 2020 (85 FR 16960).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–MSHA.

Title of Collection: Periodic Medical Surveillance Examinations for Coal Miners.

OMB Control Number: 1219–0152.

Affected Public: Private Sector: Businesses or other for-profits.

Total Estimated Number of Respondents: 1,126.

Total Estimated Number of Responses: 1,352.

Total Estimated Annual Time Burden: 1,020 hours.

Total Estimated Annual Other Costs Burden: $406.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: July 10, 2020.

Anthony May,

Management and Program Analyst.

[FR Doc. 2020–15373 Filed 7–16–20; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Qualification/Certification Program Request for MSHA Individual Identification Number (MIIN)

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Mining Safety and Health Administration (MSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before August 17, 2020.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Anthony May by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811, authorizes the Secretary of Labor to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal and metal and nonmetal mines. MSHA issues certifications, qualifications, and approvals to the nation's miners to conduct specific work within the mines. Miners requiring qualification or certification from MSHA will register for an MIIN. MSHA uses this unique number in place of individual Social Security numbers (SSNs) for all MSHA collections. The MIIN identifier fulfills Executive Order 13402, Strengthening Federal Efforts Against Identity Theft, which requires Federal agencies to better secure government held data. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on April 6, 2020 (85 FR 19168).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–MSHA.

Title of Collection: Qualification/Certification Program Request for MSHA Individual Identification Number (MIIN).

OMB Control Number: 1219–0143.

Affected Public: Private Sector: Businesses or other for-profits, individuals and households.

Total Estimated Number of Respondents: 7,500.

Total Estimated Number of Responses: 7,500.

Total Estimated Annual Time Burden: 625 hours.

Total Estimated Annual Other Costs Burden: $75.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: July 10, 2020.

Anthony May,

Management and Program Analyst.

[FR Doc. 2020–15371 Filed 7–16–20; 8:45 am]

BILLING CODE 4510–43–P

LEGAL SERVICES CORPORATION

Notice to LSC Grantees of Application Process for Subgranting 2021 Basic Field Funds

AGENCY: Legal Services Corporation.

ACTION: Notice of application dates and format for applications for approval to make subgrants of 2021 Basic Field Grant funds.

SUMMARY: The Legal Services Corporation (LSC) is the national organization charged with administering Federal funds provided for civil legal services to low-income people. LSC hereby announces the submission dates for applications for subgrants of 2021 Basic Field Grant funds. LSC is also providing information about where applicants may locate subgrant application questions and directions for providing the information required to apply for a subgrant.

DATES: See Supplementary Information section for application dates.

ADDRESSES: Legal Services Corporation—Office of Compliance and Enforcement, 3333 K Street NW, Third Floor, Washington, DC 20007–3522.

FOR FURTHER INFORMATION CONTACT: Megan Lacchini, Office of Compliance and Enforcement at *lacchinim@lsc.gov* or (202) 295–1506 or visit the LSC website at *http://www.lsc.gov/grants-grantee-resources/grantee-guidance/how-apply-subgrant.*

SUPPLEMENTARY INFORMATION: Under 45 CFR part 1627, LSC must publish, on an annual basis, ''notice of the requirements concerning the format and contents of the application annually in the **Federal Register** and on LSC's website.'' 45 CFR 1627.4(b). This Notice and the publication of the Subgrant Application on LSC's website satisfy § 1627.4(b)'s notice requirement for the Basic Field Grant program. Only current or prospective recipients of LSC Basic Field Grants may apply for approval to subgrant these funds.

Applications for approval to make subgrants of calendar year 2021 Basic Field Grant funds will be available the week of July 20, 2020. Applications must be submitted through GrantEase. Applicants must submit their applications by 5:00 p.m. E.D.T. on the due date identified below.

Applicants must submit applications for approval to make subgrants in conjunction with their applications for 2021 Basic Field Grant funding. 45 CFR 1627.4(b)(1). The deadlines for application submissions is August 20, 2020.

All applicants must provide answers to the application questions in GrantEase and upload the following documents:

- A draft subgrant agreement (with the required terms provided in LSC's Subgrant Agreement Template); and
- A subgrant budget (using LSC's Subgrant Budget Template).

Applicants seeking to subgrant to a new subrecipient that is not a current LSC grantee, or to renew a subgrant with an organization that is not a current LSC grantee in a year in which the applicant is required to submit a full funding application, must also upload:

- The subrecipient's accounting manual;
- The subrecipient's most recent audited financial statements;
- The subrecipient's current cost allocation policy (if not in the accounting manual);
- The subrecipient's 45 CFR 1635.3(c) recordkeeping policy (if not in the accounting manual).

A list of subgrant application questions, the Subgrant Agreement Template, and the Subgrant Budget Template are available on LSC's website at *http://www.lsc.gov/grants-grantee-resources/grantee-guidance/how-apply-subgrant.*

LSC encourages applicants to use LSC's Subgrant Agreement Template as a model subgrant agreement. If the applicant does not use LSC's Template, the proposed agreement must include, at a minimum, the substance of the provisions of the Template.

Once submitted, LSC will evaluate the application and provide applicants with instructions on any needed modifications to the submitted documents or Draft Agreement provided with the application. The applicant must then upload a final and signed subgrant agreement through GrantEase by the date requested.

As required by 45 CFR 1627.4(b)(1)(ii), LSC will inform applicants of its decision to disapprove or approve the subgrant no later than the date LSC informs applicants of LSC's 2021 Basic Field Grant funding decisions.

Dated: July 14, 2020.

Stefanie Davis,

Senior Assistant General Counsel.

[FR Doc. 2020–15493 Filed 7–16–20; 8:45 am]

BILLING CODE 7050–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (20–062)]

National Space Council Users' Advisory Group; Meeting

AGENCY: National Aeronautics and Space Administration (NASA).

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 National Space Council Users' Advisory Group (UAG). This will be the fifth meeting of the UAG.

DATES: Thursday, July 30, 2020, from 10:00 a.m.–1:00 p.m., Eastern Time.

ADDRESSES: Virtual meeting via dial-in teleconference and WebEx only.

FOR FURTHER INFORMATION CONTACT: As noted above, this meeting will be available telephonically and by WebEx only. You must use a touch-tone phone to participate in this meeting. Any interested person may dial the USA toll-free conference call number 1–844–467–4685 or toll number 1–720–259–7012, passcode 106724#, to participate in this meeting by telephone. The WebEx link is *https://nasaenterprise.webex.com/*; the meeting number is 199 379 7435, and password is tHiRkEk@574. To help facilitate public input in this all-virtual event, we invite appropriate written submissions to the UAG public email address at: *contact@spacecounciluag.org,* in addition to verbal input during the event.

The agenda for the meeting will include the following:

—Opening Remarks and Meeting Objectives by UAG Chair

—Expert Presentation on ''Contributions of Historically Black Colleges and Universities (HBCUs) to Science, Engineering, and the Space Workforce''

—Reports and Updates from UAG Subcommittees:

- Exploration and Discovery
- National Security Space
- Technology and Innovation
- Economic Development/Industrial Base
- Outreach and Education
- Space Policy and International Engagement

—Deliberations on any Findings and Recommendations

—Other UAG Business and Work Plan Schedule; Closing Remarks

In accordance with 41 CFR parts 101–6 and 102–3, Federal Advisory Committee Management; Final Rule, Section 102–3.150(b), this meeting is being held with less than 15 calendar days' notice to accommodate the scheduling priorities of the key participants.

Patricia Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2020–15510 Filed 7–16–20; 8:45 am]

BILLING CODE 7510–13–P

EXECUTIVE OFFICE OF THE PRESIDENT

Office of National Drug Control Policy

Appointment of Members of Senior Executive Service Performance Review Board

AGENCY: Office of National Drug Control Policy (ONDCP).

ACTION: Notice of appointments.

SUMMARY: The following persons have been appointed to the ONDCP Senior Executive Service Performance Review Board: Ms. Martha Gagné (as Chair), Mr. Kemp Chester, Mr. Eric Talbot, and Dr. Terry Zobeck.

FOR FURTHER INFORMATION CONTACT: Please direct any questions to Michael Passante, Acting General Counsel, (202) 395–6709, Office of National Drug Control Policy, Executive Office of the President, Washington, DC 20503.

Dated: July 14, 2020.

Michael Passante,

Acting General Counsel.

[FR Doc. 2020–15491 Filed 7–16–20; 8:45 am]

BILLING CODE 3280–F5–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meeting

The National Science Board's Strategy Committee, pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business, as follows:

TIME & DATE: Wednesday, July 22, 2020 from 2:30–3:30 p.m. EDT.

PLACE: This meeting will be held by teleconference through the National Science Foundation.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The agenda of the teleconference is: Committee Chair's Opening Remarks; Discussion of NSF's Fiscal Year 2022 budget submission to the Office of Management and Budget.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Chris Blair, telephone: (703) 292–7000. Meeting information and updates may be found at *http://www.nsf.gov/nsb/meetings/notices.jsp#sunshine.* Please refer to the National Science Board website *www.nsf.gov/nsb* for general information.

Chris Blair,

Executive Assistant to the National Science Board Office.

[FR Doc. 2020–15613 Filed 7–15–20; 11:15 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2020–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of July 20, 27, August 3, 10, 17, 24, 31, September 7, 14, 21, 28, October 5, 12, 19, 2020.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public.

Week of July 20, 2020

There are no meetings scheduled for the week of July 20, 2020.

Week of July 27, 2020—Tentative

There are no meetings scheduled for the week of July 27, 2020.

Week of August 3, 2020—Tentative

There are no meetings scheduled for the week of August 3, 2020.

Week of August 10, 2020—Tentative

There are no meetings scheduled for the week of August 10, 2020.

Week of August 17, 2020—Tentative

There are no meetings scheduled for the week of August 17, 2020.

Week of August 24, 2020—Tentative

There are no meetings scheduled for the week of August 24, 2020.

Week of August 31, 2020—Tentative

There are no meetings scheduled for the week of August 31, 2020.

Week of September 7, 2020—Tentative

There are no meetings scheduled for the week of September 7, 2020.

Week of September 14, 2020—Tentative

Tuesday, September 15, 2020

10:00 a.m. Agency's Response to the COVID–19 Public Health Emergency (Public Meeting) (Contact: Luis Betancourt: 301–415–6146)

This meeting will be webcast live at the web address—*https://www.nrc.gov/.*

Thursday, September 17, 2020

10:00 a.m. Transformation at the NRC—Milestones and Results (Public Meeting) (Contact: Maria Arribas-Colon: 301–415–6026)

This meeting will be webcast live at the web address—*https://www.nrc.gov/.*

Week of September 21, 2020—Tentative

There are no meetings scheduled for the week of September 21, 2020.

Week of September 28, 2020—Tentative

Wednesday September 30, 2020

9:00 a.m. Strategic Programmatic Overview of the Operating Reactors and New Reactors Business Lines and Results of the Agency Action Review Meeting (Public Meeting) (Contact: Luis Betancourt: 301–415–6146)

This meeting will be webcast live at the web address—*https://www.nrc.gov/.*

Week of October 5, 2020—Tentative

Thursday, October 8, 2020

10:00 a.m. Meeting with the Organization of Agreement States (OAS) and the Conference of Radiation Control Program Directors (CRCPD) (Public Meeting) (Contact: Celimar Valentin-Rodriquez: 301–415–7124)

This meeting will be webcast live at the web address—*https://www.nrc.gov/.*

Week of October 12, 2020—Tentative

There are no meetings scheduled for the week of October 12, 2020.

Week of October 19, 2020—Tentative

Wednesday, October 21, 2020

10:00 a.m. Briefing on Human Capital and Equal Employment Opportunity (Public Meeting) (Contact: Randi Neff: 301–287–0583)

This meeting will be webcast live at the web address—*https://www.nrc.gov/.*

1:00 p.m. All Employees Meeting with the Commissioners (Public Meeting)

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: *https://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 *Wendy.Moore@nrc.gov* or *Tyesha.Bush@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: July 15, 2020.

For the Nuclear Regulatory Commission.

Denise L. McGovern

Policy Coordinator, Office of the Secretary.

[FR Doc. 2020–15662 Filed 7–15–20; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–440; NRC–2020–0156]

Energy Harbor Nuclear Corp; Energy Harbor Nuclear Generation LLC; Perry Nuclear Power Plant Unit No. 1

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an exemption in response to a May 15, 2020, request from the Energy Harbor Nuclear Corp. (EHNC) to allow EHNC to submit a sufficient license renewal application for Perry Nuclear Power Plant, Unit No. 1, at least three years prior to the expiration of the existing license and still receive timely renewal protection.

DATES: The exemption was issued on July 13, 2020.

ADDRESSES: Please refer to Docket ID NRC–2020–0156 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–2020–0156. 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 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.

FOR FURTHER INFORMATION CONTACT: Scott P. Wall, Office of Nuclear Reactor Regulation; U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2855; email: *Scott.Wall@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the exemption is attached.

Dated: July 14, 2020.

For the Nuclear Regulatory Commission.

Bhalchandra K. Vaidya,

Project Manager, Plant Licensing Branch III, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

Attachment—Exemption

NUCLEAR REGULATORY COMMISSION

Docket No. 50–440

Energy Harbor Nuclear Corp., Energy Harbor Nuclear Generation LLC, Perry Nuclear Power Plant, Unit No. 1

Exemption

I. Background

Energy Harbor Nuclear Corp. (EHNC) and Energy Harbor Nuclear Generation

LLC (collectively, the licensees) are the holders of the Facility Operating License No. NPF–58 for Perry Nuclear Power Plant, Unit No. 1 (PNPP), which consists of a boiling-water reactor located near Lake Erie in Lake County, Ohio. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, Commission) now or hereafter in effect. The current operating license for PNPP expires on March 18, 2026.

By letter dated May 15, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20136A353), EHNC requested an exemption to allow EHNC to submit a license renewal application (LRA) for PNPP at least 3 years prior to the expiration of the existing license and, if the NRC finds the application sufficient, to still receive timely renewal protection under Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2, Section 2.109(b). Pursuant to 10 CFR 2.109(b), the NRC provides timely renewal protection to licensees that submit a sufficient license renewal application at least 5 years before the expiration of the existing license.

On May 25, 2017, FirstEnergy Nuclear Operating Company (FENOC), notified the NRC of its plans to submit an LRA for PNPP in the fourth quarter of 2020 (ADAMS Accession No. ML17145A171). On November 27, 2018, FENOC indicated that, with the planned shutdown of PNPP, it no longer planned to submit an LRA (ADAMS Accession No. ML18331A155) due to severe economic challenges.

On July 23, 2019, the Ohio General Assembly passed the Ohio Clean Air Program, which contains provisions that are intended to preserve Ohio's nuclear generation capacity. The Ohio Governor signed the bill into law on July 23, 2019. Based on the Ohio Clean Air Program, FENOC reversed its decision to permanently cease operations at PNPP. As a result, on July 26, 2019 (ADAMS Accession No. ML19207A097), FENOC withdrew the ''Certification of Permanent Cessation of Power Operations'' for PNPP.

By letter dated February 27, 2020 (ADAMS Accession No. ML20030A440), the NRC staff authorized the transfer of the PNPP facility operating license from FENOC and FirstEnergy Nuclear Generation, LLC, to EHNC and Energy Harbor Nuclear Generation, LLC, which are subsidiaries of a new privately-held holding company, the Energy Harbor Corp. Subsequently, on May 8, 2020 the Energy Harbor Corp. Board of Directors met and approved the plan to submit an application for renewal of the PNPP operating license.

In its application, EHNC informed the NRC that the information previously gathered to support development of an LRA must be updated and incorporated into an application that meets current NRC staff expectations. Under 10 CFR 2.109(b), EHNC would need to file a sufficient LRA for PNPP by March 18, 2021 (at least 5 years prior to the current license expiration date). Given the effort involved, EHNC indicated that it will not have adequate time to prepare and submit a sufficient LRA by March 18, 2021.

II. Request/Action

Under 10 CFR 54.17(a), the NRC requires that an application for a renewed license be in accordance with Subpart A of 10 CFR part 2, which includes 10 CFR 2.109(b). In turn, 10 CFR 2.109(b) states, ''If the licensee of a nuclear power plant licensed under 10 CFR 50.21(b) or 50.22 files a sufficient application for renewal of either an operating license or a combined license at least 5 years before the expiration of the existing license, the existing license will not be deemed to have expired until the application has been finally determined.'' In its letter dated May 15, 2020, EHNC requested an exemption from 10 CFR 54.17(a) to allow EHNC to submit its LRA for PNPP at least 3 years prior to the expiration of the existing license and still receive timely renewal protection under 2.109(b).

III. Discussion

Under 10 CFR 54.15, exemptions from the requirements of Part 54 are governed by 10 CFR 50.12. Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) special circumstances are present, as defined in 10 CFR 50.12(a)(2). In its application, EHNC stated that two special circumstances apply to its request: 10 CFR 50.12(a)(2)(ii), ''[a]pplication of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule;'' and 10 CFR 50.12(a)(2)(iii), ''[c]ompliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated.''

A. The Exemption Is Authorized By Law

This exemption would allow EHNC to submit a sufficient LRA license renewal application for PNPP at least 3 years prior to the expiration of its existing license and still receive timely renewal protection under 10 CFR 2.109(b). Section 2.109 implements Section 9(b) of the Administrative Procedure Act (APA), 5 U.S.C. 558(c), which states:

> When the licensee has made timely and sufficient application for a renewal or a new license in accordance with agency rules, a license with reference to an activity of a continuing nature does not expire until the application has been finally determined by the agency.

The 5-year time period specified in 10 CFR 2.109 is the result of a discretionary agency rulemaking and not required by the APA. As stated above, 10 CFR 54.15 allows the NRC to grant exemptions from the requirements of 10 CFR part 54. The NRC has determined that granting this exemption will not result in a violation of the Atomic Energy Act of 1954, as amended, the APA, or the NRC's regulations. Therefore, the exemption is authorized by law.

B. The Exemption Presents No Undue Risk to Public Health and Safety

The requested exemption to allow a 3-year time period, rather than the 5 years specified in 10 CFR 2.109(b), for EHNC to submit a sufficient license renewal application and receive timely renewal protection is a scheduling change. The action does not change the manner in which the plant operates and maintains public health and safety because no additional changes are made as a result of the action. The NRC expects that a period of 3 years provides sufficient time for the NRC to perform a full and adequate safety and environmental review, and for the completion of the hearing process. Pending final action on the LRA, the NRC will continue to conduct all regulatory activities associated with licensing, inspection, and oversight, and will take whatever action may be necessary to ensure adequate protection of the public health and safety. The existence of this exemption does not affect NRC's authority, applicable to all licenses, to modify, suspend, or revoke a license for cause, such as a serious safety concern. Based on the above, the NRC finds that the action does not cause undue risk to public health and safety.

C. The Exemption Is Consistent With the Common Defense and Security

The requested exemption to allow for a timely renewal protection deadline of at least 3 years instead of 5 years is a scheduling change. The exemption does not change any site security matters. Therefore, the NRC finds that the action is consistent with the common defense and security.

D. Special Circumstances

The purpose of 10 CFR 2.109(b), as it is applied to nuclear power reactors licensed by the NRC, is to implement the ''timely renewal'' provision of Section 9(b) of the APA, 5 U.S.C. 558(c), which states:

> When the licensee has made timely and sufficient application for a renewal or a new license in accordance with agency rules, a license with reference to an activity of a continuing nature does not expire until the application has been finally determined by the agency.

The underlying purpose of this ''timely renewal'' provision in the APA is to protect a licensee who is engaged in an ongoing licensed activity and who has complied with agency rules in applying for a renewed or new license from facing license expiration as the result of delays in the administrative process.

On December 13, 1991, the NRC published the final license renewal rule, 10 CFR part 54, with associated changes to 10 CFR parts 2, 50, and 140, in the **Federal Register** (56 FR 64943). The statement of considerations (SOC) discussed the basis for establishing the latest date for filing license renewal applications and the timely renewal doctrine (56 FR 64962). The SOC stated that:

> Because the review of a renewal application will involve a review of many complex technical issues, the NRC estimates that the technical review would take approximately 2 years. Any necessary hearing could likely add an additional year or more. Therefore, in the proposed rule, the Commission modified § 2.109 to require that nuclear power plant operating license renewal applications be submitted at least 3 years prior to their expiration in order to take advantage of the timely renewal doctrine.
>
> No specific comment was received concerning the proposal to add a 3-year provision for the timely renewal provision for license renewal. The current regulations require licensees to submit decommissioning plans and related financial assurance information on or about 5 years prior to the expiration of their operating licenses. The Commission has concluded that, for consistency, the deadline for submittal of a license renewal application should be 5 years prior to the expiration of the current operating license. The timely renewal provisions of § 2.109 now reflect the decision that a 5-year time limit is more appropriate.

Thus, the NRC originally estimated that 3 years was needed to review a renewal application and to complete any hearing that might be held on the application. The NRC changed its original deadline from 3 years to 5 years to have consistent deadlines for when licensees must submit their decommissioning plans and related financial assurance information and when they must submit their LRA to receive timely renewal protection.

Application of the five-year period in 10 CFR 2.109(b) is not necessary to achieve the underlying purpose of the timely renewal provision in the regulation if EHNC files a sufficient PNPP license renewal application at least three years prior to expiration of the license. The NRC's current schedule for review of LRAs is to complete its review and make a decision on issuing the renewed license within 18 months of receipt without a hearing. If a hearing is held, the NRC's model schedule anticipates completion of the NRC's review and of the hearing process, and issuance of a decision on the license renewal application within 30 months of receipt.

However, it is recognized that the estimate of 30 months for completion of a contested hearing is subject to variation in any given proceeding. A period of 3 years (36 months), nevertheless, is expected to provide sufficient time for performance of a full and adequate safety and environmental review, and completion of the hearing process. Meeting this schedule is based on a complete and sufficient application being submitted and on the review being completed in accordance with the NRC's established license renewal review schedule.

Based on the above, the NRC finds that the special circumstance of 10 CFR 50.12(a)(2)(ii) is present in the particular circumstances of PNPP.

It should be noted among the key matters central to resolution of issues associated with renewal of the operating license and also to the application of the ''timely renewal'' doctrine is the submission of a sufficient application. Completing the license renewal review process on schedule is, of course, dependent on licensee cooperation in meeting established schedules for submittal of any additional information required by the NRC, and the resolution of all issues demonstrating that issuance of a renewed license is warranted.

In addition, the NRC finds that the special circumstance of 10 CFR 50.12(a)(2)(iii) also is present in the circumstances of PNPP. Compliance with § 2.109(b) would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted. In its application, EHNC stated that the decision to continue power operation at PNPP depended on economic and legislative factors that evolved in a way that did not permit the preparation and submission of a license renewal application five years prior to the license expiration date. EHNC further stated that if the exemption is not granted, and it submits its license renewal application less than five years before license expiration, then EHNC would face the risk of being forced to shut down if the application is not approved before the current license expires. The impact of changes in economic and legislative conditions on licensees' decisions to pursue license renewal was not a factor considered at the time the timely renewal rule was issued. The NRC therefore finds that the special circumstance of 10 CFR 50.12(a)(2)(iii) also is present.

E. Environmental Considerations

The NRC's approval of the exemption to scheduling requirements belongs to a category of actions that the NRC, by rule or regulation, has declared to be a categorical exclusion, after first finding that the category of actions does not individually or cumulatively have a significant effect on the human environment. Specifically, the exemption is categorically excluded from further analysis under 10 CFR 51.22(c)(25)(vi)(G).

Under 10 CFR 51.22(c)(25), the granting of an exemption from the requirements of any regulation of chapter 10 is a categorical exclusion provided that (i) there is no significant hazards consideration; (ii) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (iii) there is no significant increase in individual or cumulative public or occupational radiation exposure; (iv) there is no significant construction impact; (v) there is no significant increase in the potential for or consequences from radiological accidents; and (vi) the requirements from which an exemption is sought involve certain categories of requirements, including scheduling requirements.

The NRC has determined that the granting of the exemption request involves no significant hazards consideration because allowing the submittal of the LRA at least 3 years before the expiration of the existing

license while maintaining the protection of the timely renewal provision in 10 CFR 2.109(b) does not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The exemption constitutes a change to the schedule by which EHNC must submit its LRA and still receive timely renewal protection and, therefore, is unrelated to any operational restriction. Accordingly, there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite, and no significant increase in individual or cumulative public or occupational radiation exposure. The exempted regulation is not associated with construction, so there is no significant construction impact. The exempted regulation does not concern the source term (*i.e.,* potential amount of radiation in an accident) nor mitigation. Thus, there is no significant increase in the potential for, or consequences of, a radiological accident.

Therefore, pursuant to 10 CFR 51.22(b) and (c)(25), no environmental impact statement or environmental assessment need be prepared in connection with the approval of this exemption request.

IV. Conclusions

Accordingly, the NRC has determined that, pursuant to 10 CFR 54.15 and 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the NRC hereby grants the licensee a one-time exemption for PNPP, from 10 CFR 54.17(a) to allow the submittal of the PNPP LRA at least 3 years remaining prior to expiration of the operating license while maintaining the protection of the timely renewal provision in 10 CFR 2.109(b).

This exemption is effective upon issuance.

Dated July 13, 2020.

For the Nuclear Regulatory Commission.

Craig G. Erlanger,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2020–15482 Filed 7–16–20; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Application for Deferred or Postponed Retirement: FERS, RI 92–19

AGENCY: Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on a revised information collection request (ICR), Application for Deferred or Postponed Retirement: FERS, RI 92–19.

DATES: Comments are encouraged and will be accepted until August 17, 2020.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent by email to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this information collection, with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW, Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910 or via telephone at (202) 606–4808.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995 OPM is soliciting comments for this collection. The information collection (OMB No. 3206–0190) was previously published in the **Federal Register** on March 23, 2020 at 85 FR 16390, allowing for a 60-day public comment period. The following comment was received: ''*a. Recommend that Section H (page 3) be updated for the Direct Debit program. (The provided hyperlink for Direct Express cards—www.godirect.org—is not a valid URL. The correct URL is www.godirect.gov.) b. Recommend that Section B(3) on p. 6 be expanded to have more than five entries for agencies, as most contemporary retirees work for multiple agencies throughout their federal tenure. If additional boxes cannot be provided, recommend adding a note stating that deferred retiree applicants can include additional service on an attached document.*'' In response, we are in agreement with the commenter's recommendations and corrected the hyperlink to godirect.gov from godirect.org as well as made changes to the form in the event an applicant has additional federal service. The purpose of this notice is to allow an additional 30 days for public comments. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of OPM, including whether the information will have practical utility;
2. Evaluate the accuracy of OPM's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

RI 92–19 is used by separated employees to apply for either a deferred or a postponed FERS annuity benefit.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Application for Deferred or Postponed Retirement: FERS.

OMB: 3206–0190.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 1,964.

Estimated Time per Respondent: 60 minutes.

Total Burden Hours: 1,964 hours.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2020–15456 Filed 7–16–20; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: 3206–NEW, Application for Court-Ordered Benefits for Former Spouses, Standard Form 3119

AGENCY: Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on a new information collection request Standard Form 3119, Application for Court-Ordered Benefits for Former Spouses.

DATES: Comments are encouraged and will be accepted until August 17, 2020.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to: *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this information collection, with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW, Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910 or via telephone at (202) 606–4808.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995, OPM is soliciting comments for this collection. The information collection (OMB No. 3206–NEW) was previously published in the **Federal Register** on March 23, 2020 at 85 FR 16395, allowing for a 60-day public comment period. No comments were received for this collection. The purpose of this notice is to allow an additional 30 days for public comments. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Standard Form 3119 will be used to collect the necessary information on the inaugural attempt, which eliminates the need to re-contact the customer to gather additional information, ensure that OPM can process the apportionment correctly, and eliminate any delay in payment to the customers.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: We Need the Social Security Number of the Person Named Below.

OMB Number: 3206–NEW.

Frequency: On occasion.

Affected Public: Individual or Households.

Number of Respondents: 19,000.

Estimated Time per Respondent: 30 minutes.

Total Burden Hours: 9,500 hours.

Office of Personnel Management

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2020–15455 Filed 7–16–20; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: 3206–0032, Self-Certification of Full-Time School Attendance for the School Year, RI 25–14 and Information and Instructions for Completing the Self-Certification of Full-Time School Attendance for the School Year, RI 25–14A

AGENCY: Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on revised information collection request (ICR) 3206–0032, Self-Certification of Full-Time School Attendance For The School Year, RI 25–14 and Information and Instructions for Completing the Self-Certification of Full-Time School Attendance For The School Year, RI 25–14A.

DATES: Comments are encouraged and will be accepted until August 17, 2020.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this information collection, with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW, Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910 or via telephone at (202) 606–4808.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995 OPM is soliciting comments for this collection. The information collection (OMB No. 3206–0032) was previously published in the **Federal Register** on March 23, 2020 at 85 FR 16394, allowing for a 60-day public comment period. No comments were received. The purpose of this notice is to allow an additional 30 days for public comments. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of OPM, including whether the information will have practical utility;

2. Evaluate the accuracy of OPM's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

RI 25–14 is used to survey survivor annuitants who are between the ages of 18 and 22 to determine if they meet the requirements of Section 8341(a)(4)(C), and Section 8441, title 5, U.S. Code, to receive benefits as a student. RI 25–14A provides instructions for completing the Self-Certification of Full-Time School Attendance For The School Year survey form.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Self-Certification of Full-Time School Attendance For The School Year and Information and Instructions for Completing the Self-Certification of Full-Time School Attendance For The School Year.

OMB Number: 3206–0032.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 14,000.

Estimated Time per Respondent: 12 minutes.

Total Burden Hours: 2,800.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2020–15454 Filed 7–16–20; 8:45 am]

BILLING CODE 6325–38–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2020–199 and CP2020–224; MC2020–200 and CP2020–225; MC2020–201 and CP2020–226]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* July 21, 2020.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov*. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2020–199 and CP2020–224; *Filing Title:* USPS Request to Add Priority Mail Contract 639 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 13, 2020; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* July 21, 2020.

2. *Docket No(s).:* MC2020–200 and CP2020–225; *Filing Title:* USPS Request to Add Priority Mail Contract 640 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 13, 2020; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* July 21, 2020.

3. *Docket No(s).:* MC2020–201 and CP2020–226; *Filing Title:* USPS Request to Add Priority Mail Contract 641 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 13, 2020; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* July 21, 2020.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2020–15486 Filed 7–16–20; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 33925; File No. 812–15105]

Runway Growth Credit Fund, Inc., et al.

July 13, 2020.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the ''Act'') and rule 17d–1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain business development companies (''BDCs'') and closed-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment funds and accounts.

APPLICANTS: Runway Growth Credit Fund Inc. (the ''Existing Regulated Fund''), Runway Growth Finance L.P., (''RGF''), and Runway Growth Capital LLC (''RGC'').

FILING DATES: The application was filed on March 6, 2020, and amended on May 15, 2020, and June 24, 2020.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by emailing the

Commission's Secretary at *Secretarys-Office@sec.gov* and serving applicants with a copy of the request by email. Hearing requests should be received by the Commission by 5:30 p.m. on August 7, 2020, and should be accompanied by proof of service on the applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: *ds@runwaygrowth.com; tr@runwaygrowth.com; stephanihildebrandt@eversheds-sutherland.us; anneoberndorf@eversheds-sutherland.us;* and *jenniferhoward@eversheds-sutherland.us.*

FOR FURTHER INFORMATION CONTACT: Laura L. Solomon, Senior Counsel, at (202) 551–6915 or Kaitlin C. Bottock, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Introduction

1. The applicants request an order of the Commission under sections 17(d) and 57(i) and rule 17d–1 thereunder (the ''Order'') to permit, subject to the terms and conditions set forth in the application (the ''Conditions''), a Regulated Fund [1] and one or more other Regulated Funds and/or one or more Affiliated Funds [2] to enter into Co-Investment Transactions with each other. ''Co-Investment Transaction'' means any transaction in which a Regulated Fund (or its Wholly-Owned Investment Sub (as defined below)) participated together with one or more Affiliated Funds and/or one or more other Regulated Funds in reliance on the Order. ''Potential Co-Investment Transaction'' means any investment opportunity in which a Regulated Fund (or its Wholly-Owned Investment Sub) could not participate together with one or more Affiliated Funds and/or one or more other Regulated Funds without obtaining and relying on the Order.[3]

Applicants

2. The Existing Regulated Fund is an externally-managed, non-diversified, closed-end management investment company incorporated in Maryland that has elected to be regulated as a BDC under the Act.[4] The Board [5] of the Existing Regulated Fund currently consist of five directors, three of whom are Independent Directors.[6]

3. RGF, a Delaware limited partnership, would be an investment company but for section 3(c)(1) of the Act.

4. RGC, a limited partnership under the laws of the state of Delaware, is registered with the Commission as an investment adviser under the Advisers Act.

5. The Adviser, and any direct or indirect, wholly- or majority-owned subsidiary of an Adviser, may hold various financial assets in a principal capacity (the ''Runway Proprietary Accounts'').

6. Applicants state that a Regulated Fund may, from time to time, form one or more Wholly-Owned Investment Subs.[7] Such a subsidiary may be prohibited from investing in a Co-Investment Transaction with a Regulated Fund (other than its parent) or any Affiliated Fund because it would be a company controlled by its parent Regulated Fund for purposes of section 57(a)(4) and rule 17d–1. Applicants request that each Wholly-Owned Investment Sub be permitted to participate in Co-Investment Transactions in lieu of the Regulated Fund that owns it and that the Wholly-Owned Investment Sub's participation in any such transaction be treated, for purposes of the Order, as though the parent Regulated Fund were participating directly.

Applicants' Representations

A. Allocation Process

7. Applicants represent that RGC has established processes for allocating initial investment opportunities,

[1] ''Regulated Funds'' means the Existing Regulated Fund, the Future Regulated Funds and the BDC Downstream Funds (defined below). ''Future Regulated Fund'' means a closed-end management investment company (a) that is registered under the Act or has elected to be regulated as a BDC, (b) whose investment adviser (and sub-adviser(s), if any) are an Adviser, and (c) that intends to participate in the Co-investment Program.

''Adviser'' means RGC and any future investment adviser that (i) controls, is controlled by, or is under common control with RGC, (ii) (a) is registered as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act'') or (b) is a relying adviser of an investment adviser that is registered under the Advisers Act, and that controls, is controlled by, or is under common control with, RGC, and (iii) is not a Regulated Fund or a subsidiary of a Regulated Fund.

[2] ''Affiliated Fund'' means RGF, any Runway Proprietary Account (as defined below) and any entity (a) whose investment adviser (and sub-adviser(s), if any) are Advisers, (b) that either (i) would be an investment company but for section 3(c)(1), 3(c)(5)(C) or 3(c)(7) of the Act or (ii) relies on rule 3a–7 under the Act, (c) that is not a BDC Downstream Fund, and (d) that intends to participate in the Co-Investment Program.

''BDC Downstream Fund'' means, with respect to any Regulated Fund that is a business development company (''BDC''), an entity (i) that the BDC directly or indirectly controls, (ii) that is not controlled by any person other than the BDC (except a person that indirectly controls the entity solely because it controls the BDC), (iii) that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act, (iv) whose investment adviser (and sub-adviser(s), if any) are an Adviser, (v) that is not a Wholly-Owned Investment Sub and (vi) that intends to participate in the Co-Investment Program (defined below).

[3] All existing entities that currently intend to rely on the Order have been named as applicants and any existing or future entities that may rely on the Order in the future will comply with its terms and Conditions set forth in the application.

[4] Section 2(a)(48) defines a BDC to be any closed-end investment company that operates for the purpose of making investments in securities described in section 55(a)(1) through 55(a)(3) and makes available significant managerial assistance with respect to the issuers of such securities.

[5] ''Board'' means (i) with respect to a Regulated Fund other than a BDC Downstream Fund, the board of directors (or the equivalent) of the Regulated Fund and (ii) with respect to a BDC Downstream Fund, the Independent Party of the BDC Downstream Fund.

''Independent Party'' means, with respect to a BDC Downstream Fund, (i) if the BDC Downstream Fund has a board of directors (or the equivalent), the board or (ii) if the BDC Downstream Fund does not have a board of directors (or the equivalent), a transaction committee or advisory committee of the BDC Downstream Fund.

[6] ''Independent Director'' means a member of the Board of any relevant entity who is not an ''interested person'' as defined in section 2(a)(19) of the Act. No Independent Director of a Regulated Fund (including any non-interested member of an Independent Party) will have a financial interest in any Co-Investment Transaction, other than indirectly through share ownership in one of the Regulated Funds.

[7] ''Wholly-Owned Investment Sub'' means an entity (i) that is wholly-owned by a Regulated Fund (with such Regulated Fund at all times holding, beneficially and of record, 95% or more of the voting and economic interests); (ii) whose sole business purpose is to hold one or more investments on behalf of such Regulated Fund (and in the case of an SBIC Subsidiary, maintain a license under the Small Business Investment Act of 1958 (''SBA Act'') and issue debentures guaranteed by the Small Business Administration (''SBA'')); (iii) with respect to which such Regulated Fund's Board has the sole authority to make all determinations with respect to the entity's participation under the Conditions; and (iv) that (A) would be an investment company but for section 3(c)(1), 3(c)(5)(C), or 3(c)(7) of the Act, or (B) that qualifies as a real estate investment trust within the meaning of section 856 of the Internal Revenue Code because substantially all of its assets would consist of real properties. ''SBIC Subsidiary'' means a Wholly-Owned Investment Sub that is licensed by the SBA to operate under the SBA Act as a small business investment company.

opportunities for subsequent investments in an issuer and dispositions of securities holdings reasonably designed to treat all clients fairly and equitably. Further, applicants represent that these processes will be extended and modified in a manner reasonably designed to ensure that the additional transactions permitted under the Order will both (i) be fair and equitable to the Regulated Funds and the Affiliated Funds and (ii) comply with the Conditions.

8. Opportunities for Potential Co-Investment Transactions may arise when investment advisory personnel of an Adviser becomes aware of investment opportunities that may be appropriate for a Regulated Fund and one or more other Regulated Funds and/or one or more Affiliated Funds. If the requested Order is granted, the Advisers will establish, maintain and implement policies and procedures reasonably designed to ensure that, when such opportunities arise, the Advisers to the relevant Regulated Funds are promptly notified and receive the same information about the opportunity as any other Advisers considering the opportunity for their clients. In particular, consistent with Condition 1, if a Potential Co-Investment Transaction falls within the then-current Objectives and Strategies [8] and any Board-Established Criteria [9] of a Regulated Fund, the policies and procedures will require that the Adviser to such Regulated Fund receive sufficient information to allow such Adviser's investment committee to make its independent determination and recommendations under the Conditions. The Adviser to each applicable Regulated Fund will then make an independent determination of the appropriateness of the investment for the Regulated Fund in light of the Regulated Fund's then-current circumstances. If the Adviser to a Regulated Fund deems the Regulated Fund's participation in such Potential Co-Investment Transaction to be appropriate, then it will formulate a recommendation regarding the proposed order amount for the Regulated Fund.

9. Applicants state that, for each Regulated Fund and Affiliated Fund whose Adviser recommends participating in a Potential Co-Investment Transaction, the Adviser's investment committee will approve an investment amount. Prior to the External Submission (as defined below), each proposed order amount may be reviewed and adjusted, in accordance with the applicable Advisers' written allocation policies and procedures, by the applicable Adviser's investment committee.[10] The order of a Regulated Fund or Affiliated Fund resulting from this process is referred to as its ''Internal Order.'' The Internal Order will be submitted for approval by the Required Majority of any participating Regulated Funds in accordance with the Conditions.[11]

10. If the aggregate Internal Orders for a Potential Co-Investment Transaction do not exceed the size of the investment opportunity immediately prior to the submission of the orders to the underwriter, broker, dealer or issuer, as applicable (the ''External Submission''), then each Internal Order will be fulfilled as placed. If, on the other hand, the aggregate Internal Orders for a Potential Co-Investment Transaction exceed the size of the investment opportunity immediately prior to the External Submission, then the allocation of the opportunity will be made pro rata on the basis of the size of the Internal Orders.[12] If, subsequent to such External Submission, the size of the opportunity is increased or decreased, or if the terms of such opportunity, or the facts and circumstances applicable to the Regulated Funds' or the Affiliated Funds' consideration of the opportunity, change, the participants will be permitted to submit revised Internal Orders in accordance with written allocation policies and procedures that the Advisers will establish, implement and maintain.[13]

B. Follow-On Investments

11. Applicants state that from time to time the Regulated Funds and Affiliated Funds may have opportunities to make Follow-On Investments [14] in an issuer in which a Regulated Fund and one or more other Regulated Funds and/or Affiliated Funds previously have invested.

12. Applicants propose that Follow-On Investments would be divided into two categories depending on whether the prior investment was a Co-Investment Transaction or a Pre-Boarding Investment.[15] If the Regulated

[8] ''Objectives and Strategies'' means (i) with respect to any Regulated Fund other than a BDC Downstream Fund, its investment objectives and strategies, as described in its most current registration statement on Form N–2, other current filings with the Commission under the Securities Act of 1933 (''Securities Act'') or under the Securities Exchange Act of 1934, as amended, and its most current report to stockholders, and (ii) with respect to any BDC Downstream Fund, those investment objectives and strategies described in its disclosure documents (including private placement memoranda and reports to equity holders) and organizational documents (including operating agreements).

[9] ''Board-Established Criteria'' means criteria that the Board of a Regulated Fund may establish from time to time to describe the characteristics of Potential Co-Investment Transactions regarding which the Adviser to the Regulated Fund should be notified under Condition 1. The Board-Established Criteria will be consistent with the Regulated Fund's Objectives and Strategies. If no Board-Established Criteria are in effect, then the Regulated Fund's Adviser will be notified of all Potential Co-Investment Transactions that fall within the Regulated Fund's then-current Objectives and Strategies. Board-Established Criteria will be objective and testable, meaning that they will be based on observable information, such as industry/sector of the issuer, minimum EBITDA of the issuer, asset class of the investment opportunity or required commitment size, and not on characteristics that involve a discretionary assessment. The Adviser to the Regulated Fund may from time to time recommend criteria for the Board's consideration, but Board-Established Criteria will only become effective if approved by a majority of the Independent Directors. The Independent Directors of a Regulated Fund may at any time rescind, suspend or qualify their approval of any Board-Established Criteria, though applicants anticipate that, under normal circumstances, the Board would not modify these criteria more often than quarterly.

[10] The reason for any such adjustment to a proposed order amount will be documented in writing and preserved in the records of each Adviser.

[11] ''Required Majority'' means a required majority, as defined in section 57(o) of the Act. In the case of a Regulated Fund that is a registered closed-end fund, the Board members that make up the Required Majority will be determined as if the Regulated Fund were a BDC subject to section 57(o). In the case of a BDC Downstream Fund with a board of directors (or the equivalent), the members that make up the Required Majority will be determined as if the BDC Downstream Fund were a BDC subject to section 57(o). In the case of a BDC Downstream Fund with a transaction committee or advisory committee, the committee members that make up the Required Majority will be determined as if the BDC Downstream Fund were a BDC subject to section 57(o) and as if the committee members were directors of the fund.

[12] The Advisers will maintain records of all proposed order amounts, Internal Orders and External Submissions in conjunction with Potential Co-Investment Transactions. Each applicable Adviser will provide the Eligible Directors with information concerning the Affiliated Funds' and Regulated Funds' order sizes to assist the Eligible Directors with their review of the applicable Regulated Fund's investments for compliance with the Conditions.

''Eligible Directors'' means, with respect to a Regulated Fund and a Potential Co-Investment Transaction, the members of the Regulated Fund's Board eligible to vote on that Potential Co-Investment Transaction under section 57(o) of the Act (treating any registered investment company or series thereof as a BDC for this purpose).

[13] The Board of the Regulated Fund will then either approve or disapprove of the investment opportunity in accordance with Condition 2, 6, 7, 8 or 9, as applicable.

[14] ''Follow-On Investment'' means an additional investment in the same issuer, including, but not limited to, through the exercise of warrants, conversion privileges or other rights to purchase securities of the issuer.

[15] ''Pre-Boarding Investments'' are investments in an issuer held by a Regulated Fund as well as one or more Affiliated Funds and/or one or more other Regulated Funds that were acquired prior to participating in any Co-Investment Transaction: (i) In transactions in which the only term negotiated by or on behalf of such funds was price in reliance on one of the JT No-Action Letters (defined below);

Funds and Affiliated Funds had previously participated in a Co-Investment Transaction with respect to the issuer, then the terms and approval of the Follow-On Investment would be subject to the Standard Review Follow-Ons described in Condition 8. If the Regulated Funds and Affiliated Funds have not previously participated in a Co-Investment Transaction with respect to the issuer but hold a Pre-Boarding Investment, then the terms and approval of the Follow-On Investment would be subject to the Enhanced-Review Follow-Ons described in Condition 9. All Enhanced Review Follow-Ons require the approval of the Required Majority. For a given issuer, the participating Regulated Funds and Affiliated Funds would need to comply with the requirements of Enhanced-Review Follow-Ons only for the first Co-Investment Transaction. Subsequent Co-Investment Transactions with respect to the issuer would be governed by the requirements of Standard Review Follow-Ons.

13. A Regulated Fund would be permitted to invest in Standard Review Follow-Ons either with the approval of the Required Majority under Condition 8(c) or without Board approval under Condition 8(b) if it is (i) a Pro Rata Follow-On Investment [16] or (ii) a Non-Negotiated Follow-On Investment.[17] Applicants believe that these Pro Rata and Non-Negotiated Follow-On Investments do not present a significant opportunity for overreaching on the part of any Adviser and thus do not warrant the time or the attention of the Board. Pro Rata Follow-On Investments and Non-Negotiated Follow-On Investments remain subject to the Board's periodic review in accordance with Condition 10.

C. Dispositions

14. Applicants propose that Dispositions [18] would be divided into two categories. If the Regulated Funds and Affiliated Funds holding investments in the issuer had previously participated in a Co-Investment Transaction with respect to the issuer, then the terms and approval of the Disposition would be subject to the Standard Review Dispositions described in Condition 6. If the Regulated Funds and Affiliated Funds have not previously participated in a Co-Investment Transaction with respect to the issuer but hold a Pre-Boarding Investment, then the terms and approval of the Disposition would be subject to the Enhanced Review Dispositions described in Condition 7. Subsequent Dispositions with respect to the same issuer would be governed by Condition 6 under the Standard Review Dispositions.[19]

15. A Regulated Fund may participate in a Standard Review Disposition either with the approval of the Required Majority under Condition 6(d) or without Board approval under Condition 6(c) if (i) the Disposition is a Pro Rata Disposition [20] or (ii) the securities are Tradable Securities [21] and the Disposition meets the other requirements of Condition 6(c)(ii). Pro Rata Dispositions and Dispositions of a Tradable Security remain subject to the Board's periodic review in accordance with Condition 10.

D. Delayed Settlement

16. Applicants represent that under the terms and Conditions of the application, all Regulated Funds and Affiliated Funds participating in a Co-Investment Transaction will invest at the same time, for the same price and with the same terms, conditions, class, registration rights and any other rights, so that none of them receives terms more favorable than any other. However, the settlement date for an Affiliated Fund in a Co-Investment Transaction may occur up to ten business days after the settlement date for the Regulated Fund, and vice versa. Nevertheless, in all cases, (i) the date on which the commitment of the Affiliated Funds and Regulated Funds is made will be the same even where the settlement date is not and (ii) the earliest settlement date and the latest settlement date of any Affiliated Fund or Regulated Fund participating in the transaction will occur within ten business days of each other.

E. Holders

17. Under Condition 15, if an Adviser, its principals, or any person controlling, controlled by, or under common control with the Adviser or its principals, and the Affiliated Funds (collectively, the ''Holders'') own in the aggregate more than 25 percent of the outstanding voting shares of a Regulated Fund (the ''Shares''), then the Holders will vote such Shares as directly by an independent third party when voting on matters specified in the Condition. Applicants believe that this Condition will ensure that the Independent Directors will act independently in evaluating Co-Investment Transactions, because the ability of the Adviser or its

or (ii) in transactions occurring at least 90 days apart and without coordination between the Regulated Fund and any Affiliated Fund or other Regulated Fund.

[16] A ''Pro Rata Follow-On Investment'' is a Follow-On Investment (i) in which the participation of each Affiliated Fund and each Regulated Fund is proportionate to its outstanding investments in the issuer or security, as appropriate, immediately preceding the Follow-On Investment, and (ii) in the case of a Regulated Fund, a majority of the Board has approved the Regulated Fund's participation in the pro rata Follow-On Investments as being in the best interests of the Regulated Fund. The Regulated Fund's Board may refuse to approve, or at any time rescind, suspend or qualify, its approval of Pro Rata Follow-On Investments, in which case all subsequent Follow-On Investments will be submitted to the Regulated Fund's Eligible Directors in accordance with Condition 8(c).

[17] A ''Non-Negotiated Follow-On Investment'' is a Follow-On Investment in which a Regulated Fund participates together with one or more Affiliated Funds and/or one or more other Regulated Funds (i) in which the only term negotiated by or on behalf of the funds is price and (ii) with respect to which, if the transaction were considered on its own, the funds would be entitled to rely on one of the JT No-Action Letters.

''JT No-Action Letters'' means SMC Capital, Inc., SEC No-Action Letter (pub. avail. Sept. 5, 1995) and Massachusetts Mutual Life Insurance Company, SEC No-Action Letter (pub. avail. June 7, 2000).

[18] ''Disposition'' means the sale, exchange or other disposition of an interest in a security of an issuer.

[19] However, with respect to an issuer, if a Regulated Fund's first Co-Investment Transaction is an Enhanced Review Disposition, and the Regulated Fund does not dispose of its entire position in the Enhanced Review Disposition, then before such Regulated Fund may complete its first Standard Review Follow-On in such issuer, the Eligible Directors must review the proposed Follow-On Investment not only on a stand-alone basis but also in relation to the total economic exposure in such issuer (*i.e.,* in combination with the portion of the Pre-Boarding Investment not disposed of in the Enhanced Review Disposition), and the other terms of the investments. This additional review would be required because such findings would not have been required in connection with the prior Enhanced Review Disposition, but they would have been required had the first Co-Investment Transaction been an Enhanced Review Follow-On.

[20] A ''Pro Rata Disposition'' is a Disposition (i) in which the participation of each Affiliated Fund and each Regulated Fund is proportionate to its outstanding investment in the security subject to Disposition immediately preceding the Disposition; and (ii) in the case of a Regulated Fund, a majority of the Board has approved the Regulated Fund's participation in pro rata Dispositions as being in the best interests of the Regulated Fund. The Regulated Fund's Board may refuse to approve, or at any time rescind, suspend or qualify, its approval of Pro Rata Dispositions, in which case all subsequent Dispositions will be submitted to the Regulated Fund's Eligible Directors.

[21] ''Tradable Security'' means a security that meets the following criteria at the time of Disposition: (i) It trades on a national securities exchange or designated offshore securities market as defined in rule 902(b) under the Securities Act; (ii) it is not subject to restrictive agreements with the issuer or other security holders; and (iii) it trades with sufficient volume and liquidity (findings as to which are documented by the Advisers to any Regulated Funds holding investments in the issuer and retained for the life of the Regulated Fund) to allow each Regulated Fund to dispose of its entire position remaining after the proposed Disposition within a short period of time not exceeding 30 days at approximately the value (as defined by section 2(a)(41) of the Act) at which the Regulated Fund has valued the investment.

principals to influence the Independent Directors by a suggestion, explicit or implied, that the Independent Directors can be removed will be limited significantly. The Independent Directors shall evaluate and approve any independent party, taking into account its qualifications, reputation for independence, cost to the shareholders, and other factors that they deem relevant.

Applicants' Legal Analysis

1. Section 17(d) of the Act and rule 17d–1 under the Act prohibit participation by a registered investment company and an affiliated person in any ''joint enterprise or other joint arrangement or profit-sharing plan,'' as defined in the rule, without prior approval by the Commission by order upon application. Section 17(d) of the Act and rule 17d–1 under the Act are applicable to Regulated Funds that are registered closed-end investment companies.

2. Similarly, with regard to BDCs, section 57(a)(4) of the Act generally prohibits certain persons specified in section 57(b) from participating in joint transactions with the BDC or a company controlled by the BDC in contravention of rules as prescribed by the Commission. Section 57(i) of the Act provides that, until the Commission prescribes rules under section 57(a)(4), the Commission's rules under section 17(d) of the Act applicable to registered closed-end investment companies will be deemed to apply to transactions subject to section 57(a)(4). Because the Commission has not adopted any rules under section 57(a)(4), rule 17d–1 also applies to joint transactions with Regulated Funds that are BDCs.

3. Co-Investment Transactions are prohibited by either or both of rule 17d–1 and section 57(a)(4) without a prior exemptive order of the Commission to the extent that the Affiliated Funds and the Regulated Funds participating in such transactions fall within the category of persons described by rule 17d–1 and/or section 57(b), as modified by rule 57b–1 thereunder, as applicable, vis-à-vis each participating Regulated Fund. Each of the participating Regulated Funds and Affiliated Funds may be deemed to be affiliated persons vis-à-vis a Regulated Fund within the meaning of section 2(a)(3) by reason of common control because (i) an Adviser that is either RGC or an entity that controls, is controlled by, or under common control with RGC will be the investment adviser (and sub-adviser, if any) to each of the Regulated Funds and the Affiliated Funds; (ii) RGC is the Adviser to, and may be deemed to control the Existing Regulated Fund; and an Adviser will be the investment adviser and sub-adviser to, and may be deemed to control, any Future Regulated Fund; (iii) each BDC Downstream Fund will be deemed to be controlled by its BDC parent and/or its BDC parent's Adviser; and (iv) the Advisers are under common control. Thus, each Regulated Fund and each Affiliated Fund could be deemed to be a person related to a Regulated Fund, or BDC Downstream Fund, in a manner described by section 57(b) and related to the other Regulated Funds in a manner described by rule 17d–1; and therefore the prohibitions of rule 17d–1 and section 57(a)(4) would apply respectively to prohibit the Affiliated Funds from participating in Co-Investment Transactions with the Regulated Funds. Further, because the BDC Downstream Funds and Wholly-Owned Investment Subs are controlled by the Regulated Funds, the BDC Downstream Funds and Wholly-Owned Investment Subs are subject to section 57(a)(4) (or section 17(d) in the case of Wholly-Owned Investment Subs controlled by Regulated Funds that are registered under the Act) and thus also subject to the provisions of rule 17d–1. In addition, because the Runway Proprietary Accounts will be controlled by an Adviser and, therefore, may be under common control with the Existing Regulated Fund, RGC, and any Future Regulated Funds, the Runway Proprietary Accounts could be deemed to be persons related to the Regulated Funds (or a company controlled by the Regulated Funds) in a manner described by section 17(d) or section 57(b) and also prohibited from participating in the Co-Investment Program.

4. In passing upon applications under rule 17d–1, the Commission considers whether the company's participation in the joint transaction is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

5. Applicants state that in the absence of the requested relief, in many circumstances the Regulated Funds would be limited in their ability to participate in attractive and appropriate investment opportunities. Applicants state that, as required by rule 17d–1(b), the Conditions ensure that the terms on which Co-Investment Transactions may be made will be consistent with the participation of the Regulated Funds being on a basis that it is neither different from nor less advantageous than other participants, thus protecting the equity holders of any participant from being disadvantaged. Applicants further state that the Conditions ensure that all Co-Investment Transactions are reasonable and fair to the Regulated Funds and their shareholders and do not involve overreaching by any person concerned, including the Advisers. Applicants state that the Regulated Funds' participation in the Co-Investment Transactions in accordance with the Conditions will be consistent with the provisions, policies, and purposes of the Act and would be done in a manner that is not different from, or less advantageous than, that of other participants.

Applicants' Conditions

Applicants agree that the Order will be subject to the following Conditions:

1. Identification and Referral of Potential Co-Investment Transactions

(a) The Advisers will establish, maintain and implement policies and procedures reasonably designed to ensure that each Adviser is promptly notified of all Potential Co-Investment Transactions that fall within the then-current Objectives and Strategies and Board-Established Criteria of any Regulated Fund the Adviser manages.

(b) When an Adviser to a Regulated Fund is notified of a Potential Co-Investment Transaction under Condition 1(a), the Adviser will make an independent determination of the appropriateness of the investment for the Regulated Fund in light of the Regulated Fund's then-current circumstances.

2. Board Approvals of Co-Investment Transactions

(a) If the Adviser deems a Regulated Fund's participation in any Potential Co-Investment Transaction to be appropriate for the Regulated Fund, it will then determine an appropriate level of investment for the Regulated Fund.

(b) If the aggregate amount recommended by the Advisers to be invested in the Potential Co-Investment Transaction by the participating Regulated Funds and any participating Affiliated Funds, collectively, exceeds the amount of the investment opportunity, the investment opportunity will be allocated among them pro rata based on the size of the Internal Orders, as described in section III.A.1.b. of the application. Each Adviser to a participating Regulated Fund will promptly notify and provide the Eligible Directors with information concerning the Affiliated Funds' and Regulated Funds' order sizes to assist the Eligible Directors with their review of the applicable Regulated Fund's

investments for compliance with these Conditions.

(c) After making the determinations required in Condition 1(b) above, each Adviser to a participating Regulated Fund will distribute written information concerning the Potential Co-Investment Transaction (including the amount proposed to be invested by each participating Regulated Fund and each participating Affiliated Fund) to the Eligible Directors of its participating Regulated Fund(s) for their consideration. A Regulated Fund will enter into a Co-Investment Transaction with one or more other Regulated Funds or Affiliated Funds only if, prior to the Regulated Fund's participation in the Potential Co-Investment Transaction, a Required Majority concludes that:

(i) The terms of the transaction, including the consideration to be paid, are reasonable and fair to the Regulated Fund and its equity holders and do not involve overreaching in respect of the Regulated Fund or its equity holders on the part of any person concerned;

(ii) the transaction is consistent with:

(A) The interests of the Regulated Fund's equity holders; and

(B) the Regulated Fund's then-current Objectives and Strategies;

(iii) the investment by any other Regulated Fund(s) or Affiliated Fund(s) would not disadvantage the Regulated Fund, and participation by the Regulated Fund would not be on a basis different from, or less advantageous than, that of any other Regulated Fund(s) or Affiliated Fund(s) participating in the transaction; provided that the Required Majority shall not be prohibited from reaching the conclusions required by this Condition 2(c)(iii) if:

(A) The settlement date for another Regulated Fund or an Affiliated Fund in a Co-Investment Transaction is later than the settlement date for the Regulated Fund by no more than ten business days or earlier than the settlement date for the Regulated Fund by no more than ten business days, in either case, so long as: (x) The date on which the commitment of the Affiliated Funds and Regulated Funds is made is the same; and (y) the earliest settlement date and the latest settlement date of any Affiliated Fund or Regulated Fund participating in the transaction will occur within ten business days of each other; or

(B) any other Regulated Fund or Affiliated Fund, but not the Regulated Fund itself, gains the right to nominate a director for election to a portfolio company's board of directors, the right to have a board observer or any similar right to participate in the governance or management of the portfolio company so long as: (x) The Eligible Directors will have the right to ratify the selection of such director or board observer, if any; (y) the Adviser agrees to, and does, provide periodic reports to the Regulated Fund's Board with respect to the actions of such director or the information received by such board observer or obtained through the exercise of any similar right to participate in the governance or management of the portfolio company; and (z) any fees or other compensation that any other Regulated Fund or Affiliated Fund or any affiliated person of any other Regulated Fund or Affiliated Fund receives in connection with the right of one or more Regulated Funds or Affiliated Funds to nominate a director or appoint a board observer or otherwise to participate in the governance or management of the portfolio company will be shared proportionately among any participating Affiliated Funds (who may, in turn, share their portion with their affiliated persons) and any participating Regulated Fund(s) in accordance with the amount of each such party's investment; and

(iv) the proposed investment by the Regulated Fund will not involve compensation, remuneration or a direct or indirect [22] financial benefit to the Advisers, any other Regulated Fund, the Affiliated Funds or any affiliated person of any of them (other than the parties to the Co-Investment Transaction), except (A) to the extent permitted by Condition 14, (B) to the extent permitted by section 17(e) or 57(k), as applicable, (C) indirectly, as a result of an interest in the securities issued by one of the parties to the Co-Investment Transaction, or (D) in the case of fees or other compensation described in Condition 2(c)(iii)(B)(z).

3. *Right to Decline.* Each Regulated Fund has the right to decline to participate in any Potential Co-Investment Transaction or to invest less than the amount proposed.

4. *General Limitation.* Except for Follow-On Investments made in accordance with Conditions 8 and 9 below,[23] a Regulated Fund will not invest in reliance on the Order in any issuer in which a Related Party has an investment.[24]

5. *Same Terms and Conditions.* A Regulated Fund will not participate in any Potential Co-Investment Transaction unless (i) the terms, conditions, price, class of securities to be purchased, date on which the commitment is entered into and registration rights (if any) will be the same for each participating Regulated Fund and Affiliated Fund and (ii) the earliest settlement date and the latest settlement date of any participating Regulated Fund or Affiliated Fund will occur as close in time as practicable and in no event more than ten business days apart. The grant to one or more Regulated Funds or Affiliated Funds, but not the respective Regulated Fund, of the right to nominate a director for election to a portfolio company's board of directors, the right to have an observer on the board of directors or similar rights to participate in the governance or management of the portfolio company will not be interpreted so as to violate this Condition 5, if Condition 2(c)(iii)(B) is met.

6. Standard Review Dispositions

(a) *General.* If any Regulated Fund or Affiliated Fund elects to sell, exchange or otherwise dispose of an interest in a security and one or more Regulated Funds and Affiliated Funds have previously participated in a Co-Investment Transaction with respect to the issuer, then:

(i) The Adviser to such Regulated Fund or Affiliated Fund [25] will notify each Regulated Fund that holds an investment in the issuer of the proposed Disposition at the earliest practical time; and

(ii) the Adviser to each Regulated Fund that holds an investment in the issuer will formulate a recommendation

[22] For example, procuring the Regulated Fund's investment in a Potential Co-Investment Transaction to permit an affiliate to complete or obtain better terms in a separate transaction would constitute an indirect financial benefit.

[23] This exception applies only to Follow-On Investments by a Regulated Fund in issuers in which that Regulated Fund already holds investments.

[24] ''Related Party'' means (i) any Close Affiliate and (ii) in respect of matters as to which any Adviser has knowledge, any Remote Affiliate.

''Close Affiliate'' means the Advisers, the Regulated Funds, the Affiliated Funds and any other person described in section 57(b) (after giving effect to rule 57b–1) in respect of any Regulated Fund (treating any registered investment company or series thereof as a BDC for this purpose) except for limited partners included solely by reason of the reference in section 57(b) to section 2(a)(3)(D).

''Remote Affiliate'' means any person described in section 57(e) in respect of any Regulated Fund (treating any registered investment company or series thereof as a BDC for this purpose) and any limited partner holding 5% or more of the relevant limited partner interests that would be a Close Affiliate but for the exclusion in that definition.

[25] Any Runway Proprietary Account that is not advised by an Adviser is itself deemed to be an Adviser for purposes of Conditions 6(a)(i), 7(a)(i), 8(a)(i) and 9(a)(i).

as to participation by such Regulated Fund in the Disposition.

(b) *Same Terms and Conditions.* Each Regulated Fund will have the right to participate in such Disposition on a proportionate basis, at the same price and on the same terms and conditions as those applicable to the Affiliated Funds and any other Regulated Fund.

(c) *No Board Approval Required.* A Regulated Fund may participate in such a Disposition without obtaining prior approval of the Required Majority if:

(i) (A) The participation of each Regulated Fund and Affiliated Fund in such Disposition is proportionate to its then-current holding of the security (or securities) of the issuer that is (or are) the subject of the Disposition; [26] (B) the Board of the Regulated Fund has approved as being in the best interests of the Regulated Fund the ability to participate in such Dispositions on a pro rata basis (as described in greater detail in the application); and (C) the Board of the Regulated Fund is provided on a quarterly basis with a list of all Dispositions made in accordance with this Condition; or

(ii) each security is a Tradable Security and (A) the Disposition is not to the issuer or any affiliated person of the issuer; and (B) the security is sold for cash in a transaction in which the only term negotiated by or on behalf of the participating Regulated Funds and Affiliated Funds is price.

(d) *Standard Board Approval.* In all other cases, the Adviser will provide its written recommendation as to the Regulated Fund's participation to the Eligible Directors and the Regulated Fund will participate in such Disposition solely to the extent that a Required Majority determines that it is in the Regulated Fund's best interests.

7. Enhanced Review Dispositions

(a) *General.* If any Regulated Fund or Affiliated Fund elects to sell, exchange or otherwise dispose of a Pre-Boarding Investment in a Potential Co-Investment Transaction and the Regulated Funds and Affiliated Funds have not previously participated in a Co-Investment Transaction with respect to the issuer:

(i) The Adviser to such Regulated Fund or Affiliated Fund will notify each Regulated Fund that holds an investment in the issuer of the proposed Disposition at the earliest practical time;

(ii) the Adviser to each Regulated Fund that holds an investment in the issuer will formulate a recommendation as to participation by such Regulated Fund in the Disposition; and

(iii) the Advisers will provide to the Board of each Regulated Fund that holds an investment in the issuer all information relating to the existing investments in the issuer of the Regulated Funds and Affiliated Funds, including the terms of such investments and how they were made, that is necessary for the Required Majority to make the findings required by this Condition.

(b) *Enhanced Board Approval.* The Adviser will provide its written recommendation as to the Regulated Fund's participation to the Eligible Directors, and the Regulated Fund will participate in such Disposition solely to the extent that a Required Majority determines that:

(i) The Disposition complies with Condition 2(c)(i), (ii), (iii)(A), and (iv); and

(ii) the making and holding of the Pre-Boarding Investments were not prohibited by section 57 or rule 17d–1, as applicable, and records the basis for the finding in the Board minutes.

(c) *Additional Requirements:* The Disposition may only be completed in reliance on the Order if:

(i) *Same Terms and Conditions.* Each Regulated Fund has the right to participate in such Disposition on a proportionate basis, at the same price and on the same terms and Conditions as those applicable to the Affiliated Funds and any other Regulated Fund;

(ii) *Original Investments.* All of the Affiliated Funds' and Regulated Funds' investments in the issuer are Pre-Boarding Investments;

(iii) *Advice of counsel.* Independent counsel to the Board advises that the making and holding of the investments in the Pre-Boarding Investments were not prohibited by section 57 (as modified by rule 57b–1) or rule 17d–1, as applicable;

(iv) *Multiple Classes of Securities.* All Regulated Funds and Affiliated Funds that hold Pre-Boarding Investments in the issuer immediately before the time of completion of the Co-Investment Transaction hold the same security or securities of the issuer. For the purpose of determining whether the Regulated Funds and Affiliated Funds hold the same security or securities, they may disregard any security held by some but not all of them if, prior to relying on the Order, the Required Majority is presented with all information necessary to make a finding, and finds, that: (x) Any Regulated Fund's or Affiliated Fund's holding of a different class of securities (including for this purpose a security with a different maturity date) is immaterial [27] in amount, including immaterial relative to the size of the issuer; and (y) the Board records the basis for any such finding in its minutes. In addition, securities that differ only in respect of issuance date, currency, or denominations may be treated as the same security; and

(v) *No control.* The Affiliated Funds, the other Regulated Funds and their affiliated persons (within the meaning of section 2(a)(3)(C) of the Act), individually or in the aggregate, do not control the issuer of the securities (within the meaning of section 2(a)(9) of the Act).

8. Standard Review Follow-Ons

(a) *General.* If any Regulated Fund or Affiliated Fund desires to make a Follow-On Investment in an issuer and the Regulated Funds and Affiliated Funds holding investments in the issuer previously participated in a Co-Investment Transaction with respect to the issuer:

(i) The Adviser to each such Regulated Fund or Affiliated Fund will notify each Regulated Fund that holds securities of the portfolio company of the proposed transaction at the earliest practical time; and

(ii) the Adviser to each Regulated Fund that holds an investment in the issuer will formulate a recommendation as to the proposed participation, including the amount of the proposed investment, by such Regulated Fund.

(b) *No Board Approval Required.* A Regulated Fund may participate in the Follow-On Investment without obtaining prior approval of the Required Majority if:

(i) (A) The proposed participation of each Regulated Fund and each Affiliated Fund in such investment is proportionate to its outstanding investments in the issuer or the security at issue, as appropriate,[28] immediately

[26] In the case of any Disposition, proportionality will be measured by each participating Regulated Fund's and Affiliated Fund's outstanding investment in the security in question immediately preceding the Disposition.

[27] In determining whether a holding is ''immaterial'' for purposes of the Order, the Required Majority will consider whether the nature and extent of the interest in the transaction or arrangement is sufficiently small that a reasonable person would not believe that the interest affected the determination of whether to enter into the transaction or arrangement or the terms of the transaction or arrangement.

[28] To the extent that a Follow-On Investment opportunity is in a security or arises in respect of a security held by the participating Regulated Funds and Affiliated Funds, proportionality will be measured by each participating Regulated Fund's and Affiliated Fund's outstanding investment in the security in question immediately preceding the Follow-On Investment using the most recent available valuation thereof. To the extent that a Follow-On Investment opportunity relates to an opportunity to invest in a security that is not in respect of any security held by any of the participating Regulated Funds or Affiliated Funds,

preceding the Follow-On Investment; and (B) the Board of the Regulated Fund has approved as being in the best interests of the Regulated Fund the ability to participate in Follow-On Investments on a pro rata basis (as described in greater detail in the application); or

(ii) it is a Non-Negotiated Follow-On Investment.

(c) *Standard Board Approval.* In all other cases, the Adviser will provide its written recommendation as to the Regulated Fund's participation to the Eligible Directors and the Regulated Fund will participate in such Follow-On Investment solely to the extent that a Required Majority makes the determinations set forth in Condition 2(c). If the only previous Co-Investment Transaction with respect to the issuer was an Enhanced Review Disposition the Eligible Directors must complete this review of the proposed Follow-On Investment both on a stand-alone basis and together with the Pre-Boarding Investments in relation to the total economic exposure and other terms of the investment.

(d) *Allocation.* If, with respect to any such Follow-On Investment:

(i) The amount of the opportunity proposed to be made available to any Regulated Fund is not based on the Regulated Funds' and the Affiliated Funds' outstanding investments in the issuer or the security at issue, as appropriate, immediately preceding the Follow-On Investment; and

(ii) the aggregate amount recommended by the Advisers to be invested in the Follow-On Investment by the participating Regulated Funds and any participating Affiliated Funds, collectively, exceeds the amount of the investment opportunity, then the Follow-On Investment opportunity will be allocated among them pro rata based on the size of the Internal Orders, as described in section III.A.1.b. of the application.

(e) *Other Conditions.* The acquisition of Follow-On Investments as permitted by this Condition will be considered a Co-Investment Transaction for all purposes and subject to the other Conditions set forth in the application.

9. Enhanced Review Follow-Ons

(a) *General.* If any Regulated Fund or Affiliated Fund desires to make a Follow-On Investment in an issuer that is a Potential Co-Investment Transaction and the Regulated Funds and Affiliated Funds holding investments in the issuer have not previously participated in a Co-Investment Transaction with respect to the issuer:

(i) The Adviser to each such Regulated Fund or Affiliated Fund will notify each Regulated Fund that holds securities of the portfolio company of the proposed transaction at the earliest practical time;

(ii) the Adviser to each Regulated Fund that holds an investment in the issuer will formulate a recommendation as to the proposed participation, including the amount of the proposed investment, by such Regulated Fund; and

(iii) the Advisers will provide to the Board of each Regulated Fund that holds an investment in the issuer all information relating to the existing investments in the issuer of the Regulated Funds and Affiliated Funds, including the terms of such investments and how they were made, that is necessary for the Required Majority to make the findings required by this Condition.

(b) *Enhanced Board Approval.* The Adviser will provide its written recommendation as to the Regulated Fund's participation to the Eligible Directors, and the Regulated Fund will participate in such Follow-On Investment solely to the extent that a Required Majority reviews the proposed Follow-On Investment both on a stand-alone basis and together with the Pre-Boarding Investments in relation to the total economic exposure and other terms and makes the determinations set forth in Condition 2(c). In addition, the Follow-On Investment may only be completed in reliance on the Order if the Required Majority of each participating Regulated Fund determines that the making and holding of the Pre-Boarding Investments were not prohibited by section 57 (as modified by rule 57b–1) or rule 17d–1, as applicable. The basis for the Board's findings will be recorded in its minutes.

(c) *Additional Requirements.* The Follow-On Investment may only be completed in reliance on the Order if:

(i) *Original Investments.* All of the Affiliated Funds' and Regulated Funds' investments in the issuer are Pre-Boarding Investments;

(ii) *Advice of counsel.* Independent counsel to the Board advises that the making and holding of the investments in the Pre-Boarding Investments were not prohibited by section 57 (as modified by rule 57b–1) or rule 17d–1, as applicable;

(iii) *Multiple Classes of Securities.* All Regulated Funds and Affiliated Funds that hold Pre-Boarding Investments in the issuer immediately before the time of completion of the Co-Investment Transaction hold the same security or securities of the issuer. For the purpose of determining whether the Regulated Funds and Affiliated Funds hold the same security or securities, they may disregard any security held by some but not all of them if, prior to relying on the Order, the Required Majority is presented with all information necessary to make a finding, and finds, that: (x) Any Regulated Fund's or Affiliated Fund's holding of a different class of securities (including for this purpose a security with a different maturity date) is immaterial in amount, including immaterial relative to the size of the issuer; and (y) the Board records the basis for any such finding in its minutes. In addition, securities that differ only in respect of issuance date, currency, or denominations may be treated as the same security; and

(iv) *No control.* The Affiliated Funds, the other Regulated Funds and their affiliated persons (within the meaning of section 2(a)(3)(C) of the Act), individually or in the aggregate, do not control the issuer of the securities (within the meaning of section 2(a)(9) of the Act).

(d) *Allocation.* If, with respect to any such Follow-On Investment:

(i) The amount of the opportunity proposed to be made available to any Regulated Fund is not based on the Regulated Funds' and the Affiliated Funds' outstanding investments in the issuer or the security at issue, as appropriate, immediately preceding the Follow-On Investment; and

(ii) the aggregate amount recommended by the Advisers to be invested in the Follow-On Investment by the participating Regulated Funds and any participating Affiliated Funds, collectively, exceeds the amount of the investment opportunity, then the Follow-On Investment opportunity will be allocated among them pro rata based on the size of the Internal Orders, as described in section III.A.1.b. of the application.

(e) *Other Conditions.* The acquisition of Follow-On Investments as permitted by this Condition will be considered a Co-Investment Transaction for all purposes and subject to the other Conditions set forth in the application.

10. Board Reporting, Compliance and Annual Re-Approval

(a) Each Adviser to a Regulated Fund will present to the Board of each Regulated Fund, on a quarterly basis, and at such other times as the Board may request, (i) a record of all investments in Potential Co-Investment

proportionality will be measured by each participating Regulated Fund's and Affiliated Fund's outstanding investment in the issuer immediately preceding the Follow-On Investment using the most recent available valuation thereof.

Transactions made by any of the other Regulated Funds or any of the Affiliated Funds during the preceding quarter that fell within the Regulated Fund's then-current Objectives and Strategies and Board-Established Criteria that were not made available to the Regulated Fund, and an explanation of why such investment opportunities were not made available to the Regulated Fund; (ii) a record of all Follow-On Investments in and Dispositions of investments in any issuer in which the Regulated Fund holds any investments by any Affiliated Fund or other Regulated Fund during the prior quarter; and (iii) all information concerning Potential Co-Investment Transactions and Co-Investment Transactions, including investments made by other Regulated Funds or Affiliated Funds that the Regulated Fund considered but declined to participate in, so that the Independent Directors, may determine whether all Potential Co-Investment Transactions and Co-Investment Transactions during the preceding quarter, including those investments that the Regulated Fund considered but declined to participate in, comply with the Conditions.

(b) All information presented to the Regulated Fund's Board pursuant to this Condition will be kept for the life of the Regulated Fund and at least two years thereafter, and will be subject to examination by the Commission and its staff.

(c) Each Regulated Fund's chief compliance officer, as defined in rule 38a–1(a)(4), will prepare an annual report for its Board each year that evaluates (and documents the basis of that evaluation) the Regulated Fund's compliance with the terms and Conditions of the application and the procedures established to achieve such compliance. In the case of a BDC Downstream Fund that does not have a chief compliance officer, the chief compliance officer of the BDC that controls the BDC Downstream Fund will prepare the report for the relevant Independent Party.

(d) The Independent Directors (including the non-interested members of each Independent Party) will consider at least annually whether continued participation in new and existing Co-Investment Transactions is in the Regulated Fund's best interests.

11. *Record Keeping.* Each Regulated Fund will maintain the records required by section 57(f)(3) of the Act as if each of the Regulated Funds were a BDC and each of the investments permitted under these Conditions were approved by the Required Majority under section 57(f).

12. *Director Independence.* No Independent Director (including the non-interested members of any Independent Party) of a Regulated Fund will also be a director, general partner, managing member or principal, or otherwise be an ''affiliated person'' (as defined in the Act) of any Affiliated Fund.

13. *Expenses.* The expenses, if any, associated with acquiring, holding or disposing of any securities acquired in a Co-Investment Transaction (including, without limitation, the expenses of the distribution of any such securities registered for sale under the Securities Act) will, to the extent not payable by the Advisers under their respective advisory agreements with the Regulated Funds and the Affiliated Funds, be shared by the Regulated Funds and the participating Affiliated Funds in proportion to the relative amounts of the securities held or being acquired or disposed of, as the case may be.

14. *Transaction Fees.*[29] Any transaction fee (including break-up, structuring, monitoring or commitment fees but excluding brokerage or underwriting compensation permitted by section 17(e) or 57(k)) received in connection with any Co-Investment Transaction will be distributed to the participants on a pro rata basis based on the amounts they invested or committed, as the case may be, in such Co-Investment Transaction. If any transaction fee is to be held by an Adviser pending consummation of the transaction, the fee will be deposited into an account maintained by the Adviser at a bank or banks having the qualifications prescribed in section 26(a)(1), and the account will earn a competitive rate of interest that will also be divided pro rata among the participants. None of the Advisers, the Affiliated Funds, the other Regulated Funds or any affiliated person of the Affiliated Funds or the Regulated Funds will receive any additional compensation or remuneration of any kind as a result of or in connection with a Co-Investment Transaction other than (i) in the case of the Regulated Funds and the Affiliated Funds, the pro rata transaction fees described above and fees or other compensation described in Condition 2(c)(iii)(B)(z), (ii) brokerage or underwriting compensation permitted by section 17(e) or 57(k) or (iii) in the case of the Advisers, investment advisory compensation paid in accordance with investment advisory agreements between the applicable Regulated Fund(s) or Affiliated Fund(s) and its Adviser.

15. *Independence.* If the Holders own in the aggregate more than 25 percent of the Shares of a Regulated Fund, then the Holders will vote such Shares as directed by an independent third party when voting on (1) the election of directors; (2) the removal of one or more directors; or (3) any other matter under either the Act or applicable State law affecting the Board's composition, size or manner of election.

For the Commission, by the Division of Investment Management, under delegated authority.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–15417 Filed 7–16–20; 8:45 am]

BILLING CODE 8011–01–P

[29] Applicants are not requesting and the Commission is not providing any relief for transaction fees received in connection with any Co-Investment Transaction.

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting; Cancellation

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 85 FR 41655, July 10, 2020.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Wednesday, July 15, 2020 at 2:00 p.m.

CHANGES IN THE MEETING: The Closed Meeting scheduled for Wednesday, July 15, 2020 at 2:00 p.m., has been cancelled.

CONTACT PERSON FOR MORE INFORMATION: For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Dated: July 15, 2020.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2020–15589 Filed 7–15–20; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89304; File No. SR–CboeBZX–2020–003]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 2, to List and Trade Shares of the −1x Short VIX Futures ETF Under BZX Rule 14.11(f)(4), Trust Issued Receipts

July 13, 2020.

On January 3, 2020, Cboe BZX Exchange, Inc. (''Exchange'' or ''BZX'')

filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares of the −1x Short VIX Futures ETF, a series of VS Trust, under BZX Rule 14.11(f)(4) (Trust Issued Receipts). The proposed rule change was published for comment in the **Federal Register** on January 23, 2020.[3]

On February 25, 2020, pursuant to Section 19(b)(2) of the Act,[4] 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 disapprove the proposed rule change.[5] On March 24, 2020, the Exchange filed Amendment No. 1 to the proposed rule change, which replaced and superseded the proposed rule change as originally filed.[6] On April 13, 2020, 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.[7] On April 22, 2020, the Commission published notice of Amendment No. 2 and instituted proceedings pursuant to Section 19(b)(2)(B) of the Act[8] to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 2.[9]

Section 19(b)(2) of the Act[10] provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The date of publication of notice of filing of the proposed rule change was January 23, 2020. July 21, 2020, is 180 days from that date, and September 19, 2020, is 240 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider this proposed rule change, as modified by Amendment No. 2. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[11] designates September 19, 2020, as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–CboeBZX–2020–003).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–15451 Filed 7–16–20; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 87992 (January 16, 2020), 85 FR 4023.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 88276, 85 FR 12353 (March 2, 2020). The Commission designated April 22, 2020 as the date by which the Commission should approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

[6] Amendment No. 1 is available at: *https://www.sec.gov/comments/sr-cboebzx-2020-003/srcboebzx2020003-6993242-214730.pdf.*

[7] Amendment No. 2 is available on the Commission's website at: *https://www.sec.gov/comments/sr-cboebzx-2020-003/srcboebzx2020003-7098109-215773.pdf.*

[8] 15 U.S.C. 78s(b)(2)(B).

[9] *See* Securities Exchange Act Release No. 88726, 85 FR 23581 (April 28, 2020). Comments on the proposed rule change can be found at: *https://www.sec.gov/comments/sr-cboebzx-2020-003/srcboebzx2020003.htm.*

[10] 15 U.S.C. 78s(b)(2).

[11] *Id.*

[12] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89302; File No. SR–PEARL–2020–08]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Fee Schedule

July 13, 2020.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 30, 2020, MIAX PEARL, LLC (''MIAX PEARL'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a 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 is filing a proposal to amend the MIAX PEARL Fee Schedule (the ''Fee Schedule'') to make minor, non-substantive edits and clarifying changes.

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/pearl* at MIAX PEARL's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to make minor, non-substantive edits and clarifying changes to delete references in the Fee Schedule to the ''Penny Pilot'' and replace those references throughout the Fee Schedule with ''Penny Program.''

On May 29, 2020, the Exchange filed a proposal to, among other things, conform its rules to Section 3.1 of the Plan for the Purpose of Developing and Implementing Procedures Designed to Facilitate the Listing and Trading of Standardized Options (the ''OLPP'').[3] With that filing, the Exchange, along with all other options exchanges, adopted rule text to codify the OLPP Program in new Exchange Rule 510(c) (Requirements for Penny Interval Program) (the ''Penny Program''), which replaced the Penny Pilot and permanently permits the Exchange to quote certain option classes in minimum increments of one cent ($0.01) and five cents ($0.05). Accordingly, the Exchange now

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release Nos. 88992 (June 2, 2020), 85 FR 35142 (June 8, 2020) (SR–PEARL–2020–06) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 404, Series of Option Contracts Open for Trading, Exchange Rule 510, Minimum Price Variations and Minimum Trading Increments, and Exchange Rule 516, Order Types Defined, To Conform the Rules to Section 3.1 of the Plan for the Purpose of Developing and Implementing Procedures Designed To Facilitate the Listing and Trading of Standardized Options).

proposes to delete references in the Fee Schedule to the ''Penny Pilot'' replace those references throughout the Fee Schedule with ''Penny Program.'' The Penny Program is set to become operative on July 1, 2020. The proposed changes would be to references to ''Penny Pilot'' in Section 1)b) of the Fee Schedule. The Exchange does not propose to amend or change any of its fees. The purpose of these changes is to provide uniformity between the Exchange's rules and the Fee Schedule.

The proposed changes to the Fee Schedule would become operative on July 1, 2020, upon the expiration of the Penny Pilot, in accordance with the Penny Program becoming operational.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[4] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[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. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[6] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed changes promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market and a national market system because the proposed changes make clarifying, non-substantive edits to the Fee Schedule, and conform the Fee Schedule to the Exchange's rulebook. The Exchange believes that these proposed changes will provide greater clarity to Members and the public regarding the Exchange's Fee Schedule and that it is in the public interest for the Fee Schedule to be accurate and concise so as to eliminate the potential for confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not a competitive filing but rather is designed to remedy minor non-substantive issues and provide added clarity to the Fee Schedule in order to avoid potential confusion on the part of market participants. In addition, the Exchange does not believe the proposal will impose any burden on inter-market competition as the proposal does not address any competitive issues and is intended to protect investors by providing further transparency regarding the Exchange's Fee Schedule.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

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)(ii) of the Act,[7] and Rule 19b–4(f)(2)[8] 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 shall institute proceedings to determine whether the proposed rule 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–PEARL–2020–08 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–PEARL–2020–08. 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–PEARL–2020–08, and should be submitted on or before August 7, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–15452 Filed 7–16–20; 8:45 am]

BILLING CODE 8011–01–P

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] *Id.*

[7] 15 U.S.C. 78s(b)(3)(A)(ii).

[8] 17 CFR 240.19b–4(f)(2).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange

Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 17f–2(e), SEC File No. 270–37, OMB Control No. 3235–0031

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 17f–2(e) (17 CFR 240.17f–2(e)), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 17f–2(e) requires every member of a national securities exchange, broker, dealer, registered transfer agent, and registered clearing agency (''covered entities'') claiming an exemption from the fingerprinting requirements of Rule 17f–2 to make and keep current a statement entitled ''Notice Pursuant to Rule 17f–2'' (''Notice'') containing the information specified in paragraph (e)(1) to support their claim of exemption.

Rule 17f–2(e) contains no filing requirement. Instead, paragraph (e)(2) requires covered entities to keep a copy of the Notice in an easily accessible place at the organization's principal office and at the office employing the persons for whom exemptions are claimed and to make the Notice available upon request for inspection by the Commission, appropriate regulatory agency (if not the Commission) or other designated examining authority. Notices prepared pursuant to Rule 17f–2(e) must be maintained for as long as the covered entity claims an exemption from the fingerprinting requirements of Rule 17f–2. The recordkeeping requirement under Rule 17f–2(e) assists the Commission and other regulatory agencies with ensuring compliance with Rule 17f–2.

We estimate that approximately 75 respondents will incur an average burden of 30 minutes per year to comply with this rule, which represents the time it takes for a staff person at a covered entity to properly document a claimed exemption from the fingerprinting requirements of Rule 17f–2 in the required Notice and to properly retain the Notice according to the entity's record retention policies and procedures. The total annual burden for all covered entities is approximately 38 hours (75 entities × .5 hours, rounded up).

Written comments are invited on: (a) 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; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (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. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: July 13, 2020.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–15436 Filed 7–16–20; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, the Securities and Exchange Commission will hold an Open Meeting on Wednesday, July 22, 2020 at 10:00 a.m.

PLACE: The meeting will be held via remote means and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will begin at 10:00 a.m. (ET) and will be open to the public via audio webcast only on the Commission's website at *www.sec.gov.*

MATTERS TO BE CONSIDERED: The subject matter of the Open Meeting will be the Commission's continued efforts to enhance transparency, improve disclosures, and increase confidence in the proxy process. The specific matters to be considered are:

1. Whether to adopt proxy rule amendments to provide investors who use proxy voting advice with more transparent, accurate, and complete information on which to make voting decisions, without imposing undue costs or delays.

2. Whether to provide further guidance to investment advisers regarding how the fiduciary duty and rule 206(4)-6 under the Investment Advisers Act of 1940 relate to an investment adviser's proxy voting on behalf of clients, through publication of supplementary guidance to the Commission Guidance Regarding Proxy Voting Responsibilities of Investment Advisers, Release No. IA–5325 (Aug. 21, 2019), 84 FR 47420 (Sept. 10, 2019).

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact Vanessa A. Countryman, Office of the Secretary, at (202) 551–5400.

Dated: July 15, 2020.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2020–15588 Filed 7–15–20; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Wednesday, July 22, 2020.

PLACE: The meeting will be held via remote means and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at *https://www.sec.gov.*

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topic:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION: For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Dated: July 15, 2020.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2020–15630 Filed 7–15–20; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89306; File No. 4–698]

Joint Industry Plan; Notice of Filing and Immediate Effectiveness of Amendment to the National Market System Plan Governing the Consolidated Audit Trail To Add MEMX LLC as a Participant

July 13, 2020.

Pursuant to Section 11A(a)(3) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 608 thereunder,[2] notice is hereby given that on June 5, 2020, MEMX LLC (''MEMX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') an amendment to the National Market System Plan Governing the Consolidated Audit Trail (''CAT NMS Plan'' or ''Plan'').[3] The amendment adds MEMX as a Participant[4] to the CAT NMS Plan. The Commission is publishing this notice to solicit comments on the amendment from interested persons.

I. Description and Purpose of the Amendment

The amendment to the CAT NMS Plan adds MEMX as a Participant.[5] The CAT NMS Plan provides that any Person[6] approved by the Commission as a national securities exchange or national securities association under the Exchange Act may become a Participant by submitting to the Company[7] a completed application in the form provided by the Company.[8] As a condition to admission as a Participant, said Person shall: (i) Execute a counterpart of the CAT NMS Plan, at which time Exhibit A shall be amended to reflect the status of said Person as a Participant (including said Person's address for purposes of notices delivered pursuant to the CAT NMS Plan); and (ii) pay a fee to the Company as set forth in the Plan (the ''Participation Fee'').[9] The amendment to the Plan reflecting the admission of a new Participant shall be effective only when: (x) It is approved by the Commission in accordance with Rule 608 or otherwise becomes effective pursuant to Rule 608; and (y) the prospective Participant pays the Participation Fee.[10]

MEMX has executed a copy of the current CAT NMS Plan, amended to include MEMX in the List of Parties (including the address of MEMX), paid the applicable Participation Fee and provided each current Plan Participant with a copy of the executed and amended CAT NMS Plan.[11]

II. Effectiveness of the Proposed Plan Amendment

The foregoing CAT NMS Plan amendment has become effective pursuant to Rule 608(b)(3)(iii)[12] because it involves solely technical or ministerial matters. At any time within sixty days of the filing of this amendment, the Commission may summarily abrogate the amendment and require that it be refiled pursuant to paragraph (a)(1) of Rule 608,[13] if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system or otherwise in furtherance of the purposes of the Act.

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the amendment 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 4–698 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 4–698. 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

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[1] 15 U.S.C. 78k–1(a)(3).

[2] 17 CFR 242.608.

[3] The Commission approved the CAT NMS Plan on November 16, 2016. *See* Securities Exchange Act Release No. 79318, 81 FR 84695 (November 23, 2016) (order approving the CAT NMS Plan).

[4] The Participants to the CAT NMS Plan are: BOX Exchange LLC; Cboe BYX Exchange, Inc.; Cboe BZX Exchange, Inc.; Cboe C2 Exchange, Inc.; Cboe EDGA Exchange, Inc.; Cboe EDGX Exchange, Inc.; Cboe Exchange, Inc.; Financial Industry Regulatory Authority, Inc.; Investors Exchange LLC; Long Term Stock Exchange, Inc.; Miami International Securities Exchange LLC; MIAX Emerald, LLC; MIAX PEARL, LLC; Nasdaq BX, Inc.; Nasdaq GEMX, LLC; Nasdaq ISE, LLC; Nasdaq MRX, LLC; Nasdaq PHLX LLC; The Nasdaq Stock Market LLC; New York Stock Exchange LLC; NYSE Arca, Inc.; NYSE American LLC; NYSE Chicago, Inc.; and NYSE National, Inc.

[5] Defined in Section 1.1 of the CAT NMS Plan as follows: ''Participant'' means each Person identified as such on Exhibit A hereto, and any Person that becomes a Participant as permitted by this Agreement, in such Person's capacity as a Participant in the Company (it being understood that the Participants shall comprise the ''members'' of the Company (as the term ''member'' is defined in Section 18–101(11) of the Delaware Act)).

[6] Defined in Section 1.1 of the CAT NMS Plan as follows: ''Person'' means any individual, partnership, limited liability company, corporation, joint venture, trust, business trust, cooperative or association and any heirs, executors, administrators, legal representatives, successors and assigns of such Person where the context so permits.

[7] The ''Company'' refers to the limited liability company, Consolidated Audit Trail, LLC, which is responsible for conducting the activities of the CAT. *See* Securities Exchange Act Release No. 87149 (September 27, 2019), 84 FR 52905 (October 3, 2019).

[8] *See* Section 3.3 of the CAT NMS Plan. MEMX was approved as a national securities exchange on May 4, 2020. *See* Securities Exchange Act Release No. 88806 (May 4, 2020), 85 FR 27451 (May 8, 2020).

[9] *See* Section 3.3 of the CAT NMS Plan.

[10] *Id.*

[11] *See* Letter from Anders Franzon, General Counsel, MEMX LLC, dated June 5, 2020, to Vanessa Countryman, Secretary, U.S. Securities and Exchange Commission.

[12] 17 CFR 242.608(b)(3)(iii).

[13] 17 CFR 242.608(a)(1).

printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549–1090 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 4–698 and should be submitted on or before August 3, 2020.

By the Commission.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–15461 Filed 7–16–20; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89305; File No. SR–FINRA–2020–011]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, To Address Broker-Dealers With a Significant History of Misconduct

July 13, 2020.

I. Introduction

On April 3, 2020, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend FINRA's rules to help further address the issue of broker-dealers with a significant history of misconduct and the firms that employ them. The proposed rule change was published for comment in the **Federal Register** on April 14, 2020.[3] On May 27, 2020, FINRA consented to an extension of the time period in which the Commission must approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change to July 13, 2020.[4] On July 2, 2020, FINRA responded to the comment letters received in response to the Notice and filed an amendment to the proposed rule change (''Amendment No. 1'').[5]

The Commission is publishing this order pursuant to Section 19(b)(2)(B) of the Exchange Act [6] to solicit comments on Amendment No. 1 from interested persons and to institute proceedings to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.

Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to the proposed rule change, nor does it mean that the Commission will ultimately disapprove the proposed rule change. Rather, as discussed below, the Commission seeks additional input from interested parties on the changes to the proposed rule change, as set forth in Amendment No. 1.

II. Description of the Proposed Rule Change

Background

FINRA's proposed rule change would: (1) Amend the FINRA Rule 9200 Series (Disciplinary Proceedings) and the 9300 Series (Review of Disciplinary Proceedings by National Adjudicatory Council and FINRA Board; Application for SEC Review) to allow a hearing officer to impose conditions or restrictions on the activities of a respondent member broker-dealer or respondent associated person, and require the member broker-dealer employing a respondent associated person to adopt heightened supervisory procedures for such associated person, when a disciplinary matter is appealed to the National Adjudicatory Council (''NAC'') or called for NAC review; (2) amend the FINRA Rule 9520 Series (Eligibility Proceedings) to require member broker-dealers to adopt heightened supervisory procedures for statutorily disqualified associated persons during the period a statutory disqualification eligibility request is under review by FINRA; (3) amend FINRA Rule 8312 (FINRA BrokerCheck Disclosure) to require the disclosure through FINRA BrokerCheck of the status of a member broker-dealer as a ''taping firm'' under FINRA Rule 3170 (Tape Recording of Registered Persons by Certain Firms); and (4) amend the FINRA Rule 1000 Series (Member Application and Associated Person Registration) to require a member broker-dealer to submit a written request to FINRA's Department of Member Regulation, through the Membership Application Group (''MAP Group''), seeking a materiality consultation and approval of a continuing membership application, if required, when a natural person that has, in the prior five years, one or more ''final criminal matters'' or two or more ''specified risk events'' seeks to become an owner, control person, principal or registered person of the member broker-dealer.[7]

Proposed Rule Change to the FINRA Rule 9200 Series (Disciplinary Proceedings) and the 9300 Series (Review of Disciplinary Proceeding by National Adjudicatory Council and FINRA Board; Application for SEC Review)

Currently, FINRA rules require that when a hearing panel or hearing officer decision is on appeal or review before the NAC, any sanctions imposed by the hearing panel or hearing officer decision, including bars and expulsions, are automatically stayed and not enforced against the respondent during the pendency of the appeal or review proceeding.[8] In turn, the filing of an application for Commission review stays the effectiveness of any sanction, other than a bar or an expulsion, imposed in a decision constituting a final FINRA disciplinary action.[9]

In the Notice, FINRA expressed concern about customers who could engage in securities transactions with

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Act Release No. 88600 (Apr. 8, 2020), 85 FR 20745 (Apr. 14, 2020) (File No. SR–FINRA–2020–011) (''Notice'').

[4] *See* letter from Michael Garawski, Associate General Counsel, Office of General Counsel, FINRA, to Daniel Fisher, Branch Chief, Division of Trading and Markets, U.S. Securities and Exchange Commission, dated May 27, 2020.

[5] *See* letter from Michael Garawski, Associate General Counsel, Office of General Counsel, FINRA, to Vanessa Countryman, Secretary, U.S. Securities and Exchange Commission, dated July 2, 2020 (''FINRA Letter''). The FINRA Letter is available at the Commission's website at *https://www.sec.gov/comments/sr-finra-2020-011/srfinra2020011-7399761-219028.pdf.*

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Notice at 20745.

The proposed rule change would impact all members, including members that are funding portals or have elected to be treated as capital acquisition brokers (''CABs''), given that the funding portal rule set incorporates the Rule 9200 Series and Rule 9300 Series and Rule 9556 by reference, and the CAB rule set incorporates Rules 1011, 1017 and 8312 and the Rule 9200 Series, Rule 9300 Series and Rule 9500 Series by reference. In addition, FINRA is proposing corresponding amendments to CAB Rule 111, to reflect that a CAB would be subject to IM–1011–3, and amendments to Funding Portal Rule 900(b) to require heightened supervision during the time an eligibility request is pending. *See* Notice at note 61.

[8] *See* FINRA Rules 9311(b) and 9312(b). In contrast, an appeal to the NAC or a call for NAC review does not stay a decision, or that part of a decision, that imposes a permanent cease and desist order. *See* FINRA Rules 9311(b) and 9312(b).

[9] *See* FINRA Rule 9370(a).

disciplined respondents during the pendency of an appeal from, or a NAC review of, a hearing panel or hearing officer disciplinary decision.[10] According to FINRA, ''authorizing Hearing Officers to impose conditions or restrictions during the period an appeal or review proceeding is pending would allow FINRA to target the demonstrated bad conduct of a respondent during the pendency of an appeal or review and add an interim layer of investor protection while the appellate review of the disciplinary proceeding remains pending.'' [11]

Accordingly, FINRA proposed amendments to its Rule 9200 Series and Rule 9300 Series that would authorize hearing officers to impose conditions or restrictions on disciplined respondents and require broker-dealers to adopt heightened supervision plans concerning their associated persons who are the disciplined respondents.[12] The proposed rule change would require a heightened supervision plan to be reasonably designed and tailored to include specific supervisory policies and procedures that address the violations found and be reasonably designed to prevent or detect a reoccurrence of the violations.[13] The proposed rule change would also establish a process for an expedited review by the Review Subcommittee of the NAC of any such conditions or restrictions imposed.[14] Specifically, proposed Rule 9285(a) would provide that the hearing officer who participated in an underlying disciplinary proceeding and found that a respondent violated a statute or rule provision which is subsequently appealed to the NAC or called for NAC review, may impose conditions or restrictions on the activities of the respondent during the appeal as the hearing officer considers reasonably necessary for the purpose of preventing customer harm.[15] Under the proposed rule change, the conditions or restrictions imposed by a hearing officer would remain in place until FINRA's final decision takes effect and all appeals are exhausted.[16]

Proposed Rule Change to the FINRA Rule 9520 Series (Eligibility Proceedings)

The FINRA Rule 9520 Series sets forth rules governing eligibility proceedings, in which FINRA evaluates whether to allow a member, person associated with a member, potential member or potential associated person subject to a statutory disqualification to enter or remain in the securities industry.[17] These eligibility proceedings require a broker-dealer to propose a written plan of heightened supervision of the statutorily disqualified associated person that would become effective upon FINRA's approval of the broker-dealer's application to associate with the statutorily disqualified person.[18]

The proposed rule change would amend FINRA Rule 9522 to require a member broker-dealer that files an application to continue associating with a disqualified person under FINRA Rule 9522(a)(3) or Rule 9522(b)(1)(B) to include an interim plan of heightened supervision that would be in effect throughout the entirety of the application review process.[19] The proposed rule change would delineate the circumstances under which a statutorily disqualified person may remain associated with a member broker-dealer while FINRA is reviewing the application.[20]

Proposed Rule Change to FINRA Rule 8312 (FINRA BrokerCheck Disclosure)

FINRA Rule 8312 governs the information FINRA releases to the public through its BrokerCheck system. Currently, FINRA Rule 8312(b) requires that FINRA release information about, among other things, whether a particular member broker-dealer is subject to the provisions of FINRA Rule 3170 (the ''Taping Rule''), but only in response to telephonic inquiries via the BrokerCheck toll-free telephone listing.[21] The proposed rule change would remove the requirement that FINRA inform the public that a broker-dealer is subject to the Taping Rule only in response to telephonic inquiry via the BrokerCheck toll-free telephone listing.[22] Specifically, proposed FINRA Rule 8312(b) would require FINRA to release through BrokerCheck information as to whether a particular broker-dealer is subject to the Taping Rule (a ''taping firm'').[23] FINRA believes that broadening the disclosure through BrokerCheck of the status of a broker-dealer as a taping firm would help inform more investors of the heightened procedures required of the broker-dealer, which may incentivize investors to research more carefully the background of an associated person associated with the taping firm.[24]

Proposed Rule Change to FINRA Rule 1000 Series (Member Application and Associated Person Registration)

The FINRA Rule 1000 Series govern, among other things, FINRA's membership proceedings. Currently, a member broker-dealer is permitted (subject to exceptions) to expand its business under the safe-harbor set forth in IM–1011–1 without the filing and prior approval of a continuing membership application.[25] For example, under the existing parameters of this safe harbor, a broker-dealer could hire an associated person even if he or she has a significant history of misconduct.[26] The proposed rule change would limit the application of the safe harbor by imposing additional obligations on a member broker-dealer when a natural person who has, in the prior five years, either one or more ''final criminal matters'' or two or more ''specified risk events'' seeks to become an owner, control person, principal or registered person of the broker-dealer.[27]

Specifically, when a natural person seeking to become an owner, control person, principal or registered person of a member broker-dealer has, in the prior

[10] *See* Notice at 20746.

[11] *See* Notice at 20748.

[12] *See* Notice at 20746.

[13] *See* Notice at 20748.

[14] *See* Notice at 20746.

[15] *See* Notice at 20747. Additionally, the Notice sets forth in greater detail how this process would operate.

[16] *See* Notice at 20748. The proposed rule change would also amend Rule 9556 to grant FINRA the authority to bring an expedited proceeding against a respondent that fails to comply with conditions and restrictions imposed pursuant to proposed Rule 9285 that could result in a suspension or cancellation of membership or suspension or bar from associating with any FINRA member. *See* Notice at 20749.

[17] *See* Notice at 20750.

[18] *See* Notice at 20750.

[19] *See* Notice at 20749.

[20] *See id.*

[21] *See* FINRA Rule 8312(b). The Taping Rule is designed to help ensure that a broker-dealer with a significant number of registered persons that previously were employed by ''disciplined firms'' has specified supervisory procedures in place to prevent fraudulent and improper sales practices or customer harm. *See* Notice at 20751. Under the Taping Rule, a broker-dealer with a specified percentage of registered persons who have been associated with disciplined firms in a registered capacity in the last three years is designated as a ''taping firm.'' *See* FINRA Rule 3170.

[22] *See* Notice at 20751.

[23] *See id.*

[24] *See id.*

[25] *See* Notice at 20752.

[26] *See id.*

Currently, none of the safe harbor's parameters relates to the history of a broker-dealer's associated persons. However, based on its review of studies indicating the predictability of future regulatory-related events for associated persons with a history of past regulatory-related events, FINRA is concerned about instances where a broker-dealer hires associated persons with a significant history of misconduct within the safe-harbor parameters, thus avoiding prior consultation or review by FINRA. FINRA believes there are instances in which hiring of an associated person with a significant history of misconduct should be considered a material change in business operations. *See* Notice at 20752.

[27] *See* Notice at 20752. The proposed rule change would also adopt definitions of ''final criminal matter'' and ''specified risk event.''

five years, one or more ''final criminal matters'' or two or more ''specified risk events,'' proposed Rule 1017(a)(7) would require a member broker-dealer to either: (1) File a continuing membership application or (2) submit a written request seeking a materiality consultation for the contemplated activity with the MAP Group.[28] If the broker-dealer seeks a materiality consultation, the MAP Group would consider, among other things, whether the ''final criminal matters'' or ''specified risk events'' are customer-related; whether they represent discrete actions or are based on the same underlying conduct; the anticipated activities of the person; the disciplinary history, experience and background of the proposed supervisor, if applicable; the disciplinary history, supervisory practices, standards, systems and internal controls of the member firm and whether they are reasonably designed to achieve compliance with applicable securities laws and regulations and FINRA rules.[29] Where FINRA determines that a contemplated change is material, FINRA would instruct the broker-dealer to file a continuing membership application if it intends to proceed with such change. Proposed Rule 1017(a)(7) would establish that the safe-harbor for business expansions in IM–1011–1 would not be available to a member broker-dealer when a materiality consultation is required.[30]

Additionally, the proposed rule change would adopt a corresponding change to IM–1011–3 (Business Expansions and Persons with Specified Risk Events) to specify that the safe-harbor for business expansions in IM–1011–1 would not be available to any broker-dealer seeking to add a natural person who: (i) Has, in the prior five years, one or more ''final criminal matters'' or two or more ''specified risk events'' and (ii) seeks to become an owner, control person, principal or registered person of the member.[31] In those circumstances, proposed IM–1011–3 would provide that if the broker-dealer is not otherwise required to file a continuing membership application, it must comply with the requirements of proposed FINRA Rule 1017(a)(7).[32]

The Commission has received five comment letters on the proposed rule change. In response to comments, FINRA submitted the FINRA Letter and Amendment No. 1, amending the proposed rule change as described below.

III. Description of Amendment No. 1

In the initial filing of the proposed rule change, proposed FINRA Rule 1011(h) defined the term ''final criminal matter'' to mean ''a final criminal matter that resulted in a conviction of, or guilty plea or nolo contendere (no contest) by, a person that is disclosed, or was required to be disclosed, on the applicable Uniform Registration Forms.'' Proposed FINRA Rule 1011(p) defined the term ''specified risk event'' to mean any one of several specified events ''that are disclosed, or are or were required to be disclosed, on an applicable Uniform Registration Form.'' The ''was required to be disclosed'' language in the proposed ''final criminal matter'' definition differs in substance from the ''are or were required to be disclosed'' language in the proposed ''specified risk event'' definition.[33] In response to comments, FINRA agreed with some commenters that ''this difference should be eliminated, and that both definitions should include disclosures that are required if the member firm and person proceed with the contemplated change, including disclosures that are required on Uniform Registration Forms that have not yet been executed.'' Thus, FINRA amended proposed FINRA Rule 1011(h) to include in the definition of ''final criminal matter'' a relevant criminal event that ''is or was'' required to be disclosed on a Uniform Registration Form, and to make some grammar- and syntax-related modifications.[34]

Also in response to comments, FINRA amended proposed FINRA Rule 1017(a)(7) to define ''owner'' and ''control person'' for purposes of that proposed rule (and, by extension, IM–1011–3).[35] Specifically, Amendment No. 1 would modify proposed FINRA Rule 1017(a)(7) to provide that, ''for purposes of FINRA Rule 1017(a)(7): (i) the term 'owner' has the same meaning as 'direct owner' on Form BD Schedule A and 'indirect owner' on Form BD Schedule B; and (ii) that 'control person' means a person who would have 'control' as defined on Form BD.'' [36]

IV. Proceedings To Determine Whether To Approve or Disapprove File No. SR–FINRA–2020–011 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act to determine whether the proposed rule change should be approved or disapproved.[37] Institution of proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. As noted above, institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved.

Pursuant to Section 19(b)(2)(B) of the Exchange Act,[38] the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis and input concerning whether the proposed rule change, as modified by Amendment No. 1, is consistent with the Exchange Act and the rules thereunder, in particular Section 15A(b)(6) of the Exchange Act, which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.[39]

Under the Commission's Rules of Practice, the ''burden to demonstrate that a proposed rule change is consistent with the [Exchange Act] and the rules and regulations issued thereunder . . . is on the [SRO] that proposed the rule change.'' [40] The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,[41] and any failure of an SRO to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Exchange Act and the applicable rules and regulations.[42] For the reasons discussed above, the Commission believes it is appropriate to institute proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act to allow for additional consideration of the issues raised by the proposed rule

[28] *See* Notice at 20752 and 20753.

[29] *See* Notice at 20753.

[30] *See id.*

[31] *See id.*

[32] *See id.*

[33] *See id.*

[34] *See id.*

[35] *See id.*

[36] *See id.* (stating that ''[d]efining 'control person' by reference to the Form BD definition of 'control' means that the term would not be defined with reference to the term 'controlling' as defined in the FINRA By-Laws, Art. I(h).'')

[37] 15 U.S.C. 78s(b)(2)(B).

[38] *See id.*

[39] 15 U.S.C. 78o–3(b)(6).

[40] Rule 700(b)(3), Commission Rules of Practice, 17 CFR 201.700(b)(3).

[41] *See id.*

[42] *See id.*

change, as modified by Amendment No. 1, as it determines whether the proposed rule change should be approved or disapproved.[43]

V. Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposed rule change, as modified by Amendment No. 1. In particular, the Commission invites the written views of interested persons concerning whether the proposed rule change, as modified by Amendment No. 1, is consistent with Section 15A(b)(6) of the Exchange Act, or any other provision of the Exchange Act, rules, and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[44]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change, as modified by Amendment No. 1, should be approved or disapproved by August 3, 2020. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by August 7, 2020.

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 No. SR–FINRA–2020–011 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 No. SR–FINRA–2020–011. 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, as modified by Amendment No. 1, that are filed with the Commission, and all written communications relating to the proposed rule change, as modified by Amendment No. 1, 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 filing also will be available for inspection and copying at the principal office of FINRA. 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 No. SR–FINRA–2020–011 and should be submitted on or before August 3, 2020. Rebuttal comments should be submitted by August 7, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[45]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–15450 Filed 7–16–20; 8:45 am]

BILLING CODE 8011–01–P

[43] 15 U.S.C. 78s(b)(2)(B).

[44] Section 19(b)(2) of the Exchange Act, as amended by the Securities Acts Amendments of 1975, Public Law 94–29, 89 Stat. 97 (1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposed rule change by a self-regulatory organization. *See* Securities Acts Amendments of 1975, Report of the Senate Committee on Banking, Housing and Urban Affairs to Accompany S. 249, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[45] 17 CFR 200.30–3(a)(12); 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–154, OMB Control No. 3235–0122]

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Rule 17a–10

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 17a–10, Report of Revenue and Expenses (17 CFR 240.17a–10), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act''). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

The primary purpose of Rule 17a–10 is to obtain the economic and statistical data necessary for an ongoing analysis of the securities industry. Paragraph (a)(1) of Rule 17a–10 generally requires broker-dealers that are exempted from the requirement to file monthly and quarterly reports pursuant to paragraph (a) of Exchange Act Rule 17a–5 (17 CFR 240.17a–5) to file with the Commission the Facing Page, a Statement of Income (Loss), and balance sheet from Part IIA of Form X–17A–5 [1] (17 CFR 249.617), and Schedule I of Form X–17A–5 not later than 17 business days after the end of each calendar year.

Paragraph (a)(2) of Rule 17a–10 requires a broker-dealer subject to Rule 17a–5(a) to submit Schedule I of Form X–17A–5 with its Form X–17A–5 for the calendar quarter ending December 31 of each year. The burden associated with filing Schedule I of Form X–17A–5 is accounted for in the PRA filing associated with Rule 17a–5.

Paragraph (b) of Rule 17a–10 provides that the provisions of paragraph (a) do not apply to members of national securities exchanges or registered national securities associations that maintain records containing the information required by Form X–17A–5 and which transmit to the Commission copies of the records pursuant to a plan which has been declared effective by the Commission.

The Commission staff estimates that approximately 46 broker-dealers will spend an average of 12 hours per year complying with Rule 17a–10. Thus, the total compliance burden is estimated to be approximately 552 hours per year.

Written comments are invited on: (a) 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; (b) the accuracy of the Commission's

[1] Form X–17A–5 is the Financial and Operational Combined Uniform Single Report (''FOCUS Report''), which is used by broker-dealers to provide certain required information to the Commission.

estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (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. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: July 13, 2020.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–15434 Filed 7–16–20; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[[Release No. 34–89301; File No. SR–EMERALD–2020–06]

Self-Regulatory Organizations; MIAX Emerald, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

July 13, 2020

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 30, 2020, MIAX Emerald, LLC (''MIAX Emerald'' or ''Exchange''), filed with the Securities and Exchange Commission (''Commission'') a 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 is filing a proposal to amend the MIAX Emerald Fee Schedule (the ''Fee Schedule'') to make minor, non-substantive edits and clarifying changes.

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/emerald,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to make minor, non-substantive edits and clarifying changes to delete references in the Fee Schedule to the ''Penny Pilot'' and replace those references throughout the Fee Schedule with ''Penny Program.''

On May 29, 2020, the Exchange filed a proposal to, among other things, conform its rules to Section 3.1 of the Plan for the Purpose of Developing and Implementing Procedures Designed to Facilitate the Listing and Trading of Standardized Options (the ''OLPP'').[3] With that filing, the Exchange, along with all other options exchanges, adopted rule text to codify the OLPP Program in new Exchange Rule 510(b) (Requirements for Penny Interval Program) (the ''Penny Program''), which replaced the Penny Pilot and permanently permits the Exchange to quote certain option classes in minimum increments of one cent ($0.01) and five cents ($0.05). Accordingly, the Exchange now proposes to delete references in the Fee Schedule to the ''Penny Pilot'' and replace those references throughout the Fee Schedule with ''Penny Program.'' The Penny Program is set to become operative on July 1, 2020. The proposed changes would be to references to ''Penny Pilot'' in Section 1)b) of the Fee Schedule. The Exchange does not propose to amend or change any of its fees. The purpose of these changes is to provide uniformity between the Exchange's rules and the Fee Schedule.

The proposed changes to the Fee Schedule would become operative on July 1, 2020, upon the expiration of the Penny Pilot, in accordance with the Penny Program becoming operational.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[4] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [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. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [6] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed changes promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market and a national market system because the proposed changes make clarifying, non-substantive edits to the Fee Schedule, and conform the Fee Schedule to the Exchange's rulebook. The Exchange believes that these proposed changes will provide greater clarity to Members and the public regarding the Exchange's Fee Schedule and that it is in the public interest for the Fee Schedule to be accurate and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release Nos. 88993 (June 2, 2020), 85 FR 35145 (June 8, 2020) (SR–EMERALD–2020–05) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 404, Series of Option Contracts Open for Trading, Exchange Rule 510, Minimum Price Variations and Minimum Trading Increments, and Exchange Rule 516, Order Types Defined, To Conform the Rules to Section 3.1 of the Plan for the Purpose of Developing and Implementing Procedures Designed To Facilitate the Listing and Trading of Standardized Options).

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] *Id.*

concise so as to eliminate the potential for confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not a competitive filing but rather is designed to remedy minor non-substantive issues and provide added clarity to the Fee Schedule in order to avoid potential confusion on the part of market participants. In addition, the Exchange does not believe the proposal will impose any burden on inter-market competition as the proposal does not address any competitive issues and is intended to protect investors by providing further transparency regarding the Exchange's Fee Schedule.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

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)(ii) of the Act,[7] and Rule 19b–4(f)(2)[8] 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 shall institute proceedings to determine whether the proposed rule 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–EMERALD–2020–06 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–EMERALD–2020–06. 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–EMERALD–2020–06 and should be submitted on or before August 7, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–15449 Filed 7–16–20; 8:45 am]

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[7] 15 U.S.C. 78s(b)(3)(A)(ii).

[8] 17 CFR 240.19b–4(f)(2).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89303; File No. SR–MIAX–2020–21]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Fee Schedule

July 13, 2020.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 30, 2020, Miami International Securities Exchange LLC (''MIAX Options'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a 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 is filing a proposal to amend the MIAX Options Fee Schedule (the ''Fee Schedule'') to make minor, non-substantive edits and clarifying changes.

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings,* at MIAX's principal office, 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 the Fee Schedule to make minor, non-substantive edits and clarifying changes to delete references in the Fee Schedule to the ''Penny Pilot'' and replace those references throughout the Fee Schedule with ''Penny Program.''

On May 29, 2020, the Exchange filed a proposal to, among other things, conform its rules to Section 3.1 of the Plan for the Purpose of Developing and Implementing Procedures Designed to Facilitate the Listing and Trading of Standardized Options (the ''OLPP'').[3] With that filing, the Exchange, along with all other options exchanges, adopted rule text to codify the OLPP Program in new Exchange Rule 510(c) (Requirements for Penny Interval Program) (the ''Penny Program''), which replaced the Penny Pilot and permanently permits the Exchange to quote certain option classes in minimum increments of one cent ($0.01) and five cents ($0.05). Accordingly, the Exchange now proposes to delete references in the Fee Schedule to the ''Penny Pilot'' and replace those references throughout the Fee Schedule with ''Penny Program.'' The Penny Program is set to become operative on July 1, 2020. The proposed changes would be to references to ''Penny Pilot'' in Sections 1)a)v), 1)b), and 1)c) of the Fee Schedule. The Exchange does not proposes to amend or change any of its fees. The purpose of these changes is to provide uniformity between the Exchange's rules and the Fee Schedule.

The proposed changes to the Fee Schedule would become operative on July 1, 2020, upon the expiration of the Penny Pilot, in accordance with the Penny Program becoming operational.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[4] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [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. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [6] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed changes promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market and a national market system because the proposed changes make clarifying, non-substantive edits to the Fee Schedule, and conform the Fee Schedule to the Exchange's rulebook. The Exchange believes that these proposed changes will provide greater clarity to Members and the public regarding the Exchange's Fee Schedule and that it is in the public interest for the Fee Schedule to be accurate and concise so as to eliminate the potential for confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not a competitive filing but rather is designed to remedy minor non-substantive issues and provide added clarity to the Fee Schedule in order to avoid potential confusion on the part of market participants. In addition, the Exchange does not believe the proposal will impose any burden on inter-market competition as the proposal does not address any competitive issues and is intended to protect investors by providing further transparency regarding the Exchange's Fee Schedule.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

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)(ii) of the Act,[7] and Rule 19b–4(f)(2) [8] 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 shall institute proceedings to determine whether the proposed rule 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–MIAX–2020–21 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–MIAX–2020–21. 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

[3] *See* Securities Exchange Act Release Nos. 88988 (June 2, 2020), 85 FR 34793 (June 8, 2020) (SR–MIAX–2020–13) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 404, Series of Option Contracts Open for Trading, Exchange Rule 510, Minimum Price Variations and Minimum Trading Increments, and Exchange Rule 516, Order Types Defined, To Conform the Rules to Section 3.1 of the Plan for the Purpose of Developing and Implementing Procedures Designed To Facilitate the Listing and Trading of Standardized Options).

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] *Id.*

[7] 15 U.S.C. 78s(b)(3)(A)(ii).

[8] 17 CFR 240.19b–4(f)(2).

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–MIAX–2020–21, and should be submitted on or before August 7, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–15448 Filed 7–16–20; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Docket No. SBA–2020–0014]

Class Waiver of the Nonmanufacturer Rule

AGENCY: U.S. Small Business Administration.

ACTION: Notification of waiver of the Nonmanufacturer Rule for diabetic test strips.

SUMMARY: The U.S. Small Business Administration (SBA) is granting a class waiver of the Nonmanufacturer Rule (NMR) for diabetic test strips under North American Industry Classification System (NAICS) code 325413 and Product Service Code (PSC) 6515. This U.S. industry comprises establishments primarily engaged in manufacturing diabetic test strips.

DATES: This action is effective August 17, 2020.

FOR FURTHER INFORMATION CONTACT: Carol J. Hulme, Attorney Advisor, by telephone at (202) 205–6347 or by email at *carol-ann.hulme@sba.gov.*

SUPPLEMENTARY INFORMATION: Section 8(a)(17) and 46 of the Small Business Act (Act), 15 U.S.C. 637(a)(17) and 657s, and SBA's implementing regulations require that recipients of Federal supply contracts issued as a small business set-aside (except as stated below), service-disabled veteran-owned small business (SDVO SB) set-aside or sole source contract, Historically Underutilized Business Zone (HUBZone) set-aside or sole source contract, WOSB (women-owned small business) or economically disadvantaged women-owned small business (EDWOSB) set-aside or sole source contract, 8(a) set-aside or sole source contract, partial set-aside, or set aside of an order against a multiple award contract provide the product of a small business manufacturer or processor if the recipient is other than the actual manufacturer or processor of the product. This requirement is commonly referred to as the Nonmanufacturer Rule (NMR). 13 CFR 121.406(b). Note that the NMR does not apply to small business set-aside acquisitions with an estimated value between the micro-purchase threshold and the simplified acquisition threshold. Sections 8(a)(17)(B)(iv)(II) and 46(a)(4)(B) of the Act authorize SBA to waive the NMR for a ''class of products'' for which there are no small business manufacturers or processors available to participate in the Federal market.

The SBA defines ''class of products'' based on a combination of (1) the six-digit NAICS code, (2) the four-digit PSC, and (3) a description of the class of products. As implemented in SBA's regulations at 13 CFR 121.1202(c), in order to be considered available to participate in the Federal market for a class of products, a small business manufacturer must have submitted a proposal for a contract solicitation or been awarded a contract to supply the class of products within the last 24 months.

SBA received a request to waive the NMR for diabetic testing strips under NAICS code 325413 and PSC 6515. According to that request, submitted with supporting information, there are no small business manufacturers of these items in the Federal market.

On April 20, 2020 (85 FR 08304), the SBA issued a Notice of Intent to grant a class waiver for diabetic test strips. SBA received no comments in response to the Notice. Therefore, in the absence of a small business manufacturer of diabetic test strips, this class waiver is necessary to allow otherwise qualified regular dealers to supply the product of any manufacturer on a Federal contract or order set aside for small business, SDVOSB, WOSB, EDWOSB, HUBZone or participants in the SBA's 8(a) Business Development Program. SBA's waiver of the nonmanufacturer rule has no effect on the requirements in 13 CFR 121.406(b)(1)(i) to (iii) and on requirements external to the Small Business Act which involve domestic sources of supply, such as the Buy American Act or the Trade Agreements Act.

More information on the NMR and Class Waivers can be found at *https://www.sba.gov/contracting/contracting-officials/non-manufacturer-rule/non-manufacturer-waivers.*

David Wm. Loines,

Director, Office of Government Contracting.

[FR Doc. 2020–15535 Filed 7–16–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF STATE

[Public Notice: 11156]

60-Day Notice of Proposed Information Collection: PEPFAR Program Expenditures

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to September 15, 2020.

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

- *Web:* Persons with access to the internet may comment on this notice by going to *www.Regulations.gov.* You can search for the document by entering ''Docket Number: DOS–2020–0032'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.
- *Email: SGAC_FinancialOps@state.gov.*
- *Regular Mail:* Send written comments to: Office of the US Global AIDS Coordinator and Health Diplomacy (S/GAC), U.S. Department of State, SA–22, 1800 G Street NW, Suite 10300, Washington, DC 20006.
- *Fax:* 202–663–2979.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

[9] 17 CFR 200.30–3(a)(12).

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Irum Zaidi, 1800 G St. NW, Suite 10300, SA–22, Washington DC 20006, who may be reached on 202–663–2588 or at *ZaidiIF@state.gov*.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* PEPFAR Program Expenditures.
- *OMB Control Number:* 1405–0208.
- *Type of Request:* Revision to a Currently Approved Collection.
- *Originating Office:* Office of the U.S. Global AIDS Coordinator and Health Diplomacy (S/GAC).
- *Form Number:* DS–4213.
- *Respondents:* Recipients of U.S. government funds appropriated to carry out the President's Emergency Plan for AIDS Relief (PEPFAR).
- *Estimated Number of Respondents:* 4,045.
- *Estimated Number of Responses:* 4,045.
- *Average Time per Response:* 16 hours.
- *Total Estimated Burden Time:* 64,720 hours.
- *Frequency:* Annually.
- *Obligation to Respond:* Mandatory.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The U.S. President's Emergency Plan for AIDS Relief (PEPFAR) was established through enactment of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act (Pub. L. 108–25), as amended by the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act (Pub. L. 110–293) (HIV/AIDS Leadership Act), as amended by the PEPFAR Stewardship and Oversight Act (Pub. L. 113–56), and as amended and reauthorized for a third time by the PEPFAR Extension Act (Pub. L. 115–305) to support the global response to HIV/AIDS. In order to improve program monitoring, PEPFAR added reporting of expenditures by program area to the current routine reporting of program results for the annual report. Data are collected from implementing partners in countries with PEPFAR programs using a standard tool (DS–4213) via an electronic web-based interface into which users upload data. These expenditures are analyzed by partner for all PEPFAR program areas. These analyses then feed into partner and program reviews at the country level for monitoring and evaluation on an ongoing basis. Summaries of these data provide key information about program costs under PEPFAR on a global level. Applying expenditure results will improve strategic budgeting, identification of efficient means of delivering services, and accuracy in defining program targets; and will inform allocation of resources to ensure the program is accountable and using public funds for maximum impact.

Methodology

Data will continue to be collected in a web-based interface available to all partners receiving funds under PEPFAR. After implementing Expenditure Reporting since 2012, we learned that implementing partners (IPs) prefer the Microsoft Excel template based data collection process. The requirements in the Excel template have been reduced with IP input to only request critical information. By being able to download a template, prime IPs responsible to complete the submission are more effectively able to collaborate quickly with other key personnel and coordinate with their subrecipients to enter the data for the full amount of PEPFAR funding expended during the prior fiscal year. This approach also proves helpful where internet connectivity is not strong. After completing the Excel template, IPs upload the data to an automated system that further checks the data entered for quality and completeness. Automated checks reduce the time needed by IPs to complete the data cleaning process. Aggregate data is available in a central system for analysis.

Brendan Garvin,

Director of Management and Budget.

[FR Doc. 2020–15425 Filed 7–16–20; 8:45 am]

BILLING CODE 4710–05–P

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Minor Modifications

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the minor modifications approved for a previously approved project by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: June 1–30, 2020.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, 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 previously approved projects, receiving approval of minor modifications, described below, pursuant to 18 CFR 806.18 or to Commission Resolution Nos. 2013–11 and 2015–06 for the time period specified above:

Minor Modifications Issued Under 18 CFR 806.18

1. Silver Springs Ranch, LLC, Docket No. 20200313, Monroe Township, Wyoming County, Pa.; approval authorizing the additional water use purposes of bulk water supply for filling swimming pools and for other public water suppliers, as needed; Approval Date: June 12, 2020.

In addition, on March 13, 2020, the Susquehanna River Basin Commission adopted Resolution No. 2020–02 (Resolution) and companion Policy No. 2020–01 (Policy), which clarified the interpretation of consumptive use mitigation rules as applied to certain water impoundment evaporation (ponds, tanks, etc.).

Notice is hereby given that pursuant to, and consistent with, the Resolution and Policy, the Executive Director modified the following approvals to clarify that the evaporative losses from certain structures are not subject to consumptive use mitigation. A total of

111 dockets were modified pursuant to the Resolution. A list of those modifications can be found at *https://www.srbc.net/regulatory/policies-guidance/docs/20200313.pdf.*

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: July 14, 2020.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2020–15520 Filed 7–16–20; 8:45 am]

BILLING CODE 7040–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold a public hearing on August 13, 2020. Due to the COVID–19 situation and the relevant orders in place in the Commission's member jurisdictions, the Commission will hold this meeting telephonically. At this public hearing, the Commission will hear testimony on the projects listed in the **SUPPLEMENTARY INFORMATION** section of this notice. Such projects and proposals are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for September 18, 2020, which will be noticed separately. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects and proposals. The deadline for the submission of written comments is August 24, 2020.

DATES: The public hearing will convene on August 13, 2020, at 2:30 p.m. The public hearing will end at 5:00 p.m. or at the conclusion of public testimony, whichever is sooner. The deadline for the submission of written comments is August 24, 2020.

ADDRESSES: This hearing will be held by telephone rather than at a physical location. Conference Call #1–888–387–8686, the Conference Room Code #9179686050.

FOR FURTHER INFORMATION CONTACT: Jason Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238–0423; fax: (717) 238–2436.

Information concerning the applications for these projects is available at the Commission's Water Application and Approval Viewer at *https://www.srbc.net/waav.* Additional supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at *www.srbc.net/regulatory/policies-guidance/docs/access-to-records-policy-2009-02.pdf.*

SUPPLEMENTARY INFORMATION: The public hearing will cover the following projects.

Projects Scheduled for Action

1. Project Sponsor and Facility: Bloomfield Borough Water Authority, Centre Township, Perry County, Pa. Application for renewal of groundwater withdrawal of up to 0.056 mgd (30-day average) from Well 1 (Docket No. 19901103).

2. Project Sponsor: Byler Golf Management, Inc. Project Facility: Iron Valley Golf Club, Cornwall Borough, Lebanon County, Pa. Modification to change consumptive use mitigation method (Docket No. 19981206).

3. Project Sponsor and Facility: Cabot Oil & Gas Corporation, Eaton Township, Wyoming County, Pa. Application for renewal of groundwater withdrawal of up to 0.864 mgd (30-day average) from the Hatchery Wellfield (Wells 1, 2, and 3) (Docket No. 20160610).

4. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Susquehanna River), Great Bend Township, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20160902).

5. Project Sponsor and Facility: Chesapeake Appalachia, L.L.C. (Susquehanna River), Wilmot Township, Bradford County, Pa. Application for surface water withdrawal of up to 3.000 mgd (peak day).

6. Project Sponsor and Facility: Chesapeake Appalachia, L.L.C. (Susquehanna River), Windham Township, Wyoming County, Pa. Application for surface water withdrawal of up to 3.000 mgd (peak day).

7. Project Sponsor and Facility: Chesapeake Appalachia, L.L.C. (Wyalusing Creek), Wyalusing Township, Bradford County, Pa. Application for surface water withdrawal of up to 3.000 mgd (peak day).

8. Project Sponsor and Facility: Green Leaf Water LLC (Lycoming Creek), Lewis Township, Lycoming County, Pa. Application for renewal of surface water withdrawal of up to 0.900 mgd (peak day) (Docket No. 20160601).

9. Project Sponsor and Facility: Lake Meade Municipal Authority, Reading Township, Adams County, Pa. Application for groundwater withdrawal of up to 0.252 mgd (30-day average) from Well 3.

10. Project Sponsor and Facility: Meadia Heights Golf Club LLC, West Lampeter Township, Lancaster County, Pa. Modification to change consumptive use mitigation method (Docket No. 20000204).

11. Project Sponsor and Facility: Montgomery Water Authority, Clinton Township, Lycoming County, Pa. Application for renewal of groundwater withdrawal of up to 0.267 mgd (30-day average) from Well 1 (Docket No. 19881102).

12. Project Sponsor: Pixelle Specialty Solutions LLC. Project Facility: Spring Grove Mill (Codorus Creek and Unnamed Tributary to Codorus Creek), Spring Grove Borough, Jackson Township, and North Codorus Township, York County, Pa. Applications for existing surface water withdrawals (peak day) of up to 19.800 mgd (New Filter Plant Intake), 6.000 mgd (Old Filter Plant Intake), and 0.750 mgd (Kessler Pond Intake); consumptive use of up to 3.650 mgd (peak day); and existing groundwater withdrawals (30-day average) of up to 0.039 mgd (Well 1) and 0.021 mgd (Well 2). Proposed action to include combining all existing and new approvals into a single approval document with a single approval term.

13. Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Susquehanna River), Sheshequin Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20160908).

14. Project Sponsor and Facility: S.T.L. Resources, LLC (West Branch Susquehanna River), Grugan Township, Clinton County, Pa. Application for surface water withdrawal of up to 3.450 mgd (peak day).

15. Shippensburg Borough Authority, Southampton Township, Cumberland County, Pa. Application for renewal of groundwater withdrawal of up to 1.280 mgd (30-day average) from Well 1 (Docket No. 19900713).

16. Project Sponsor: Togg Mountain, LLC. Project Facility: Toggenburg Mountain Winter Sports Center (West Branch Tioughnioga Creek), Town of Fabius, Onondaga County, N.Y. Modification to increase consumptive use (peak day) by an additional 0.505 mgd, for a total consumptive use of up to 0.990 mgd, and increase surface water withdrawal (peak day) by an additional 2.300 mgd, for a total surface water withdrawal of up to 4.500 mgd (Docket No. 20180911).

Commission-Initiated Project Approval Modifications

1. Project Sponsor and Facility: The Municipal Authority of the Borough of Berlin, Allegheny Township, Somerset County, Pa. Conforming the grandfathering amount with the forthcoming determination for a groundwater withdrawal up to 0.030 mgd (30-day average) from Well 6 (Docket No. 19980702).

2. Project Sponsor and Facility: Iron Masters Country Club, Bloomfield Township, Bedford County, Pa. Conforming the grandfathering amount with the forthcoming determination for groundwater withdrawals up to 0.051 mgd (30-day average) from Well 10 and up to 0.061 mgd (30-day average) from Well 14 (Docket No. 20020813).

3. Project Sponsor and Facility: Sinking Valley Country Club, Tyrone Township, Blair County, Pa. Conforming the grandfathering amount with the forthcoming determination for groundwater withdrawals up to 0.081 mgd (30-day average) from the 14th Fairway Well and up to 0.099 mgd (30-day average) from the 8th Tee Well (Docket No. 20020811).

Opportunity To Appear and Comment

Interested parties may call into the hearing to offer comments to the Commission on any business listed above required to be subject of a public hearing. Given the telephonic nature of the meeting, the Commission strongly encourages those members of the public wishing to provide oral comments to pre-register with the Commission by emailing Jason Oyler at *joyler@srbc.net* prior to the hearing date. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Access to the hearing via telephone will begin at 2:15 p.m. Guidelines for the public hearing are posted on the Commission's website, *www.srbc.net,* prior to the hearing for review. The presiding officer reserves the right to modify or supplement such guidelines at the hearing. Written comments on any business listed above required to be subject of a public hearing may also be mailed to Mr. Jason Oyler, Secretary to the Commission, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pa. 17110–1788, or submitted electronically through *https://www.srbc.net/regulatory/public-comment/.* Comments mailed or electronically submitted must be received by the Commission on or before August 24, 2020, to be considered.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: July 14, 2020.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2020–15521 Filed 7–16–20; 8:45 am]

BILLING CODE 7040–01–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: June 1–30, 2020.

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)(13) and 18 CFR 806.22(f) for the time period specified above:

Water Source Approval—Issued Under 18 CFR 806.22(f):

1. Rockdale Marcellus, LLC; Pad ID: Red Run Mountain 736; ABR–20100502.R2; McIntyre Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 9, 2020.

2. Repsol Oil & Gas USA, LLC; Pad ID: Chicken Hawk; ABR–20100434.R2; Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: June 9, 2020.

3. Repsol Oil & Gas USA, LLC; Pad ID: STORCH (03 035) D; ABR–20100445.R2; Wells Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: June 9, 2020.

4. EXCO Resources (PA), LLC.; Pad ID: Warner Drilling Pad #1; ABR–20100451; Franklin Township, Lycoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 9, 2020.

5. SWN Production Company, LLC; Pad ID: NR–25 NOWICKI; ABR–201504006.R1; Oakland Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: June 9, 2020.

6. SWN Production Company, LLC.; Pad ID: NR–05 BAC Realty; ABR–201504007.R2; New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: June 11, 2020.

7. SWEPI LP.; Pad ID: Johnson 434; ABR–20100501.R2; Shippen Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 11, 2020.

8. SWN Production Company, LLC.; Pad ID: GU–Y Loomis Pad; ABR–20100504.R2; Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 12, 2020.

9. Chesapeake Appalachia, L.L.C.; Pad ID: Coates; ABR–20100509.R2; Standing Stone Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 12, 2020.

10. Chief Oil & Gas, LLC; Pad ID: Kerr Drilling Pad #1; ABR–20100506.R2; Lathrop Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 15, 2020.

11. Range Resources Appalachia, LLC; Pad ID: Dog Run Hunting Club Unit; ABR–20100456.R2; Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 15, 2020.

12. Chesapeake Appalachia, L.L.C.; Pad ID: Fred; ABR–201005241.R2; Leroy Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 24, 2020.

13. Chesapeake Appalachia, L.L.C.; Pad ID: McConnell; ABR–20100525.R2; Overton Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 24, 2020.

14. Cabot Oil & Gas Corporation; Pad ID: HousenickJ P1; ABR–201505004.R1; Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 24, 2020.

15. SWN Production Company, LLC; Pad ID: RU–42–KROPFF–PAD; ABR–201410002.R1; Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: June 29, 2020.

16. Seneca Resources Company, LLC; Pad ID: Gamble Pad P; ABR–201506005.R1; Hepburn Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 29, 2020.

17. Chesapeake Appalachia, L.L.C.; Pad ID: Brackman; ABR–20100420.R2; Leroy Township, Bradford County, Pa.;

Consumptive Use of Up to 7.5000 mgd; Approval Date: June 29, 2020.

18. Chief Oil & Gas, LLC; Pad ID: Squier Drilling Pad #1; ABR–201007008.R2; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 29, 2020.

19. Cabot Oil & Gas Corporation; Pad ID: WarrinerR P2; ABR–20100518.R1; Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 29, 2020.

20. Cabot Oil & Gas Corporation; Pad ID: CarsonJ P1; ABR–20100520.R1; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 29, 2020.

21. SWEPI LP; Pad ID: Walker 438; ABR–20100516.R2; Shippen Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 29, 2020.

22. XPR Resources, LLC; Pad ID: Alder Run Land LP #2H; ABR–20100454.R2; Cooper Township, Clearfield County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 29, 2020.

23. Chesapeake Appalachia, L.L.C.; Pad ID: Cerca; ABR–20100538.R2; Wyalusing Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

24. Chesapeake Appalachia, L.L.C.; Pad ID: Treat; ABR–20100527.R2; Rome Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

25. Chesapeake Appalachia, L.L.C.; Pad ID: Feusner New; ABR–20100558.R2; Litchfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

26. Chesapeake Appalachia, L.L.C.; Pad ID: Madden; ABR–20100536.R2; Asylum Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

27. Chesapeake Appalachia, L.L.C.; Pad ID: Rich; ABR–20100539.R2; Troy Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

28. Chesapeake Appalachia, L.L.C.; Pad ID: Allen; ABR–20100606.R2; Wysox Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

29. Chesapeake Appalachia, L.L.C.; Pad ID: Finnerty; ABR–20100602.R2; West Burlington Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

30. Chesapeake Appalachia, L.L.C.; Pad ID: Hilltop NEW; ABR–201006102.R2; Jessup Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

31. Chesapeake Appalachia, L.L.C.; Pad ID: Akita NEW; ABR–20100689.R2; Smithfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

32. Chesapeake Appalachia, L.L.C.; Pad ID: Alderfer NEW; ABR–20100671.R2; Litchfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

33. Chesapeake Appalachia, L.L.C.; Pad ID: Lillie NEW; ABR–201006104.R2; Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

34. Rockdale Marcellus, LLC; Pad ID: Greenwood Hunting Lodge 427; ABR–20100532.R2; McIntyre Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 30, 2020.

35. Seneca Resources Company, LLC; Pad ID: PHC Pad Q; ABR–20100551.R2; Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 30, 2020.

36. Chief Oil & Gas, LLC; Pad ID: Severcool Drilling Pad #1; ABR–20100547.R2; Forkston Township, Wyoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 30, 2020.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: July 14, 2020.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2020–15519 Filed 7–16–20; 8:45 am]

BILLING CODE 7040–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Revocation of ABR Approvals

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: June 1–30, 2020.

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, that have been revoked for the time period specified above:

Revocation of Approvals by Rule—Issued Under 18 CFR 806.22(f)

1. Chesapeake Appalachia, L.L.C.; Pad ID: Sophia; ABR–201106005.R1; Smithfield and Springville Townships, Bradford County, Pa.; Revocation Date: June 25, 2020.

2. Chesapeake Appalachia, L.L.C.; Pad ID: Sharidan; ABR–201112027.R1; Litchfield Township, Bradford County, Pa.; Revocation Date: June 25, 2020.

3. Repsol Oil & Gas USA, LLC.; Pad ID: COLE (03 016) T; ABR–20100549.R1; Columbia Township, Bradford County, Pa.; Revocation Date: June 26, 2020.

4. SWN Production Company, LLC.; Pad ID: TI-Kohler Pad; ABR–201601006; Liberty Township, Tioga County, Pa.; Revocation Date: June 26, 2020.

5. SWEPI LP.; Pad ID: State 822; ABR–201007040.R1; Gaines Township, Tioga County, Pa.; Revocation Date: June 26, 2020.

6. SWEPI LP.; Pad ID: Youst 405; ABR–201106026.R1; Jackson Township, Tioga County, Pa.; Revocation Date: June 26, 2020.

7. SWEPI LP.; Pad ID: Wilson 286; ABR–201203027.R1; Charleston Township, Tioga County, Pa.; Revocation Date: June 29, 2020.

8. SWEPI LP.; Pad ID: Jones 276; ABR–201201021.R1; Jackson Township, Tioga County, Pa.; Revocation Date: June 29, 2020.

9. SWEPI LP.; Pad ID: State 6721; ABR–20100440.R1; Elk Township, Tioga County, Pa.; Revocation Date: June 29, 2020.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: July 14, 2020.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2020–15518 Filed 7–16–20; 8:45 am]

BILLING CODE 7040–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2020–0029]

Request for Comments Concerning the Extension of Particular Exclusions Granted Under the $300 Billion Action Pursuant to Section 301: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

AGENCY: Office of the United States Trade Representative.

ACTION: Notice and request for comments.

SUMMARY: On August 20, 2019, at the direction of the President, the U.S. Trade Representative determined to modify the action being taken in the Section 301 investigation of China's acts, policies, and practices related to technology transfer, intellectual property, and innovation by imposing additional duties of 10 percent *ad valorem* on goods of China with an annual trade value of approximately $300 billion. The additional duties on products in List 1, which is set out in Annex A of that action, became effective on September 1, 2019. The U.S. Trade Representative initiated a product exclusion process in October 2019, and as of the date of this notice, has issued six product exclusion notices under this action and anticipates issuing a seventh notice in the coming days. The product exclusions granted under these notices are scheduled to expire on September 1, 2020. The U.S. Trade Representative previously decided to consider a possible extension for up to twelve months of particular exclusions granted under the initial five product exclusion notices. The U.S. Trade Representative has decided to consider a possible extension for up to twelve months of particular exclusions granted under the sixth notice and a forthcoming seventh notice of product exclusions.

DATES: July 15, 2020: The public docket on the web portal at *https://comments.USTR.gov* will open for parties to submit comments on the possible extension of particular exclusions.

August 14, 2020 at 11:59 p.m. ET: To be assured of consideration, submit written comments on the public docket by this deadline.

ADDRESSES: You must submit all comments through the online portal: *https://comments.USTR.gov.*

FOR FURTHER INFORMATION CONTACT: Associate General Counsel Philip Butler or Assistant General Counsel Benjamin Allen at (202) 395–5725.

SUPPLEMENTARY INFORMATION:

A. Background

For background on the proceedings in this investigation, please see prior notices including 82 FR 40213 (August 24, 2017), 83 FR 14906 (April 6, 2018), 84 FR 22564 (May 17, 2019), 84 FR 43304 (August 20, 2019), 84 FR 45821 (August 30, 2019), 84 FR 57144 (October 24, 2019), 84 FR 69447 (December 18, 2019), 85 FR 3741 (January 22, 2020), 85 FR 13970 (March 10, 2020), 85 FR 15244 (March 17, 2020), 85 FR 17936 (March 31, 2020), 85 FR 28693 (May 13, 2020), 85 FR 32099 (May 28, 2020), 85 FR 35975 (June 12, 2020), 85 FR 38482 (June 26, 2020), and 85 FR 41658 (July 10, 2020).

In a notice published on August 20, 2019, the U.S. Trade Representative, at the direction of the President, announced a determination to modify the action being taken in the Section 301 investigation by imposing an additional 10 percent *ad valorem* duty on products of China with an annual aggregate trade value of approximately $300 billion. 84 FR 43304 (August 20, 2019) (August 20 notice). The August 20 notice contains two separate lists of tariff subheadings, with two different effective dates. List 1, which is set out in Annex A of the August 20 notice, was effective on September 1, 2019. List 2, which is set out in Annex C of the August 20 notice, was scheduled to take effect on December 15, 2019. Subsequently, the U.S. Trade Representative announced determinations suspending until further notice the additional duties on products set out in Annex C (List 2) and reducing the additional duties for the products covered in Annex A of the August 20 notice (List 1) to 7.5 percent. *See* 84 FR 57144, 85 FR 3741.

On October 24, 2019, the U.S. Trade Representative established a process by which U.S. stakeholders could request exclusion of particular products classified within an eight-digit Harmonized Tariff Schedule of the United States (HTSUS) subheading covered by List 1 of the $300 billion action from the additional duties. *See* 84 FR 57144 (October 24 notice). The October 24 notice required submission of requests for exclusion from the $300 billion action no later than January 31, 2020, and noted that the U.S. Trade Representative periodically would announce decisions. As of the date of this notice, the U.S. Trade Representative has issued six notices of product exclusions under this action and anticipates issuing a seventh notice in the coming days. These exclusions are scheduled to expire on September 1, 2020.

B. Possible Extensions of Particular Product Exclusions

As noted, the U.S. Trade Representative previously decided to consider a possible extension for up to 12 months of particular exclusions granted under the initial 5 product exclusion notices under the $300 billion action. *See* 85 FR 38482 (June 26, 2020). This notice announces the U.S. Trade Representative's decision to consider a possible extension for up to twelve months of particular exclusions granted under the sixth notice and a forthcoming seventh notice of product exclusions. Accordingly, USTR invites public comments on whether to extend the particular exclusions issued under 85 FR 41658 (July 10, 2020) and those product exclusions issued under the subsequent notice of product exclusions to be published in the **Federal Register** in the coming days. Public comments regarding the extension of particular exclusions under the first five notices of product exclusions issued under the $300 billion action must be filed under a separate docket (USTR–2020–0027). *See* 85 FR 38482 (June 26, 2020).

The Office of the United States Trade Representative will evaluate the possible extension of each exclusion on a case-by-case basis. The focus of the evaluation will be whether, despite the first imposition of these additional duties in September 2019, the particular product remains available only from China. In addressing this factor, commenters should address specifically:

- Whether the particular product and/or a comparable product is available from sources in the United States and/or in third countries.
- Any changes in the global supply chain since September 2019 with respect to the particular product or any other relevant industry developments.
- The efforts, if any, the importers or U.S. purchasers have undertaken since September 2019 to source the product from the United States or third countries.

In addition, USTR will continue to consider whether the imposition of additional duties on the products covered by the exclusion will result in severe economic harm to the commenter or other U.S. interests.

C. Procedures To Comment on the Extension of Particular Exclusions

To submit a comment regarding the extension of a particular exclusion granted under the above referenced product exclusion notices under the $300 billion action, commenters first

must register on the portal at *https://comments.USTR.gov.* As noted above, the public docket will be open from July 15, 2020, to August 14, 2020. After registration, the commenter may submit an exclusion extension comment form to the public docket.

Fields on the comment form marked with an asterisk (*) are required fields. Fields with a gray (BCI) notation are for business confidential information and will not be publicly available. Fields with a green (Public) notation will be publicly available. Additionally, commenters will be able to upload documents and indicate whether the documents are BCI or public. Commenters will be able to review the public version of their comments before they are posted.

In order to facilitate the preparation of comments prior to the July 15 opening of the public docket, a facsimile of the exclusion extension comment form to be used on the portal is annexed to this notice. Please note that the color-coding of public fields and BCI fields is not visible on the attached facsimile, but will be apparent on the actual comment form used on the portal.

Set out below is a summary of the information to be entered on the exclusion extension comment form.

- Contact information, including the full legal name of the organization making the comment, whether the commenter is a third party (*e.g.,* law firm, trade association, or customs broker) submitting on behalf of an organization or industry, and the name of the third party organization, if applicable.
- The number for the exclusion on which you are commenting as provided in the Annex of the **Federal Register** notice granting the exclusion and the description. For descriptions, amended or corrected by a later issued notice of product exclusions, parties should use the amended or corrected description.
- Whether the product or products covered by the exclusion are subject to an antidumping or countervailing duty order issued by the U.S. Department of Commerce.
- Whether you support or oppose extending the exclusion and an explanation of your rationale. Commenters must provide a public version of their rationale, even if the commenter also intends to submit a more detailed business confidential rationale.
- Whether the products covered by the exclusion or comparable products are available from sources in the U.S. or third countries. Please include information concerning any changes in the global supply chain since September 2019 with respect to the particular product.
- The efforts you have undertaken since September 2019 to source the product from the United States or third countries.
- The value and quantity of the Chinese-origin product covered by the specific exclusion request purchased in 2018 and 2019. Whether these purchases are from a related company, and if so, the name of and relationship to the related company.
- Whether Chinese suppliers have lowered their prices for products covered by the exclusion following the imposition of duties.
- The value and quantity of the product covered by the exclusion purchased from domestic and third country sources in 2018 and 2019.
- If applicable, the commenter's gross revenue for 2018 and 2019.
- Whether the Chinese-origin product of concern is sold as a final product or as an input.
- Whether the imposition of duties on the products covered by the exclusion will result in severe economic harm to the commenter or other U.S. interests.
- Any additional information or data in support of or in opposition to extending the exclusion that you consider relevant.

D. Submission Instructions

To be assured of consideration, you must submit your comment between the opening of the public docket on July 15, 2020 and the August 14, 2020 submission deadline. If you seek to comment on two or more exclusions, you must submit a separate comment for each exclusion.

By submitting a comment, the commenter certifies that the information provided is complete and correct to the best of their knowledge.

E. Paperwork Reduction Act

In accordance with the requirements of the Paperwork Reduction Act of 1995 and its implementing regulations, the Office of Management and Budget assigned control number 0350–0015, which expires January 31, 2023.

Joseph Barloon,

General Counsel, Office of the United States Trade Representative.

BILLING CODE 3290–FO–P

ANNEX

OMB Control Number: 0350-0015 Expiration Date: January 31, 2023

Exclusion Extension Comment Form

1. Submitter Information

Full Organization Legal Name **(Public)**	
Commenter First Name **(BCI)**	
Commenter Last Name **(BCI)**	
Commenter Phone Number **(BCI)**	
Commenter Mailing Address **(BCI)**	
Contact Email Address **(BCI)**	

Are you a third party, such as a law firm, trade association, or customs broker, submitting on behalf of an organization or industry? (Public)

Note: If you are submitting on behalf of an organization/industry, the information below is required.

Third Party Firm/Association Name **(Public)**	
Third Party First Name **(BCI)**	
Third Party Last Name **(BCI)**	
Third Party Phone Number **(BCI)**	
Third Party Mailing Address **(BCI)**	
Third Party Email Address **(BCI)**	

2. a) From the Annex of the Federal Register Notice granting the exclusion, please provide the number and product description for the exclusion you are commenting on. For descriptions subsequently amended or corrected by a later notice, parties should use the amended or corrected description. Click the magnifying glass in the box below to search for and select the number and product description applicable to your comment. You may search by the HTS code or key words in the exclusion. (Public)

b) Is this product subject to an antidumping or countervailing duty order issued by the U.S. Department of Commerce? (Public)

3. Do you support extending the exclusion (yes or no)? Please explain your rationale. (You must provide a public version of your rationale.) (Public)

4. Please explain whether the products covered by the exclusion, or comparable products, are available from sources in the United States? (Please include information concerning any changes in the global supply chain since September 2019 with respect to the particular product or any other relevant industry developments.) (Public)

5. Please explain whether the products covered by the exclusion, or a comparable products, are available from sources in third countries? (Please include information concerning any changes in the global supply chain since September 2019 with respect to the particular product.) (Public)

6. a) Please provide the value in USD and quantity (with units) of the Chinese-origin product covered by the specific exclusion that you purchased in 2018 and 2019. Limit this figure to the products purchased by your firm (or by members of your trade association). Please provide estimates if precise figures are unavailable. (BCI)

2018 Value:		**2018 Quantity:**	
2019 Value:		**2019 Quantity:**	

Are the provided figures estimates? (BCI)

Are any of these purchases from a related company? (BCI)

Please list the name and relationship of the related company. (BCI)

Name:		**Relationship:**	

b.) Please discuss whether Chinese suppliers have lowered their prices for products covered by the exclusion following imposition of the duties. (BCI)

7. Please provide the value in USD and quantity (with units) of the product covered by the specific exclusion that you purchased from any third-country source in 2018 and 2019. Limit this figure to the products purchased by your firm (or by members of your trade association). Please provide estimates if precise figures are unavailable. (BCI)

2018 Value:		**2018 Quantity:**	
2019 Value:		**2019: Quantity:**	

Are the provided figures estimates? (BCI)

8. Please provide the value in USD and quantity (with units) of the product covered by the specific exclusion that you purchased from domestic sources in 2018 and 2019. Limit this figure to the products purchased by your firm (or by members of your trade association). Please provide estimates if precise figures are unavailable. (BCI)

2018 Value:		**2018 Quantity:**	
2019 Value:		**2019 Quantity:**	

Are the provided figures estimates? (BCI)

9. Please discuss any efforts you have undertaken since September 2019 to source this product from United States or third countries. (BCI)

10. Please provide information regarding your company's gross revenue in USD for 2018 and 2019. (BCI)

2018 Gross Revenue:	
2019 Gross Revenue:	

Are the provided gross revenue figures estimates? (BCI)

11. Is the Chinese-origin product of concern sold as a final product or as an input used in the production of a final product or products? (BCI)

12. Please comment on whether the imposition of additional duties on the product(s) covered by the exclusion you are seeking an extension for, will result in severe economic harm to your company or other U.S. interests. (BCI)

13. Please provide any additional information in support of your comment, taking account of the instructions provided in Section B of the Federal Register notice. (BCI)

14. You may upload additional attachments in support of your comment. Please specify whether the attachment is Public or contains Business Confidential Information. (Submitter Determines Public or BCI)

[FR Doc. 2020–15533 Filed 7–16–20; 8:45 am]
BILLING CODE 3290–F0–C

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2020–0095]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel LEI (Sailing 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 August 17, 2020.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2020–0095 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2020–0095 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–2020–0095, 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 LEI is:

—*Intended Commercial Use of Vessel:* ''Near coastal passenger Charter ''

—*Geographic Region Including Base of Operations:* ''California'' (Base of Operations: Marina Del Rey, CA)

—*Vessel Length and Type:* 42' catamaran

The complete application is available for review identified in the DOT docket as MARAD–2020–0095 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–2020–0095 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: July 14, 2020.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2020–15501 Filed 7–16–20; 8:45 am]
BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2020–0096]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel VISION (Sailing 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 August 17, 2020.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2020–0096 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2020–0096 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–2020–0096, 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 VISION is:

—Intended commercial use of vessel: ''Day and overnight sailing charters for education and vacations''
—Geographic region including base of operations: ''California'' (Base of Operations: Hyatt Regency Spa and Marina, Mission Bay, San Diego, California)
—Vessel length and type: 48′ sailing vessel

The complete application is available for review identified in the DOT docket as MARAD–2020–0096 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–2020–0096 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: July 14, 2020.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2020–15502 Filed 7–16–20; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2020–0018]

Agency Information Collection Activities; Notice and Request for Comment; Reducing the Illegal Passing of School Buses

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for public comment on a request for approval of a proposed new collection of information.

SUMMARY: NHTSA invites public comments about its intention to request approval from the Office of Management and Budget (OMB) for a new collection of information. Before a Federal agency can collect certain information from the public, it must receive approval from the OMB. Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved

collections. This document describes an Information Collection Request (ICR) for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before September 15, 2020.

ADDRESSES: You may submit comments identified by Docket Number NHTSA–2020–0018 through any of the following methods:

- *Electronic Submissions:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility. M–30, U.S. Department of Transportation. 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Hand Delivery or Courier:* Docket Management, 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. To be sure someone is there to help you, please call (202) 366–9322 before coming.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number for this proposed collection of information. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy heading below.

- *Privacy Act:* Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register**, published on April 11, 2000 (65 FR 19477–78), or you may visit *http://www.dot.gov/privacy.html.*
- *Docket:* For access to the docket to read background documents or comments received, go to *http://ww.regulations.gov* or the street address listed above. To be sure someone is there to help you, please call (202) 366–9322 before coming. Follow the online instructions for accessing the dockets.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Kristin Rosenthal, Highway Safety Specialist, Safety Countermeasures Division, Office of Research and Program Development, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, W44–213, Washington, DC 20590. Ms. Rosenthal's phone number is 202–366–8995, and her email address is *Kristin.Rosenthal@dot.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulations (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following: (i) 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; (ii) 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; (iii) how to enhance the quality, utility, and clarity of the information to be collected; and (iv) how 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, *e.g.,* permitting electronic submissions of responses. In compliance with these requirements, NHTSA asks for public comment on the following proposed collection of information for which the agency is seeking approval from OMB:

Title: Reducing the Illegal Passing of School Buses.

OMB Control Number: New.

Form Number: 1559.

Type of Information Collection Request: Request for approval of a new information collection.

Type of Review Requested: Regular.

Requested Expiration Date of Approval: Three years from date of approval.

Summary of the Collection of Information: The National Highway Traffic Safety Administration (NHTSA) was established by the Highway Safety Act of 1970 to reduce deaths, injuries, and economic losses due to road traffic crashes on the Nation's highways. Even though every State has a law requiring drivers to stop for a stopped school bus displaying flashing red lights, illegal passing of stopped school buses is a frequent occurrence all across the country. Title 23 of the United States Code, Chapter 4, Section 403, gives the Secretary authorization to use funds appropriated to conduct research and development activities, including demonstration projects and the collection and analysis of highway and motor vehicle safety data and related information needed to carry out this section. NHTSA seeks to assess the knowledge of drivers nationwide about the laws governing passing a school bus (under the specific State laws where the driver lives) as a function of varying roadway configurations, flashing yellow and red light deployment on the school bus, and activation of the stop arm on the bus. To make this assessment, NHTSA intends to conduct research that will consist of two methods of survey collection data from drivers of motor vehicles. First (Study 1), NHTSA will conduct a national survey, involving respondents who volunteer to participate through AmeriSpeak,[1] which will take place in the respondent's home or wherever the respondent chooses to operate a computer, laptop, tablet, or other mobile device they provide for screening and data collection. Second (Study 2), NHTSA will conduct community surveys that occur in two communities and will involve surveys before and after implementation of a program designed to increase driver awareness of laws governing passing a school bus. Screening and data collection for the community surveys will take place on a computer or tablet provided by the study at a public venue frequented by drivers across the socioeconomic and demographic spectra, such as a mall or motor vehicle department office. All collection of data will be anonymous. AmeriSpeak provides data to clients with an anonymous record identification number. The community survey does not collect any personal identifying data from the participant.

Study 1 will use an internet-hosted survey of a nationally representative sample of drivers to determine their knowledge of and attitudes towards laws regarding passing of stopped school buses, as well as their opinions on the safest driver behaviors when encountering a school bus on the roadway. Study 2 will be a field study in two communities with differing levels of camera enforcement of school bus passing laws to examine the effectiveness of an automated school bus camera enforcement system combined with high-visibility police

[1] AmeriSpeak, created by the National Opinion Research Center (NORC) at the University of Chicago, is a probability-based panel designed to be representative of the U.S. household population to take part in surveys.

enforcement and public education in reducing school bus passing violations. Survey data collection in the test communities will examine awareness of the enforcement and camera programs, driver knowledge of and attitudes towards school bus passing laws, and self-reported behavior when encountering a school bus on the roadway before and after program implementation.

Description of the Need for the Information and Proposed Use of the Information: NHTSA's mission is to save lives, prevent injuries, and reduce economic costs due to road traffic crashes, through education, research, safety standards and enforcement activity. The agency develops, promotes, and implements educational, enforcement, engineering, and emergency response programs with the goal of ending preventable tragedies and reducing economic costs associated with vehicle use and highway travel. Since1991 NHTSA has supported efforts to conduct national surveys focusing on different program areas to enhance its resources in those areas. NHTSA also conducts local community surveys which have a similar focus, but also allow the agency to conduct field research and demonstration programs and evaluate changes in community knowledge, attitudes, self-reported behavior, and awareness of program efforts.

One highway safety problem NHTSA has been following closely involves school children struck by passing motorists while going to or from a stopped school bus with its red lights flashing and its stop arm extended. Even though there have been some highly-publicized child fatalities of this type and the annual national stop-arm violation count by the National Association of State Directors of Pupil Transportation Services (NASDPTS) continues to show a surprisingly high incidence of these illegal passes, to date, no national survey has assessed the levels of driver knowledge and understanding of the laws regarding passing of school buses. The findings from this proposed collection of information will assist NHTSA in designing, targeting, and implementing programs intended to mitigate illegal passing of school buses on the roadways and to provide data to States, localities, and law enforcement agencies that will aid in their efforts to reduce crashes and injuries due to illegal school bus passing.

Affected Public (Respondents): Respondents for Study 1, the national survey, will be drawn from the panelists in the AmeriSpeak panel funded and operated by National Opinion Research Center (NORC) at the University of Chicago. AmeriSpeak is a probability-based panel designed to be representative of the U.S. household population. Randomly selected U.S. households are sampled with a known, non-zero probability of selection from the NORC National Sample Frame and then contacted by U.S. mail, email, telephone, and field interviewers (face to face) to recruit panelists. AmeriSpeak panelists participate in NORC studies or studies conducted by NORC on behalf of governmental agencies, academic researchers, and media and commercial organizations. Participation in research is voluntary at the time that respondents are asked to join the panel, at the time they are asked to participate in any particular survey, and at the time they answer any given question in a survey. Respondents from the AmeriSpeak panel will be compensated for their time in accordance with their agreement with NORC.

Study 2, the community surveys (before and after program implementation in two communities), will consist of volunteer respondents who are current motor vehicle drivers, aged 18 or older. Volunteers will be recruited while they are at selected locations, such as malls or motor vehicle offices where the desired respondent population is likely to be found and will receive compensation in return for volunteering.

Estimated Number of Respondents: To obtain at least 3,000 fully completed national surveys for Study 1, it is estimated that up to 3,400 AmeriSpeak panelists will have to be screened to obtain 3,100 qualified volunteers who take the national survey (100 of these volunteers are estimated not to complete the entire survey).

For the community surveys in Study 2, NHTSA estimates that 400 volunteers will have to be screened for each wave (400 for the before-program implementation and 400 for the after-program implementation) for each of the two communities. Therefore, a total of 1,600 volunteers will have to be screened for the estimated yield of 300 completed surveys for each wave for the two communities, or 1,200 fully completed surveys.

Frequency of Collection: Respondents will only respond to the national survey request a single time during the study period. The community survey will be conducted twice at the same locations in each of the two selected communities over a period of approximately 10 months. Therefore, an extremely small possibility exists that an individual might be invited to participate more than once for the community survey.

Estimated Time per Participant: Both the national and community surveys will be administered via an internet-hosted survey on a tablet or other small computer. The national and community surveys will have the same core items related to knowledge of and attitudes towards school bus passing laws. The community survey will have additional items about awareness of countermeasure program activities and basic respondent demographic information. Demographic information for the panelists in the national survey is part of their AmeriSpeak profile. The intent is for each participant to complete a survey only once. However, no identifying information will be collected for the community survey, so a slight possibility exists that an individual will participate more than once. The estimated average time to complete the survey per participant in either the national or community samples is 15 minutes. The screening involving (1) reading a recruitment communication, such as an email or listening to a researcher describe the study, and (2) determining an individual's eligibility (*e.g.,* 18+ years old, current driver, lives in the community being studied) can take up to three minutes for the community surveys and two minutes for the national survey.

Total Estimated Burden Hours: It is estimated that for the 3,400 AmeriSpeak panelists that will have to be screened, the estimated total burden is 113 hours (3,400 × 2 min./60). For the 3,100 qualified volunteers who take the national survey, the estimated total burden hours is 775 hours (3,100 × 15 min./60), yielding at least 3,000 fully completed surveys. Likewise, it is estimated that the total estimated burden for the maximum of 1,600 potential participants to be screened for the community survey (400 per wave × 2 communities × 2 waves) is 80 hours (1,600 × 3 min./60). The estimated total burden hours for the 1,200 fully completed surveys (300 per wave × 2 communities × 2 waves) is 300 hours (1,200 × 15 min./60). The only cost to participants will be time spent responding to the screening and the subsequent survey if they volunteer. Participants who volunteer and begin the survey will receive compensation for this time. Table 1 provides a summary of the burden hours per survey.

Participant group	Form name	Number of responses per participant	Estimated burden per response (min.)	Number of participants	Total burden hours
National Survey	Screening	1	2	3,400	113
National Survey	Online Survey	1	15	3,100	775
Community Survey	Screening	1	3	1,600	80
Community Survey	Online Survey	1	15	1,200	300
Total					1,268

Estimated Annualized Burden Hours: 1,268 hours.

Public Comments Invited: You are asked to comment on any aspects of this information collection, including (a) 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; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (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 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 1.49; and DOT Order 1351.29.

Issued in Washington, DC.

Nanda Narayanan Srinivasan,

Associate Administrator, Research and Program Development.

[FR Doc. 2020–15445 Filed 7–16–20; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Proceeds From Broker and Barter Exchange Transactions, Form 1099–B

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 proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 1099–B, Proceeds From Broker and Barter Exchange Transactions.

DATES: Written comments should be received on or before September 15, 2020 to be assured of consideration.

ADDRESSES: Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224. Requests for additional information or copies of the form and instructions should be directed to LaNita Van Dyke, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224 or through the internet at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Proceeds From Broker and Barter Exchange Transactions.

OMB Number: 1545–0715.

Form Number: Form 1099–B.

Abstract: Internal Revenue Code section 6045 requires the filing of an information return by brokers to report the gross proceeds from transactions and by barter exchanges to report exchanges of property or services. Form 1099–B is used to report proceeds from these transactions to the Internal Revenue Service. Current Actions: There are no changes in the paperwork burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals.

Estimated Number of Responses: 1,434,809,803.

Estimated Time per Response: 47 minutes.

Estimated Total Annual Burden Hours: 674,360,608.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: July 6, 2020.

Chakinna B. Clemons,

Supervisory Tax Analyst.

[FR Doc. 2020–15440 Filed 7–16–20; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Taxpayer Statement Regarding Refund

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service (IRS), in accordance with the Paperwork Reduction Act of 1995 (PRA 95), provides the general public and Federal agencies with an opportunity to comment on continuing collections of information. This helps the IRS assess the impact of its information collection requirements and minimize the reporting burden on the public and helps the public understand the IRS's information collection requirements and provide the requested data in the

desired format. The IRS is soliciting comments concerning Taxpayer Statement Regarding Refund. The information and taxpayer signature are needed to begin the tracing action.

DATES: Written comments should be received on or before September 15, 2020 to be assured of consideration.

ADDRESSES: Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224. Requests for additional information or copies of the form and instructions should be directed to LaNita Van Dyke, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224 or through the internet at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Taxpayer Statement Regarding Refund.

OMB Number: 1545–1384.

Form Number: 3911.

Abstract: Form 3911 is used by taxpayers to notify the IRS that a tax refund previously claimed has not been received. The form is normally completed by the taxpayer as the result of an inquiry in which the taxpayer claims non-receipt, loss, theft, or destruction of a tax refund and IRS research shows that the refund has been issued. The information on the form is needed to clearly identify the refund to be traced.

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: Individuals or households, business or other for-profit organizations, and not-for-profit institutions.

Estimated Number of Respondents: 200,000.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 16,600.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: July 1, 2020.

Chakinna B. Clemons,

Supervisory Tax Analyst.

[FR Doc. 2020–15439 Filed 7–16–20; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notice 2005–62

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 proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Notice 2005–62, Modification of Notice 2005–04; Biodiesel and Aviation-Grade Kerosene.

DATES: Written comments should be received on or before September 15, 2020 to be assured of consideration.

ADDRESSES: Direct all written comments to Kinna Brewington, 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 LaNita Van Dyke, (202) 317–6007, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Modification of Notice 2005–04; Biodiesel and Aviation-Grade Kerosene.

OMB Number: 1545–1915.

Notice Number: Notice 2005–62.

Abstract: Notice 2005–04 provides guidance on certain excise tax Code provisions that were added or effected by the American Jobs Creation Act of 2004. The information will be used by the IRS to verify that the proper amount of tax is reported, excluded, refunded, or credited. This notice is modified and expanded by Notices 2005–24, 2005–62, and 2005–80.

Current Actions: There are no changes being made to the notice at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, not-for-profit institutions, farms, Federal, state, local or tribal governments.

Estimated Number of Responses: 157,963.

Estimated Time per Respondent: .48 hours.

Estimated Total Annual Burden Hours: 76,190.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: July 6, 2020.

Chakinna B. Clemons,

Supervisory Tax Analyst.

[FR Doc. 2020–14994 Filed 7–16–20; 8:45 am]

BILLING CODE 4830–01–P

UNIFIED CARRIER REGISTRATION PLAN

Sunshine Act Meeting

TIME AND DATE: July 23, 2020, from Noon to 2:00 p.m., Eastern time.

PLACE: This meeting will be accessible via conference call and via Zoom Meeting and Screenshare. Any interested person may call (i) 1–929–205–6099 (U.S. Toll) or 1–669–900–6833 (U.S. Toll) or (ii) 1–877–853–5247 (U.S. Toll Free) or 1–888–788–0099 (U.S. Toll Free), Meeting ID: 952 5849 8325, to listen and participate in this meeting. The website to participate via Zoom Meeting and Screenshare is *https://kellen.zoom.us/j/95258498325.*

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Finance Subcommittee (the ''Subcommittee'') will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement. The subject matter of this meeting will include:

Proposed Agenda

I. Call to Order—UCR Subcommittee Chair

The Subcommittee Chair will welcome attendees, call the meeting to order, call roll for the Subcommittee, confirm whether a quorum is present, and facilitate self-introductions.

II. Verification of Publication of Meeting Notice—UCR Executive Director

The UCR Executive Director will verify the publication of the meeting notice on the UCR website and distribution to the UCR contact list via email followed by the subsequent publication of the notice in the **Federal Register**.

III. Review and Approval of Subcommittee Agenda and Setting of Ground Rules—Subcommittee Chair

For Discussion and Possible Subcommittee Action

The Subcommittee Agenda will be reviewed, and the Subcommittee will consider adoption.

Ground Rules

Subcommittee action only to be taken in designated areas on agenda

IV. Approval of Minutes From January 27, 2020 Meeting—Subcommittee Chair

For Discussion and Possible Subcommittee Action

- Draft minutes from the January 27, 2020 Finance Subcommittee meeting will be reviewed. The Subcommittee will consider action to approve.

V. Proposed Policy for UCR Board Fee Recommendations—UCR Depository Manager

For Discussion and Possible Subcommittee Action

The UCR Depository Manager will present a draft of a proposed policy regarding recommendations by the Board to the Secretary of the U.S. Department of Transportation regarding possible UCR fee changes that the Board may recommend from time-to-time as conditions warrant. The policy will include a general-purpose description, guidelines for interacting with the Federal Motor Carrier Safety Administration (FMCSA), timelines regarding submission of fee change recommendations, and the methodology that will be used to quantify fee changes. The Subcommittee may take action to recommend adoption of the proposed policy to the Board.

VI. Proposed Amendment to Refunds Procedure—UCR Depository Manager

For Discussion and Possible Subcommittee Action

The UCR Depository Manager will present a draft of a proposed amendment regarding the issuance of refunds, especially when related to refunding permitting services that register motor carriers without consent. The Subcommittee may take action to recommend adoption of the proposed amendment to the Board.

VII. UCR Investments—UCR Depository Manager

For Discussion and Possible Subcommittee Action

Representatives from the Bank of North Dakota and Truist Bank (formerly SunTrust) will discuss the current investment landscape with the Subcommittee and potentially offer recommendations for investment options within current economic conditions. (Each presentation to last approximately 15 minutes). The Subcommittee may take action to recommend potential investment options to the Board.

VIII. Certificates of Deposit—UCR Depository Manager

For Discussion and Possible Subcommittee Action

The UCR Depository Manager will provide a report on activities required to redeem one certificate of deposit at the Bank of North Dakota scheduled to mature on August 5, 2020 as well as discuss the need to reinvest proceeds from the matured CD. The Subcommittee may take action to recommend adoption of the CD reinvestment proposal to the Board.

IX. Board Insurance—UCR Depository Manager

For Discussion and Possible Subcommittee Action

The UCR Depository Manager will provide an update on plans to procure insurance for the UCR Board and Officers (Directors and Officers and Cybersecurity policies). The Subcommittee may take action to recommend adoption of the proposal to the Board.

X. Review 2020 Administrative Expenses Through June 30, 2020—UCR Depository Manager

The UCR Depository Manager will present the administrative costs incurred for the period of January 1, 2020 through June 30, 2020, compare to the budget for the same time-period, and discuss all significant variances.

XI. Review 2021 Proposed Administrative Budget—UCR Depository Manager

For Discussion and Possible Subcommittee Action

The UCR Depository Manager will present the preliminary budget for administrative operating expenses planned during the calendar year 2021. The Subcommittee may take action to recommend adoption of a 2021 proposed administrative budget to the Board.

XII. Review 2022–2023 Proposed Administrative Budgets—UCR Depository Manager

For Discussion and Possible Subcommittee Action

The UCR Depository Manager will present the preliminary budgets for administrative operating expenses planned during the calendar years 2022–2023 that will be used to establish the amount of the Administrative Reserve. The Subcommittee may take action to recommend adoption of a 2022–2023 proposed administrative budget to the Board.

XIII. Update on Current Financial Reserve Funds—UCR Depository Manager

The UCR Depository Manager will discuss the two financial reserves authorized by the Board, compare them to current bank account balances, and address any over/under-funding of the accounts including plans to address funding differences.

XIV. Final 2020 Distributions to States—UCR Depository Manager

For Discussion and Possible Subcommittee Action

The UCR Depository Manager will present a proposed plan for the final distribution to states for the 2020 registration year expected to be completed in August. The Subcommittee may take action to recommend to the Board adoption of final 2020 distributions to the states.

XV. Other Business—Subcommittee Chair

The Subcommittee Chair will call for any other items the Subcommittee members would like to discuss.

XVI. Adjournment—Subcommittee Chair

The Subcommittee Chair will adjourn the meeting.

The agenda will be available no later than 5:00 p.m. Eastern time, July 14, 2020 at: *https://plan.ucr.gov.*

CONTACT PERSON FOR MORE INFORMATION: Elizabeth Leaman, Chair, Unified Carrier Registration Plan Board of Directors, (617) 305–3783, *eleaman@board.ucr.gov.*

Alex B. Leath,

Chief Legal Officer, Unified Carrier Registration Plan.

[FR Doc. 2020–15605 Filed 7–15–20; 11:15 am]

BILLING CODE 4910–YL–P

FEDERAL REGISTER

Vol. 85 Friday,
No. 138 July 17, 2020

Part II

Federal Retirement Thrift Investment Board

Privacy Act of 1974; System of Records; Notice

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Privacy Act of 1974; System of Records

AGENCY: Federal Retirement Thrift Investment Board (FRTIB).

ACTION: Notice of a modified system of records.

SUMMARY: Pursuant to the Privacy Act of 1974, the Federal Retirement Thrift Investment Board (FRTIB) proposes to modify multiple existing systems of records notices to provide updated routine uses in accordance with OMB Memorandum M–17–12, to update the format in accordance with OMB Circular A–108, and to provide descriptions of previously published routine uses for purposes of consistency and transparency. Contact information is also being provided for the system manager.

DATES: These systems will become effective upon publication in today's **Federal Register**, with the exception of the routine uses which will be effective on August 17, 2020. FRTIB invites written comments on the routine uses and other aspects of this system of records. Submit any comments by August 17, 2020.

ADDRESSES: You may submit written comments to FRTIB by any one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the website instructions for submitting comments.
- *Fax:* 202–942–1676.
- *Mail or Hand Delivery:* Office of General Counsel, Federal Retirement Thrift Investment Board, 77 K Street NE, Suite 1000, Washington, DC 20002.

FOR FURTHER INFORMATION CONTACT: Megan Grumbine, General Counsel and Senior Agency Official for Privacy, Federal Retirement Thrift Investment Board, Office of General Counsel, 77 K Street NE, Suite 1000, Washington, DC 20002, (202) 942–1600. For access to any of the FRTIB's systems of records, contact Amanda Haas, FOIA Officer, Office of General Counsel, at the above address and phone number.

SUPPLEMENTARY INFORMATION: Descriptions of each system of record are below.

FRTIB–2, Personnel Security Investigation Files: Records contained in this system are used to document and support decisions regarding clearance for access to sensitive FRTIB information, and the ability to receive the suitability, eligibility, and fitness for service of applicants for federal employment and contract positions, including students, interns, or volunteers to the extent their duties require access to federal facilities, information systems, or applications.

FRTIB–5, Employee Payroll, Leave, and Attendance Records: Records contained in this system are used to perform agency functions involving employee leave, attendance, and payments, including determinations relating to the amounts to be paid to employees, the distribution of pay according to employee directions (for allotments, to financial institutions, and for other authorized purposes), and for tax withholdings and other authorized deductions.

FRTIB–7, Contractor and Consultant Records: Records contained in this system are used to collect and maintain records on FRTIB contracts and consultants.

FRTIB–9, Emergency Notification Files: Records contained in this system are used for contacting FRTIB personnel, including FRTIB employees and contractors, and other individuals to respond to all emergencies, including technical, manmade or natural disaster, or other event affecting FRTIB operations, and to contact FRTIB personnel's emergency contacts in the event of an emergency. Information from this system of records is also used to prepare organizational charts, recall and emergency notification rosters, and directories for business continuity planning purposes, locate individuals on routine and/or emergency matters; locate individuals during medical emergencies, facility evacuations and similar situations involving threats; and similar administrative uses requiring personnel data.

FRTIB–12, Debt Collection Records: Records contained in this system are used to maintain a record of individuals and entities that are indebted to the Board, a Federal agency, or a Government corporation including, but not limited to: participants, beneficiaries, and alternate payees of the Thrift Savings Plan; current and former employees of the FRTIB; and individuals who received payments to which they are not entitled. The records ensure that: Appropriate collection action on debtors' accounts is taking and properly tracked, monies collected are credited, and funds are returned to the Board or appropriate agency at the time the account is collected or closed.

FRTIB–14, Legal Case Files: Records contained in this system are used to assist FRTIB attorneys in providing legal advice to FRTIB personnel on a wide variety of legal issues; to collect the information of any individual who is, or will be, in litigation with the Agency, as well as the attorneys representing the plaintiff(s) or defendant(s), response to claims by employees, former employees, and other individuals; to assist in the settlement of claims against the government; to represent FRTIB during litigation; and to catalog, investigate, litigate, or otherwise resolve any case or matter handled by the Office of General Counsel.

FRTIB–15, Internal Investigations of Harassment and Hostile Work Environment Allegations: Records contained in this system are maintained for the purpose of upholding FRTIB's policy to provide for a work environment free from all forms of harassment, including sexual harassment, and harassment on the basis of race, color, gender, national origin, religion, sexual orientation, age, genetic information, reprisal, parental status, or disability.

FRTIB–16, Congressional Correspondence Files: Records contained in this system are maintained to catalog and respond to correspondence received from congressional offices.

FRTIB–17, Telework and Alternative Work Schedule Records: Records contained in this system are collected and maintained on prospective, current, and former FRTIB employees who have participated in, presently participate in, or have sought to participate in FRTIB's Telework Program.

FRTIB–18, Reasonable Accommodation Records: Records contained in this system are collected to: (1) Allow FRTIB to collect and maintain records on prospective, current, and former employees with disabilities who request or receive a reasonable accommodation by FRTIB; (2) to track and report the processing of requests for FRTIB-wide reasonable accommodations to comply with applicable laws and regulations; and (3) to preserve and maintain the confidentiality of medical information submitted by or on behalf of applicants or employees requesting a reasonable accommodation.

FRTIB–19, Freedom of Information Act Records: Records contained in this system are collected to support the processing of record access requests made pursuant to the FOIA, whether FRTIB receives such requests directly from the requestor or via referral from another agency. In addition, this system is used to support litigation arising from such requests and appeals, and to assist FRTIB in carrying out any other responsibilities under the FOIA.

On May 22, 2007, OMB issued Memorandum M–07–16, *Safeguarding*

Against and Responding to the Breach of Personally Identifiable Information, to the heads of all executive departments and agencies. OMB required agencies to publish a routine use for their systems of records specifically applying to the disclosure of information in connection with response and remedial efforts in the event of a breach of personally identifiable information. FRTIB published a notice in the **Federal Register**, 80 FR 43428 (July 22, 2015), creating new general routine uses, including one pertaining to breach mitigation and notification, as required by OMB M–07–16.

On January 3, 2017, OMB issued Memorandum M–17–12, *Preparing for and Responding to a Breach of Personally Identifiable Information,* to the heads of all executive departments and agencies. OMB Memorandum M–17–12 rescinds and replaces OMB Memorandum M–07–16 and updates agency routine use requirements for responding to a breach. Specifically, OMB Memorandum M–17–12 requires all Senior Agency Officials for Privacy to ensure that their agency's System of Records Notices include a routine use for the disclosure of information necessary to respond to a breach of the agency's personally identifiable information. Additionally, OMB Memorandum M–17–12 requires agencies to add a routine use to ensure that agencies are able to disclose records in their systems of records that may reasonably be needed by another agency in responding to a breach. To satisfy the routine use requirements in OMB Memorandum M–17–12, FRTIB is issuing this notice in the **Federal Register** to modify the systems of records notices that lack this routine use.

Pursuant to OMB Memorandum M–17–12, this notice: (1) Rescinds the breach response routine use published at 80 FR 43428 (July 22, 2015); (2) revises the breach response routine use for the FRTIB systems of records, listed below; and (3) adds a new routine use to the systems of records, listed below, to ensure that the Agency can assist another agency in responding to a confirmed or suspected breach, as appropriate. The routine uses have been renumbered to incorporate the changes in these routine uses. The FRTIB has also included a contact phone number for each associated system manager. Finally, the FRTIB is making non-substantive revisions to the system of records notice to align with the Office of Management and Budget's recommended model in Circular A–108, *Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act,* appendix II.

In accordance with 5 U.S.C. 552a(r), the Agency has provided a report to OMB and to Congress on this notice of modified systems of records.

Megan Grumbine,

General Counsel and Senior Agency Official for Privacy.

SYSTEM NAME AND NUMBER:

FRTIB–2, Personnel Security Investigation Files.

SECURITY CLASSIFICATION:

Most personnel identity verification records are not classified. However, in some cases, records of certain individuals, or portions of some records may be classified in the interest of national security.

SYSTEM LOCATION:

Federal Retirement Thrift Investment Board, 77 K Street NE, Suite 1000, Washington, DC 20002. Records may also be kept at an additional location as backup for Business Continuity purposes. For background investigations adjudicated by the Office of Personnel Management (OPM), OPM may retain copies of those files pursuant to OPM/Central-9, Personnel Investigations Records.

SYSTEM MANAGER(S):

Chief, Business Continuity and Security Services Division, 77 K Street NE, Suite 1000, Washington, DC 20002, (202) 942–1600.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3301; 44 U.S.C. 3101; E.O. 10450; E.O. 13488; 5 CFR 731 and 736; 61 FR 6428; and Homeland Security Presidential Directive 12.

PURPOSE(S) OF THE SYSTEM:

The records in this system of records are used to document and support decisions regarding clearance for access to sensitive FRTIB information, the ability to receive and the suitability, eligibility, and fitness for service of applicants for federal employment and contract positions, including students, interns, or volunteers to the extent their duties require access to federal facilities, information systems, or applications. The records may also be used to help streamline and make more efficient the investigations and adjudications process generally. The records may also be used to document security violations and supervisory actions taken in response to such violations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who require regular, ongoing access to FRTIB facilities, information technology systems, or sensitive information, including current and former applicants for employment or contracts, federal employees, government contractors, students, interns, volunteers, affiliates, experts, instructors, and consultants to federal programs who undergo a background investigation for the purposes of determining suitability for employment, contractor fitness, credentialing for HSPD–12, and/or access to FRTIB facilities or information technology systems. This system also includes individuals accused of security violations or found in violation of FRTIB's security policies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; former names; date and place of birth; Social Security number; home address; email address(es); phone numbers; employment history; residential history; education and degrees earned; citizenship; passport information; names, date and place of birth, Social Security number, and citizenship information for spouse or cohabitant; the name and marriage information for current and former spouse(s); names of associates and references and their contact information; names, dates and places of birth, citizenship, and address of relatives; names of relatives who work for the federal government; information on foreign contacts and activities; association records; information on loyalty to the United States; criminal history; mental health history; information pertaining to drug use; financial information; fingerprints; information from the Internal Revenue Service pertaining to income tax returns; credit reports; information pertaining to security clearances; other agency reports furnished to FRTIB in connection with the background investigation process; summaries of personal and third party interviews conducted during the background investigation; results of suitability decisions; level of security clearance; date of issuance of security clearance; including, but not limited to forms such as SF–85, SF–85P, SF–86, SF–87, SF–306; FD–258; and other information generated from above, where applicable.

Records pertaining to security violations may contain information pertaining to circumstances of the violation; witness statements, investigator's notes, security violations; agency action taken; requests for appeal;

and documentation of agency action taken in response to security violations.

RECORD SOURCE CATEGORIES:

Information is obtained from a variety of sources including the employee, contractor, or applicant via use of the SF–85, SF–85P, SF–86 SF–306, or SF–87, personal interviews with various individuals, including, but not limited to the subject of the investigation, witnesses, present and former employers, references, neighbors, friends, co-workers, business associates, teachers, landlords, family members, or other associates who may have information about the subject of the investigation; investigative records and notices of personnel actions furnished by other federal agencies; records from employers and former employers; public records, such as court filings; publications such as newspapers, magazines, and periodicals; FBI criminal history records and other databases; police departments; probation officials; prison officials financial institutions and credit reports; tax records; medical records and health care providers; and educational institutions. Security violation information is obtained from a variety of sources, such as guard reports, security inspections, witnesses, supervisor's reports, audit reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. Routine Use—Audit: A record from this system of records may be disclosed to an agency, organization, or individual for the purpose of performing an audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to FRTIB officers and employees.

2. Routine Use—Clearance Processing: A record from this system of records may be disclosed to an appropriate federal, state, local, tribal, foreign, or international agency, if the information is relevant and necessary to a requesting agency's decision concerning the hiring or retention of an individual, or issuance of a security clearance, background investigation, license, contract, grant, or other benefit, or if the information is relevant and necessary to a FRTIB decision concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit and when disclosure is appropriate to the proper performance of the official duties of the person making the request.

3. Routine Use—Congressional Inquiries: A record from this system of records may be disclosed to a Congressional office from the record of an individual in response to an inquiry from that Congressional office made at the request of the individual to whom the record pertains.

4. Routine Use—Contractors, *et al.*: A record from this system of records may be disclosed to contractors, grantees, experts, consultants, the agents thereof, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for FRTIB, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to FRTIB officers and employees.

5. Routine Use—Former Employees: A record from this system of records may be disclosed to a former employee of the FRTIB, in accordance with applicable regulations, for purposes of responding to an official inquiry by a federal, state, or local government entity or professional licensing authority; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the FRTIB requires information or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

6. Routine Use—Investigations, Third Parties: A record from this system of records may be disclosed to third parties during the course of a law enforcement investigation to the extent necessary to obtain information pertinent to the investigation, provided disclosure is appropriate to the proper performance of the official duties of the third party officer making the disclosure.

7. Routine Use—Investigations, Other Agencies: A record from this system of records may be disclosed to appropriate federal, state, local, tribal, or foreign government agencies or multilateral governmental organizations for the purpose of investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, license, or treaty where FRTIB determines that the information would assist in the enforcement of civil or criminal laws.

8. Routine Use—Law Enforcement Referrals: A record from this system of records may be disclosed to an appropriate federal, state, tribal, local, international, or foreign agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

9. Routine Use—Litigation, DOJ or Outside Counsel: A record from this system of records may be disclosed to the Department of Justice, FRTIB's outside counsel, other federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when: (1) FRTIB, or (b) any employee of FRTIB in his or her official capacity, or (c) any employee of FRTIB in his or her individual capacity where DOJ or FRTIB has agreed to represent the employee, or (d) the United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and FRTIB determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which FRTIB collected the records.

10. Routine Use—Litigation, Opposing Counsel: A record from this system of records may be disclosed to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena.

11. Routine Use—NARA/Records Management: A record from this system of records may be disclosed to the National Archives and Records Administration (NARA) or other federal government agencies pursuant to the Federal Records Act.

12. Routine Use—Redress: A record from this system of records may be disclosed to a federal, state, tribal, local, international, or foreign government agency or entity for the purpose of consulting with that agency or entity: (1) To assist in making a determination regarding redress for an individual in connection with the operations of a

FRTIB program; (2) for the purpose of verifying the identity of an individual seeking redress in connection with the operations of a FRTIB program; or (3) for the purpose of verifying the accuracy of information submitted by an individual who has requested such redress on behalf of another individual.

14. Routine Use—Security Threat: A record from this system of records may be disclosed to federal and foreign government intelligence or counterterrorism agencies when FRTIB reasonably believes there to be a threat or potential threat to national or international security for which the information may be useful in countering the threat or potential threat, when FRTIB reasonably believes such use is to assist in anti-terrorism efforts, and disclosure is appropriate to the proper performance of the official duties of the person making the disclosure.

15. Routine Use—Retention of Employee by Authorized Entity: A record from this system of records may be disclosed to any authorized source or potential source from which information is requested in the course of an investigation concerning the retention of an employee or other personnel action (other than hiring), or the retention of a security clearance, contact, grant, license, or other benefit, to the extent necessary to identify the individual, to inform the source of the nature and purpose of the investigation, or to identify the type of information requested.

16. Routine Use—Labor Relations: A record from this system of records may be disclosed to OPM, the Merit Systems Protection Board, the Federal Labor Relations Authority, the Office of Special Counsel, or the Equal Employment Opportunity Commission to carry out its respective authorized functions (under 5 U.S.C. 1103, 1204, and 7105 and 42 U.S.C. 2000e–4, in that order).

17. Routine Use—Private Relief Legislation: A record from this system of records may be disclosed to the Office of Management and Budget when necessary to the review of private relief legislation pursuant to OMB Circular No. A–19.

18. Routine Use—Retention of Employee by Public Entity: A record from this system of records may be disclosed to a Federal, State, local, foreign, or tribal or other public authority the fact that this system of records contains information relevant to the retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance or retention of a license, grant, or other benefit. The other agency or licensing organization may then make a request supported by the written consent of the individual for the entire record if it so chooses. No disclosure will be made unless the information has been determined to be sufficiently reliable to support a referral to another office within the agency or to another Federal agency for criminal, civil, administrative personnel or regulatory action.

19. Routine Use—News Media, Public Interest: A record from this system of records may be disclosed to the news media or the general public, factual information the disclosure of which would be in the public interest and which would not constitute an unwarranted invasion of personal privacy, consistent with Freedom of Information Act standards.

20. Routine Use—National Security: A record from this system of records may be disclosed to a Federal, State, or local agency, or other appropriate entities or individuals, or through established liaison channels to selected foreign governments, in order to enable an intelligence agency to carry out its responsibilities under the National Security Act of 1947 as amended, the CIA Act of 1949 as amended, Executive Order 12333 or any successor order, applicable national security directives, or classified implementing procedures approved by the Attorney General and promulgated pursuant to such statutes, orders or directives

21. Routine Use—Breach Mitigation and Notification: A record from this system of records may be disclosed to appropriate agencies, entities, and persons when (1) FRTIB suspects or has confirmed that there has been a breach of the system of records, (2) FRTIB has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, FRTIB (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 FRTIB's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

22. Routine Use—Response to Breach of Other Records: A record from this system of records may be disclosed to another Federal agency or Federal entity, when FRTIB 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.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in paper and electronic form, including on computer databases, all of which are stored in a secure location.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Background investigation files are retrieved by any one or more of the following identifiers: Name; Social Security number; or other unique identifier of the individual about whom they are maintained.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

These records are retained and disposed of in accordance with General Records Schedule 18, item 22a, approved by the National Archives and Records Administration (NARA). The records are disposed in accordance with FRTIB disposal policies which call for burning or shredding or deleting from the Agency's electronic record keeping systems. Records are destroyed upon notification of death or not later than five years after separation or transfer of employee to another agency or department, whichever is applicable.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

FRTIB has adopted appropriate administrative, technical, and physical controls in accordance with FRTIB's security program to protect the security, confidentiality, availability, and integrity of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Paper records are stored in locked file cabinets in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and protected by assigning usernames to individuals needing access to the records and by passwords set by unauthorized users that must be changed periodically.

RECORD ACCESS PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should submit a written request to the appropriate entity below, and include the following information:

a. Full name;

b. Any available information regarding the type of record involved;

c. The address to which the record information should be sent; and

d. You must sign your request.

1. For records maintained by FRTIB, submit a written request to the FOIA Officer, FRTIB, 77 K Street NE, Washington, DC 20002; or

2. For records maintained by the Office of Personnel Management, submit a written request to the FOI/PA, Office of Personnel Management, Federal Investigative Services, P.O. Box 618, 1137 Branchton Road, Boyers, PA 16018–0618.

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual, such as a Power of Attorney, in order for the representative to act on their behalf. Individuals requesting access must also comply with FRTIB's Privacy Act regulations regarding verification of identity and access to such records, available at 5 CFR part 1630.

CONTESTING RECORD PROCEDURES:

See Record Access Procedures above.

NOTIFICATION PROCEDURES:

See Record Access Procedures above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Pursuant to 5 U.S.C. 552a(k)(2), records in this system of records are exempt from the requirements of subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), (I); and (f) of 5 U.S.C. 552a. provided, however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of the material would reveal the identity of a source who furnished information to the Government with an express promise that the identity of the source would be held in confidence.

Pursuant to 5 U.S.C. 552a(k)(5), records in this system of records are exempt from the requirements of subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), (I); and (f) of 5 U.S.C. 552a, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence.

HISTORY:

55 FR 18949 (May 7, 1990); 62 FR 59708 (Nov. 4, 1997); 73 FR 50016 (Aug. 25, 2008); 77 FR 11534 (Feb. 27, 2012); 80 FR 43428 (July 22, 2015).

SYSTEM NAME AND NUMBER:

FRTIB–5, Employee Payroll, Leave, and Attendance Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Retirement Thrift Investment Board, 77 K Street NE, Suite 1000, Washington, DC 20002. Records may also be kept at an additional location as backup for Business Continuity purposes.

SYSTEM MANAGER(S):

For payroll records, FRTIB's Human Resources Officer, 77 K Street NE, Suite 1000, Washington, DC 20002, (202) 942–1600. For leave and attendance records, FRTIB's Administrative Officer, 77 K Street NE, Suite 1000, Washington, DC 20002, (202) 942–1600.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 8474; and 44 U.S.C. 3101.

PURPOSE(S) OF THE SYSTEM:

This system of records is maintained to perform agency functions involving employee leave, attendance, and payments, including determinations relating to the amounts to be paid to employees, the distribution of pay according to employee directions (for allotments, to financial institutions, and for other authorized purposes), and for tax withholdings and other authorized deductions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former FRTIB employees, including Special Government Employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records includes personnel information including, names, addresses, Social Security numbers, employee numbers, gender, race or national origin, and disability data; duty location; position data; awards and bonus information; employment verification information; notifications of personnel actions; and military and veterans data.

This system of records also includes payroll information, including: Marital status and number of dependents; child support enforcement court orders; information about taxes and other deductions; debts owed to the FRTIB and garnishment information; salary data; retirement data; Thrift Savings Plan contribution and loan amount; and direct deposit information, including financial institution.

This system of records also includes time and attendance records including, the number and type of hours worked; overtime information, including compensatory or credit time earned and used; compensatory travel earned; investigative case title and tracking number (used to track time worked associated with a specific case); Fair Labor Standards Act (FLSA) compensation; leave requests, balances, and credits; leave charge codes; military leave; and medical records as they pertain to employee medical leave.

RECORD SOURCE CATEGORIES:

Subject individuals; subject individuals' supervisor(s); subject individuals' timekeeper(s); and the Office of Personnel Management.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. Routine Use—Audit: A record from this system of records may be disclosed to an agency, organization, or individual for the purpose of performing an audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to FRTIB officers and employees.

2. Routine Use—Clearance Processing: A record from this system of records may be disclosed to an appropriate federal, state, local, tribal, foreign, or international agency, if the information is relevant and necessary to a requesting agency's decision concerning the hiring or retention of an individual, or issuance of a security clearance, background investigation, license, contract, grant, or other benefit, or if the information is relevant and necessary to a FRTIB decision concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit and when disclosure is appropriate to the proper performance of the official duties of the person making the request.

3. Routine Use—Congressional Inquiries: A record from this system of records may be disclosed to a Congressional office from the record of an individual in response to an inquiry from that Congressional office made at

the request of the individual to whom the record pertains.

4. Routine Use—Contractors, *et al.:* A record from this system of records may be disclosed to contractors, grantees, experts, consultants, the agents thereof, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for FRTIB, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to FRTIB officers and employees.

5. Routine Use—Debt Collection: A record from this system of records may be disclosed to the Department of Justice, the Department of Treasury, or to a consumer reporting agency for collection action on any delinquent debt, pursuant to 5 U.S.C. 552a(b)(12).

6. Routine Use—Former Employees: A record from this system of records may be disclosed to a former employee of the FRTIB, in accordance with applicable regulations, for purposes of responding to an official inquiry by a federal, state, or local government entity or professional licensing authority; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the FRTIB requires information or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

7. Routine Use—Investigations, Third Parties: A record from this system of records may be disclosed to third parties during the course of a law enforcement investigation to the extent necessary to obtain information pertinent to the investigation, provided disclosure is appropriate to the proper performance of the official duties of the third party officer making the disclosure.

8. Routine Use—Investigations, Other Agencies: A record from this system of records may be disclosed to appropriate federal, state, local, tribal, or foreign government agencies or multilateral governmental organizations for the purpose of investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, license, or treaty where FRTIB determines that the information would assist in the enforcement of civil or criminal laws.

9. Routine Use—Law Enforcement Intelligence: A record from this system of records may be disclosed to a federal, state, tribal, local, or foreign government agency or organization, or international organization, lawfully engaged in collecting law enforcement intelligence information, whether civil or criminal, or charged with investigating, prosecuting, enforcing or implementing civil or criminal laws, related rules, regulations or orders, to enable these entities to carry out their law enforcement responsibilities, including the collection of law enforcement intelligence.

10. Routine Use—Law Enforcement Referrals: A record from this system of records may be disclosed to an appropriate federal, state, tribal, local, international, or foreign agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

11. Routine Use—Litigation, DOJ or Outside Counsel: A record from this system of records may be disclosed to the Department of Justice, FRTIB's outside counsel, other federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when: (1) FRTIB, or (b) any employee of FRTIB in his or her official capacity, or (c) any employee of FRTIB in his or her individual capacity where DOJ or FRTIB has agreed to represent the employee, or (d) the United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and FRTIB determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which FRTIB collected the records.

12. Routine Use—Litigation, Opposing Counsel: A record from this system of records may be disclosed to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena.

13. Routine Use—NARA/Records Management: A record from this system of records may be disclosed to the National Archives and Records Administration (NARA) or other federal government agencies pursuant to the Federal Records Act.

14. Routine Use—Redress: A record from this system of records may be disclosed to a federal, state, tribal, local, international, or foreign government agency or entity for the purpose of consulting with that agency or entity: (1) To assist in making a determination regarding redress for an individual in connection with the operations of a FRTIB program; (2) for the purpose of verifying the identity of an individual seeking redress in connection with the operations of a FRTIB program; or (3) for the purpose of verifying the accuracy of information submitted by an individual who has requested such redress on behalf of another individual.

15. Routine Use—Security Threat: A record from this system of records may be disclosed to federal and foreign government intelligence or counterterrorism agencies when FRTIB reasonably believes there to be a threat or potential threat to national or international security for which the information may be useful in countering the threat or potential threat, when FRTIB reasonably believes such use is to assist in anti-terrorism efforts, and disclosure is appropriate to the proper performance of the official duties of the person making the disclosure.

16. Routine Use—Disclosure for Purpose of Payment to Employees: A record from this system may be disclosed to the United States Department of the Interior, the United States Department of Labor, and the United States Department of the Treasury to effect payments to employees.

17. Routine Use—Offset of Salary: Payments owed to FRTIB through current and former employees may be shared with the Department of the Interior for the purposes of offsetting the employee's salary. Payments owed to FRTIB through current and former employees who become delinquent in repaying the necessary funds may be shared with the Department of Treasury for the purpose of offsetting the employee's salary.

18. Routine Use—Breach Mitigation and Notification: A record from this system may be disclosed to appropriate agencies, entities, and persons when (1) FRTIB suspects or has confirmed that there has been a breach of the system of records, (2) FRTIB has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, FRTIB (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 FRTIB's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

19. Routine Use—Response to Breach of Other Records: A record from this system may be disclosed to another Federal agency or Federal entity, when FRTIB 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.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in paper and electronic form, including on computer databases, all of which are stored in a secure location.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by name; or Social Security number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained in accordance with the General Records Schedules issued by the National Archives and Records Administration (NARA) or an FRTIB records disposition schedule.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

FRTIB has adopted appropriate administrative, technical, and physical controls in accordance with FRTIB's security program to protect the security, confidentiality, availability, and integrity of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Paper records are stored in locked file cabinets in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and protected by assigning usernames to individuals needing access to the records and by passwords set by unauthorized users that must be changed periodically.

RECORD ACCESS PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should submit a written request to the FOIA Officer, FRTIB, 77 K Street NE, Washington, DC 20002, and include the following information:

a. Full name;

b. Any available information regarding the type of record involved;

c. The address to which the record information should be sent; and

d. You must sign your request.

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual, such as a Power of Attorney, in order for the representative to act on their behalf. Individuals requesting access must also comply with FRTIB's Privacy Act regulations regarding verification of identity and access to such records, available at 5 CFR part 1630.

CONTESTING RECORD PROCEDURES:

See Record Access Procedures above.

NOTIFICATION PROCEDURES:

See Record Access Procedures above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

55 FR 18949 (May 7, 1990); 62 FR 66097 (Dec. 17, 1997); 77 FR 11534 (Feb. 27, 2012); 80 FR 43428 (July 22, 2015).

SYSTEM NAME AND NUMBER:

FRTIB–7, Contractor and Consultant Records.

SECURITY CLASSIFICATION: Unclassified.

SYSTEM LOCATION:

Federal Retirement Thrift Investment Board, 77 K Street NE, Suite 1000, Washington, DC 20002. Records may also be kept at an additional location as backup for Business Continuity purposes.

SYSTEM MANAGER(S):

Chief Procurement Officer, Federal Retirement Thrift Investment Board, 77 K Street NE, Suite 1000, Washington, DC 20002, (202) 942–1600.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 8474; 5 U.S.C. 3301; and 44 U.S.C. 3101.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system of records is to collect and maintain records on FRTIB contractors and consultants.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals retained by formal agreement, who: (1) Provide consulting services to the Board; (2) act as advisors to the Board, but do not maintain the independence of action necessary to meet the requirements for classification as an independent contractor; and (3) any other individuals who receive payments from FRTIB.

CATEGORIES OF RECORDS IN THE SYSTEM:

Acquisition data for the procurement of goods and services, including, but not limited to: Documents, letters, memorandum of understanding relating to agreements; rates of pay; payment records; vouchers; invoices; selection information; Commercial and Government Entity (CAGE) codes; Dun and Bradstreet Data Universal Numbering System (DUNS) numbers; supplier status; website; name; address; taxpayer identification number; Social Security numbers; bank information; invoice data; resumes; SAC forms; and other information relating to the disbursement of funds. This system of records also contains information pertaining to the negotiation; implementation; scope; and performance of work.

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from the individual to whom it applies or is derived from information supplied by the individual, except information provided by Board staff.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. Routine Use—Audit: A record from this system of records may be disclosed to an agency, organization, or individual for the purpose of performing an audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to FRTIB officers and employees.

2. Routine Use—Congressional Inquiries: A record from this system of records may be disclosed to a Congressional office from the record of an individual in response to an inquiry from that Congressional office made at the request of the individual to whom the record pertains.

3. Routine Use—Contractors, *et al.:* A record from this system of records may be disclosed to contractors, grantees, experts, consultants, the agents thereof, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for FRTIB, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on

disclosure as are applicable to FRTIB officers and employees.

4. Routine Use—Debt Collection: A record from this system of records may be disclosed to the Department of Justice, the Department of Treasury, or to a consumer reporting agency for collection action on any delinquent debt, pursuant to 5 U.S.C. 552a(b)(12).

5. Routine Use—Former Employees: A record from this system of records may be disclosed to a former employee of the FRTIB, in accordance with applicable regulations, for purposes of responding to an official inquiry by a federal, state, or local government entity or professional licensing authority; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the FRTIB requires information or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

6. Routine Use—Investigations, Third Parties: A record from this system of records may be disclosed to third parties during the course of a law enforcement investigation to the extent necessary to obtain information pertinent to the investigation, provided disclosure is appropriate to the proper performance of the official duties of the third party officer making the disclosure.

7. Routine Use—Investigations, Other Agencies: A record from this system of records may be disclosed to appropriate federal, state, local, tribal, or foreign government agencies or multilateral governmental organizations for the purpose of investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, license, or treaty where FRTIB determines that the information would assist in the enforcement of civil or criminal laws.

8. Routine Use—Law Enforcement Intelligence: A record from this system of records may be disclosed to a federal, state, tribal, local, or foreign government agency or organization, or international organization, lawfully engaged in collecting law enforcement intelligence information, whether civil or criminal, or charged with investigating, prosecuting, enforcing or implementing civil or criminal laws, related rules, regulations or orders, to enable these entities to carry out their law enforcement responsibilities, including the collection of law enforcement intelligence.

9. Routine Use—Law Enforcement Referrals: A record from this system of records may be disclosed to an appropriate federal, state, tribal, local, international, or foreign agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

10. Routine Use—Litigation, DOJ or Outside Counsel: A record from this system of records may be disclosed to the Department of Justice, FRTIB's outside counsel, other federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when: (1) FRTIB, or (b) any employee of FRTIB in his or her official capacity, or (c) any employee of FRTIB in his or her individual capacity where DOJ or FRTIB has agreed to represent the employee, or (d) the United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and FRTIB determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which FRTIB collected the records.

11. Routine Use—Litigation, Opposing Counsel: A record from this system of records may be disclosed to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena.

12. Routine Use—NARA/Records Management: A record from this system of records may be disclosed to the National Archives and Records Administration (NARA) or other federal government agencies pursuant to the Federal Records Act.

13. Routine Use—Redress: A record from this system of records may be disclosed to a federal, state, tribal, local, international, or foreign government agency or entity for the purpose of consulting with that agency or entity: (1) To assist in making a determination regarding redress for an individual in connection with the operations of a FRTIB program; (2) for the purpose of verifying the identity of an individual seeking redress in connection with the operations of a FRTIB program; or (3) for the purpose of verifying the accuracy of information submitted by an individual who has requested such redress on behalf of another individual.

14. Routine Use—Security Threat: A record from this system of records may be disclosed to federal and foreign government intelligence or counterterrorism agencies when FRTIB reasonably believes there to be a threat or potential threat to national or international security for which the information may be useful in countering the threat or potential threat, when FRTIB reasonably believes such use is to assist in anti-terrorism efforts, and disclosure is appropriate to the proper performance of the official duties of the person making the disclosure.

15. Routine Use—Testing: A record from this system of records may be disclosed to appropriate federal, state, local, tribal, or foreign governmental agencies or multilateral governmental organizations where FRTIB is aware of a need to utilize relevant data for purposes of testing new technology and systems designed to enhance security or identify other violations of law.

16. Routine Use—Payments to Consultants and Vendors: A record from this system of records may be disclosed to the United States Department of the Treasury to effect payments to consultants and vendors, or to verify consultants' and vendors' eligibility to receive payments.

17. Routine Use—Breach Mitigation and Notification: A record from this system may be disclosed to appropriate agencies, entities, and persons when (1) FRTIB suspects or has confirmed that there has been a breach of the system of records, (2) FRTIB has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, FRTIB (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 FRTIB's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

18. Routine Use—Response to Breach of Other Records: A record from this system may be disclosed to another Federal agency or Federal entity, when FRTIB 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.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in paper and electronic form, including on computer databases, all of which are stored in a secure location.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Contractor and consultant files are retrieved by any one or more of the following identifiers: Name of the contractor; name of the vendor or contractor; voucher number and date; or other unique identifier about whom they are maintained.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Routine procurement files are retained for 6 years and 3 months, in accordance with the General Records Schedule 3, item 3. Procurement files involving investments and other information concerning the Thrift Savings Plan are retained for 99 years.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

FRTIB has adopted appropriate administrative, technical, and physical controls in accordance with FRTIB's security program to protect the security, confidentiality, availability, and integrity of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Paper records are stored in locked file cabinets in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and protected by assigning usernames to individuals needing access to the records and by passwords set by unauthorized users that must be changed periodically.

RECORD ACCESS PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should submit a written request to the FOIA Officer, FRTIB, 77 K Street NE, Suite 1000, Washington, DC 20002, and include the following information:

a. Full name;

b. Any available information regarding the type of record involved;

c. The address to which the record information should be sent; and

d. You must sign your request.

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual, such as a Power of Attorney, in order for the representative to act on their behalf. Individuals requesting access must also comply with FRTIB's Privacy Act regulations regarding verification of identity and access to such records, available at 5 CFR part 1630.

CONTESTING RECORD PROCEDURES:

See Record Access Procedures above.

NOTIFICATION PROCEDURES:

See Record Access Procedures above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY: 55 FR 18949 (May 7, 1990); 77 FR 11534 (Feb. 27, 2012); 81 FR 7106 (Feb. 10, 2016).

SYSTEM NAME AND NUMBER:

FRTIB–9, Emergency Notification Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are located at the Federal Retirement Thrift Investment Board, 77 K Street NE, Suite 1000, Washington, DC 20002. Records may also be located in additional locations in connection with cloud-based services and kept at an additional location as backup for Business Continuity purposes.

SYSTEM MANAGER(S):

Chief, Business Continuity and Security Services Division, 77 K Street NE, Suite 1000, Washington, DC 20002, (202) 942–1600.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 8474; 44 U.S.C. 3101; E.O. 12656; and Presidential Decision Directive 67.

PURPOSE(S) OF THE SYSTEM:

This system of records is maintained for contacting FRTIB personnel, including FRTIB employees and contractors, and other individuals to respond to all emergencies, including technical, manmade or natural disaster, or other event affecting FRTIB operations, and to contact FRTIB personnel's emergency contacts in the event of an emergency. Information from this system of records is also used to prepare organizational charts, recall and emergency notification rosters, and directories for business continuity planning purposes, locate individuals on routine and/or emergency matters; locate individuals during medical emergencies, facility evacuations and similar situations involving threats; and similar administrative uses requiring personnel data.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and contractor personnel working at the FRTIB located at 77 K Street NE, Washington, DC 20002; former employees; and individuals designated as emergency points of contact.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information regarding the following emergency contact information for FRTIB employees, and contractor personnel: Name; organizational office, or organizational name of contractor; title; position and duty status; name of supervisor; any volunteered medical information; office telephone number; government or business email address; home address; home and cell phone numbers; personal email address(es); the identification of essential and non-essential employees; and other personal contact information. This system also contains the following information for the FRTIB employee or contractor's emergency contact: name; relationship to FRTIB employee or contractor; work address; home address; office telephone number; home and cell phone numbers; and email address(es).

RECORD SOURCE CATEGORIES:

Information is provided by the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. Routine Use—Audit: A record from this system of records may be disclosed to an agency, organization, or individual for the purpose of performing an audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to FRTIB officers and employees.

2. Routine Use—Congressional Inquiries: A record from this system of records may be disclosed to a Congressional office from the record of an individual in response to an inquiry from that Congressional office made at the request of the individual to whom the record pertains.

3. Routine Use—Contractors, *et al.:* A record from this system of records may be disclosed to contractors, grantees, experts, consultants, the agents thereof, and others performing or working on a

contract, service, grant, cooperative agreement, or other assignment for FRTIB, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to FRTIB officers and employees.

4. Routine Use—Former Employees: A record from this system of records may be disclosed to a former employee of the FRTIB, in accordance with applicable regulations, for purposes of responding to an official inquiry by a federal, state, or local government entity or professional licensing authority; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the FRTIB requires information or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

5. Routine Use—Investigations, Third Parties: A record from this system of records may be disclosed to third parties during the course of a law enforcement investigation to the extent necessary to obtain information pertinent to the investigation, provided disclosure is appropriate to the proper performance of the official duties of the third party officer making the disclosure.

6. Routine Use—Investigations, Other Agencies: A record from this system of records may be disclosed to appropriate federal, state, local, tribal, or foreign government agencies or multilateral governmental organizations for the purpose of investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, license, or treaty where FRTIB determines that the information would assist in the enforcement of civil or criminal laws.

7. Routine Use—Law Enforcement Referrals: A record from this system of records may be disclosed to an appropriate federal, state, tribal, local, international, or foreign agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

8. Routine Use—Litigation, DOJ or Outside Counsel: A record from this system of records may be disclosed to the Department of Justice, FRTIB's outside counsel, other federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when: (1) FRTIB, or (b) any employee of FRTIB in his or her official capacity, or (c) any employee of FRTIB in his or her individual capacity where DOJ or FRTIB has agreed to represent the employee, or (d) the United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and FRTIB determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which FRTIB collected the records.

9. Routine Use—Litigation, Opposing Counsel: A record from this system of records may be disclosed to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena.

10. Routine Use—NARA/Records Management: A record from this system of records may be disclosed to the National Archives and Records Administration (NARA) or other federal government agencies pursuant to the Federal Records Act.

11. Routine Use—Redress: A record from this system of records may be disclosed to a federal, state, tribal, local, international, or foreign government agency or entity for the purpose of consulting with that agency or entity: (1) To assist in making a determination regarding redress for an individual in connection with the operations of a FRTIB program; (2) for the purpose of verifying the identity of an individual seeking redress in connection with the operations of a FRTIB program; or (3) for the purpose of verifying the accuracy of information submitted by an individual who has requested such redress on behalf of another individual.

12. Routine Use—Security Threat: A record from this system of records may be disclosed to federal and foreign government intelligence or counterterrorism agencies when FRTIB reasonably believes there to be a threat or potential threat to national or international security for which the information may be useful in countering the threat or potential threat, when FRTIB reasonably believes such use is to assist in anti-terrorism efforts, and disclosure is appropriate to the proper performance of the official duties of the person making the disclosure.

13. Routine Use—Testing: A record from this system of records may be disclosed to appropriate federal, state, local, tribal, or foreign governmental agencies or multilateral governmental organizations where FRTIB is aware of a need to utilize relevant data for purposes of testing new technology and systems designed to enhance security or identify other violations of law.

14. Routine Use—Medical Emergency: A record in this system of records may be disclosed to family members, emergency medical personnel, or to law enforcement officials in case of a medical or other emergency involving the subject individual (without the subsequent notification prescribed in 5 U.S.C. 552a(b)(8)).

15. Routine Use—Breach Mitigation and Notification: A record from this system may be disclosed to appropriate agencies, entities, and persons when (1) FRTIB suspects or has confirmed that there has been a breach of the system of records, (2) FRTIB has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, FRTIB (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 FRTIB's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

16. Routine Use—Response to Breach of Other Records: A record from this system may be disclosed to another Federal agency or Federal entity, when FRTIB 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.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained electronically in computer databases, including cloud-based services, and on paper in secure facilities in a locked drawer behind a secured-access door.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by the name of the individual on whom they are maintained, and may also be retrieved

by the individual's title or phone number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained as long as the individual is an employee or contractor for the Agency. Expired records are destroyed by shredding or purging from the Agency's electronic recordkeeping systems.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

FRTIB has adopted appropriate administrative, technical, and physical controls in accordance with FRTIB's security program to protect the security, confidentiality, availability, and integrity of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Paper records are stored in locked file cabinets in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and protected by assigning usernames to individuals needing access to the records and by passwords set by unauthorized users that must be changed periodically.

RECORD ACCESS PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should submit a written request to the FOIA Officer, FRTIB, 77 K Street NE, Suite 1000, Washington, DC 20002, and include the following information:

a. Full name;

b. Any available information regarding the type of record involved;

c. The address to which the record information should be sent; and

d. You must sign your request.

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual, such as a Power of Attorney, in order for the representative to act on their behalf. Individuals requesting access must also comply with FRTIB's Privacy Act regulations regarding verification of identity and access to such records, available at 5 CFR part 1630.

CONTESTING RECORD PROCEDURES:

See Record Access Procedures above.

NOTIFICATION PROCEDURES:

See Record Access Procedures above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

55 FR 18949 (May 7, 1990); 71 FR 64706 (Nov. 3, 2006); 77 FR 11534 (Feb. 27, 2012); 80 FR 43428 (July 22, 2015).

SYSTEM NAME AND NUMBER:

FRTIB–12, Debt Collection Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are maintained at the Federal Retirement Thrift Investment Board, 77 K Street NE, Suite 1000, Washington, DC 20002. Records may also be maintained at an additional location for Business Continuity Purposes.

SYSTEM MANAGER(S):

Director, Office of Participant Services, Federal Retirement Thrift Investment Board, 77 K Street NE, Suite 1000, Washington, DC 20002, (202) 942–1600.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 8474; 5 U.S.C. 301; 31 U.S.C. 3711(a); and 44 U.S.C. 3101.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to maintain a record of individuals and entities that are indebted to the Board, a Federal agency, or a Government corporation including, but not limited to: participants, beneficiaries, and alternate payees of the Thrift Savings Plan; current and former employees of the FRTIB; and individuals who received payments to which they are not entitled. The records ensure that: Appropriate collection action on debtors' accounts is taking and properly tracked, monies collected are credited, and funds are returned to the Board or appropriate agency at the time the account is collected or closed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on individuals and entities that are financially indebted to the Board, including, but not limited to: Participants, beneficiaries, and alternate payees of the Thrift Savings Plan; current and former employees of the FRTIB; individuals who are consultants and vendors to FRTIB; and individuals who received payments to which they are not entitled.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information varies depending on the individual debtor, the type of indebtedness, and the agency or program to which monies are owed. The system of records contains information including but not limited to: (1) Individuals and commercial organizations, such as name, Taxpayer Identification Number (*i.e.,* Social Security Number or Employer Identification Number), business and home addresses, and business and home telephone numbers; (2) the indebtedness, such as the original amount of the debt, the date the debt originated, the amount of the delinquency/default, the date of the delinquency/default, basis of the debt, amounts accrued for interest, penalties, and administrative costs, and payments on the account; (3) actions taken to recover the debt, such as copies of demand letters/invoices, and documents required for the referral of accounts to collection agencies, or for litigation; (4) debtor and creditor agencies, such as name, telephone number, and address of the agency contact; (5) information for location purposes, including information pertaining to child support cases, Mandatory Victims Restitution Act (MVRA) cases, and tax levies; and (6) other relevant records relating to a debt including the amount, status, and history of the debt, and the program under which the debt arose.

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from subject individuals; the individual entity; the Board; creditor agencies; Federal employing agencies; Government corporations; debt collection agencies or firms; credit bureaus, firms or agencies providing locator services; and Federal, state, and local agencies furnishing identifying information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. Routine Use—Audit: A record from this system of records may be disclosed to an agency, organization, or individual for the purpose of performing an audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to FRTIB officers and employees.

2. Routine Use—Clearance Processing: A record from this system of records may be disclosed to an appropriate federal, state, local, tribal, foreign, or

international agency, if the information is relevant and necessary to a requesting agency's decision concerning the hiring or retention of an individual, or issuance of a security clearance, background investigation, license, contract, grant, or other benefit, or if the information is relevant and necessary to a FRTIB decision concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit and when disclosure is appropriate to the proper performance of the official duties of the person making the request.

3. Routine Use—Congressional Inquiries: A record from this system of records may be disclosed to a Congressional office from the record of an individual in response to an inquiry from that Congressional office made at the request of the individual to whom the record pertains.

4. Routine Use—Contractors, *et al.:* A record from this system of records may be disclosed to contractors, grantees, experts, consultants, the agents thereof, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for FRTIB, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to FRTIB officers and employees.

5. Routine Use—Debt Collection: A record from this system of records may be disclosed to the Department of Justice, the Department of Treasury, or to a consumer reporting agency for collection action on any delinquent debt, pursuant to 5 U.S.C. 552a(b)(12).

6. Routine Use—Former Employees: A record from this system of records may be disclosed to a former employee of the FRTIB, in accordance with applicable regulations, for purposes of responding to an official inquiry by a federal, state, or local government entity or professional licensing authority; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the FRTIB requires information or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

7. Routine Use—Investigations, Third Parties: A record from this system of records may be disclosed to third parties during the course of a law enforcement investigation to the extent necessary to obtain information pertinent to the investigation, provided disclosure is appropriate to the proper performance of the official duties of the third party officer making the disclosure.

8. Routine Use—Investigations, Other Agencies: A record from this system of records may be disclosed to appropriate federal, state, local, tribal, or foreign government agencies or multilateral governmental organizations for the purpose of investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, license, or treaty where FRTIB determines that the information would assist in the enforcement of civil or criminal laws.

9. Routine Use—Law Enforcement Intelligence: A record from this system of records may be disclosed to a federal, state, tribal, local, or foreign government agency or organization, or international organization, lawfully engaged in collecting law enforcement intelligence information, whether civil or criminal, or charged with investigating, prosecuting, enforcing or implementing civil or criminal laws, related rules, regulations or orders, to enable these entities to carry out their law enforcement responsibilities, including the collection of law enforcement intelligence.

10. Routine Use—Law Enforcement Referrals: A record from this system of records may be disclosed to an appropriate federal, state, tribal, local, international, or foreign agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

11. Routine Use—Litigation, DOJ or Outside Counsel: A record from this system of records may be disclosed to the Department of Justice, FRTIB's outside counsel, other federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when: (1) FRTIB, or (b) any employee of FRTIB in his or her official capacity, or (c) any employee of FRTIB in his or her individual capacity where DOJ or FRTIB has agreed to represent the employee, or (d) the United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and FRTIB determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which FRTIB collected the records.

12. Routine Use—Litigation, Opposing Counsel: A record from this system of records may be disclosed to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena.

13. Routine Use—NARA/Records Management: A record from this system of records may be disclosed to the National Archives and Records Administration (NARA) or other federal government agencies pursuant to the Federal Records Act.

14. Routine Use—Redress: A record from this system of records may be disclosed to a federal, state, tribal, local, international, or foreign government agency or entity for the purpose of consulting with that agency or entity: (1) To assist in making a determination regarding redress for an individual in connection with the operations of a FRTIB program; (2) for the purpose of verifying the identity of an individual seeking redress in connection with the operations of a FRTIB program; or (3) for the purpose of verifying the accuracy of information submitted by an individual who has requested such redress on behalf of another individual.

15. Routine Use—Security Threat: A record from this system of records may be disclosed to federal and foreign government intelligence or counterterrorism agencies when FRTIB reasonably believes there to be a threat or potential threat to national or international security for which the information may be useful in countering the threat or potential threat, when FRTIB reasonably believes such use is to assist in anti-terrorism efforts, and disclosure is appropriate to the proper performance of the official duties of the person making the disclosure.

16. Routine Use—Collection of Debts, Financial Management Service: A record from this system may be disclosed to the Financial Management Service (FMS) of the Department of the Treasury to allow that agency to act for the Board to enforce collection of delinquent debts owed to the Board or the Thrift Savings Fund.

17. Routine Use—Collection of Debts, Internal Revenue Service: Debt collection records may be disclosed to the Internal Revenue Service for the purposes of: (1) Effecting an administrative offset against the debtor's tax refund to recover a delinquent debt

owed the Board or the Thrift Savings Fund; or (2) obtaining the mailing address of a taxpayer/debtor in order to locate the taxpayer/debtor to collect or compromise a Federal claim against the taxpayer/debtor.

18. Routine Use—Collection of Debts, Department of Justice: A record from this system may be disclosed to the Department of Justice for the purpose of litigating to enforce collection of a delinquent debt or to obtain the Department of Justice's concurrence in a decision to compromise, suspend, or terminate collection action on a debt with a principal amount in excess of $100,000 or such higher amount as the Attorney General may, from time to time, prescribe in accordance with 31 U.S.C. 3711(a).

19. Routine Use—Collection of Debts, Administrative Offsets: Information contained within this system of records may be disclosed to the Department of the Treasury, Department of Defense, United States Postal Service, another Federal agency, a Government corporation, or any disbursing official of the United States for the purpose of effecting an administrative offset against Federal payments certified to be paid to the debtor to recover a delinquent debt owed to the Board, the Thrift Savings Fund, or another Federal agency or department by the debtor.

20. Routine Use—Collection of Debts, Voluntary Repayment of Debt: Debt collection information may be disclosed to a creditor Federal agency or Government corporation seeking assistance for the purpose of obtaining voluntary repayment of a debt or implementing Federal employee salary offset or administrative offset in the collection of an unpaid financial obligation.

21. Routine Use—Collection of Debts, Wage Garnishment: Administrative wage garnishment information may be disclosed to the Treasury Department for the purpose of issuing wage garnishment orders to collect a debt owed to the FRTIB.

22. Routine Use—Breach Mitigation and Notification: A record from this system may be disclosed to appropriate agencies, entities, and persons when (1) FRTIB suspects or has confirmed that there has been a breach of the system of records, (2) FRTIB has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, FRTIB (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 FRTIB's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

23. Routine Use—Response to Breach of Other Records: A record from this system may be disclosed to another Federal agency or Federal entity, when FRTIB 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.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Debt information concerning claims of the Board and the Thrift Savings Fund may be furnished in accordance with 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982, as amended (31 U.S.C. 3701 *et seq.*), to consumer reporting agencies (as defined by the Fair Credit Reporting Act 15 U.S.C. 1681a(f)), to encourage repayment of an overdue debt.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in paper and electronic form, including on computer databases, all of which are stored in a secure location.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

These records are indexed and retrieved by the names, Social Security numbers, or contact numbers of participants, employees, contractors, or other persons who may receive monies paid to them by the Board.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Hard-copy records are returned to the Board which has an agreement for servicing and collection of the debt with Financial Management Services. Files are destroyed when 10 years old, unless they are subject to litigation in which case they are destroyed when a court order requiring that the file be retained allows the file to be destroyed or litigation involving the files is concluded.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

FRTIB has adopted appropriate administrative, technical, and physical controls in accordance with FRTIB's security program to protect the security, confidentiality, availability, and integrity of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Paper records are stored in locked file cabinets in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and protected by assigning usernames to individuals needing access to the records and by passwords set by unauthorized users that must be changed periodically.

RECORD ACCESS PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should submit a written request to the FOIA Officer, FRTIB, 77 K Street NE, Suite 10000, Washington, DC 20002, and include the following information:

a. Full name;

b. Any available information regarding the type of record involved;

c. The address to which the record information should be sent; and

d. You must sign your request.

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual, such as a Power of Attorney, in order for the representative to act on their behalf. Individuals requesting access must also comply with FRTIB's Privacy Act regulations regarding verification of identity and access to such records, available at 5 CFR part 1630.

CONTESTING RECORD PROCEDURES:

See Record Access Procedures above.

NOTIFICATION PROCEDURES:

See Record Access Procedures above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

62 FR 49011 (Sept. 18, 1997); 77 FR 11534 (Feb. 27, 2012); 81 FR 7106 (Feb. 10, 2016).

SYSTEM NAME AND NUMBER:

FRTIB–14, Legal Case Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are maintained at the Federal Retirement Thrift Investment Board, 77 K Street NE, Suite 1000, Washington, DC 20002. Records may also be maintained at an additional location for Business Continuity Purposes.

SYSTEM MANAGER(S):

General Counsel, Federal Retirement Thrift Investment Board, 77 K Street NE,

Suite 1000, Washington, DC 20002, (202) 942–1600.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 8474; and 44 U.S.C. 3101.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to assist FRTIB attorneys in providing legal advice to FRTIB personnel on a wide variety of legal issues; to collect the information of any individual who is, or will be, in litigation with the Agency, as well as the attorneys representing the plaintiff(s) or defendant(s), response to claims by employees, former employees, and other individuals; to assist in the settlement of claims against the government; to represent FRTIB during litigation; and to catalog, investigate, litigate, or otherwise resolve any case or matter handled by the Office of General Counsel.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are participants, beneficiaries, and alternate payees of the Thrift Savings Plan; other individuals who are identified in connection with investigations and/or litigation conducted with regard to FERSA; individuals (including FRTIB employees) who are parties to or witnesses in civil litigation or administrative proceedings involving or concerning FRTIB or its officers or employees (including Special Governmental Employees); individuals who are the subject of a breach of personally identifiable information; individuals who are contractors or potential contractors with FRTIB or are otherwise personally associated with a contract or procurement matter; individuals who receive legal advice from the Office of General Counsel; and other individuals (including current, former, and potential FRTIB employees (including Special Governmental Employees), contractors, interns, externs, and volunteers) who are the subject of or are otherwise connected to an inquiry, investigation, or other matter handled by the Office of General Counsel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Notes, reports, legal opinions and memoranda; settlements; agreements; documentary evidence; claims and records regarding discrimination; correspondence; contracts; contract proposals and other procurement documents; TSP documents; participant, beneficiary, and alternate payee files; initial and final FRTIB determinations of FERSA matters; Freedom of Information Act and Privacy Act requests and appeals, and decisions of those requests and appeals; drafts and legal reviews of proposed personnel actions; personnel records; litigation files; employee relations files; witness statements; summonses and subpoenas; affidavits; court transcripts; discovery requests and responses; and breach reports and supporting documents.

RECORD SOURCE CATEGORIES:

Subject individuals; TSP participants, beneficiaries, and alternate payees; federal government records; current, and former, and potential employees (including Special Government Employees); contractors; interns, externs, and volunteers; the Social Security Administration; court records; articles from publications; and other organizations or individuals with relevant knowledge or information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. Routine Use—Audit: A record from this system of records may be disclosed to an agency, organization, or individual for the purpose of performing an audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to FRTIB officers and employees.

2. Routine Use—Clearance Processing: A record from this system of records may be disclosed to an appropriate federal, state, local, tribal, foreign, or international agency, if the information is relevant and necessary to a requesting agency's decision concerning the hiring or retention of an individual, or issuance of a security clearance, background investigation, license, contract, grant, or other benefit, or if the information is relevant and necessary to a FRTIB decision concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit and when disclosure is appropriate to the proper performance of the official duties of the person making the request.

3. Routine Use—Congressional Inquiries: A record from this system of records may be disclosed to a Congressional office from the record of an individual in response to an inquiry from that Congressional office made at the request of the individual to whom the record pertains.

4. Routine Use—Contractors, *et al.:* A record from this system of records may be disclosed to contractors, grantees, experts, consultants, the agents thereof, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for FRTIB, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to FRTIB officers and employees.

5. Routine Use—Debt Collection: A record from this system of records may be disclosed to the Department of Justice, the Department of Treasury, or to a consumer reporting agency for collection action on any delinquent debt, pursuant to 5 U.S.C. 552a(b)(12).

6. Routine Use—Former Employees: A record from this system of records may be disclosed to a former employee of the FRTIB, in accordance with applicable regulations, for purposes of responding to an official inquiry by a federal, state, or local government entity or professional licensing authority; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the FRTIB requires information or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

7. Routine Use—Investigations, Third Parties: A record from this system of records may be disclosed to third parties during the course of a law enforcement investigation to the extent necessary to obtain information pertinent to the investigation, provided disclosure is appropriate to the proper performance of the official duties of the third party officer making the disclosure.

8. Routine Use—Investigations, Other Agencies: A record from this system of records may be disclosed to appropriate federal, state, local, tribal, or foreign government agencies or multilateral governmental organizations for the purpose of investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, license, or treaty where FRTIB determines that the information would assist in the enforcement of civil or criminal laws.

9. Routine Use—Law Enforcement Intelligence: A record from this system of records may be disclosed to a federal,

state, tribal, local, or foreign government agency or organization, or international organization, lawfully engaged in collecting law enforcement intelligence information, whether civil or criminal, or charged with investigating, prosecuting, enforcing or implementing civil or criminal laws, related rules, regulations or orders, to enable these entities to carry out their law enforcement responsibilities, including the collection of law enforcement intelligence.

10. Routine Use—Law Enforcement Referrals: A record from this system of records may be disclosed to an appropriate federal, state, tribal, local, international, or foreign agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

11. Routine Use—Litigation, DOJ or Outside Counsel: A record from this system of records may be disclosed to the Department of Justice, FRTIB's outside counsel, other federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when: (1) FRTIB, or (b) any employee of FRTIB in his or her official capacity, or (c) any employee of FRTIB in his or her individual capacity where DOJ or FRTIB has agreed to represent the employee, or (d) the United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and FRTIB determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which FRTIB collected the records.

12. Routine Use—Litigation, Opposing Counsel: A record from this system of records may be disclosed to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena.

13. Routine Use—NARA/Records Management: A record from this system of records may be disclosed to the National Archives and Records Administration (NARA) or other federal government agencies pursuant to the Federal Records Act.

14. Routine Use—Redress: A record from this system of records may be disclosed to a federal, state, tribal, local, international, or foreign government agency or entity for the purpose of consulting with that agency or entity: (1) To assist in making a determination regarding redress for an individual in connection with the operations of a FRTIB program; (2) for the purpose of verifying the identity of an individual seeking redress in connection with the operations of a FRTIB program; or (3) for the purpose of verifying the accuracy of information submitted by an individual who has requested such redress on behalf of another individual.

15. Routine Use—Security Threat: A record from this system of records may be disclosed to federal and foreign government intelligence or counterterrorism agencies when FRTIB reasonably believes there to be a threat or potential threat to national or international security for which the information may be useful in countering the threat or potential threat, when FRTIB reasonably believes such use is to assist in anti-terrorism efforts, and disclosure is appropriate to the proper performance of the official duties of the person making the disclosure.

16. Routine Use—Collection of Debts, General: Names, addresses, telephone numbers, and email addresses of employees, former employees, participants, beneficiaries, alternate payees, and information pertaining to debts to the FRTIB may be disclosed to the Department of Treasury, Department of Justice, a credit agency, and a debt collection firm to collect the debt. Disclosure to a debt collection firm shall be made only under a contract that binds any such contractor or employee of such contractor to the criminal penalties of the Privacy Act.

17. Routine Use—General Investigations, Third Parties: Information may be provided to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

18. Routine Use—International Treaties or Conventions: A record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement.

19. Routine Use—Foreign Country, Civil or Criminal Proceedings: A record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary, to assist such country in civil or criminal proceedings in which the United States or one of its officers or agents has an interest.

20. Routine Use—Breach Mitigation and Notification: A record from this system may be disclosed to appropriate agencies, entities, and persons when (1) FRTIB suspects or has confirmed that there has been a breach of the system of records, (2) FRTIB has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, FRTIB (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 FRTIB's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

21. Routine Use—Response to Breach of Other Records: A record from this system may be disclosed to another Federal agency or Federal entity, when FRTIB 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.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Information from this system of records may be disclosed to a consumer reporting agency in accordance with 31 U.S.C. 3711(e).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained electronically in computer databases, including cloud-based services, and on paper in secure facilities in a locked drawer behind a secured-access door.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by the name of the individual on whom they are maintained, and may also be retrieved by case number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained in accordance with the General Records Retention Schedules issued by the National Archives and Records Administration (NARA) or an FRTIB records disposition schedule.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

FRTIB has adopted appropriate administrative, technical, and physical controls in accordance with FRTIB's security program to protect the security, confidentiality, availability, and integrity of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Paper records are stored in locked file cabinets in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and protected by assigning usernames to individuals needing access to the records and by passwords set by unauthorized users that must be changed periodically.

RECORD ACCESS PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should submit a written request to the FOIA Officer, FRTIB, 77 K Street NE, Suite 1000, Washington, DC 20002, and include the following information:

a. Full name;

b. Any available information regarding the type of record involved;

c. The address to which the record information should be sent; and

d. You must sign your request.

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual, such as a Power of Attorney, in order for the representative to act on their behalf. Individuals requesting access must also comply with FRTIB's Privacy Act regulations regarding verification of identity and access to such records, available at 5 CFR part 1630.

CONTESTING RECORD PROCEDURES:

See Record Access Procedures above.

NOTIFICATION PROCEDURES:

See Record Access Procedures above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Pursuant to 5 U.S.C. 552a(k)(2), records from this system are exempt from the requirements of subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), (I); and (f) of 5 U.S.C. 552a, provided, however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of the material would reveal the identity of a source who furnished information to the Government with an express promise that the identity of the source would be held in confidence.

HISTORY:

80 FR 43428 (July 22, 2015).

SYSTEM NAME AND NUMBER:

FRTIB–15, Internal Investigations of Harassment and Hostile Work Environment Allegations.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are maintained at the Federal Retirement Thrift Investment Board, 77 K Street NE, Suite 1000, Washington, DC 20002. Records may also be maintained at an additional location for Business Continuity Purposes.

SYSTEM MANAGER(S):

Human Resources Officer, Federal Retirement Thrift Investment Board, 77 K Street NE, Suite 1000, Washington, DC 20002, (202) 942–1600.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 8474; 42 U.S.C. 2000e *et seq.;* and 44 U.S.C. 3101.

PURPOSE(S) OF THE SYSTEM:

This system of records is maintained for the purpose of upholding FRTIB's policy to provide for a work environment free from all forms of harassment, including sexual harassment, and harassment on the basis of race, color, gender, national origin, religion, sexual orientation, age, genetic information, reprisal, parental status, or disability.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former FRTIB employees (including Special Government Employees), contractors, interns, externs, and volunteers who have filed a complaint or report of harassment or hostile work environment, or have been accused of harassing conduct; and witnesses or potential witnesses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Current or former FRTIB employees (including Special Government Employees), contractors, interns, externs, and volunteers who have filed a complaint or report of harassment or hostile work environment, or have been accused of harassing conduct; and witnesses or potential witnesses.

RECORD SOURCE CATEGORIES:

Subject individuals; supervisors and other FRTIB employees with knowledge; agency EEO and human resources specialists; employee relations staff; FRTIB attorneys; outside counsel retained by subject individuals; and medical professionals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. Routine Use—Audit: A record from this system of records may be disclosed to an agency, organization, or individual for the purpose of performing an audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to FRTIB officers and employees.

2. Routine Use—Clearance Processing: A record from this system of records may be disclosed to an appropriate federal, state, local, tribal, foreign, or international agency, if the information is relevant and necessary to a requesting agency's decision concerning the hiring or retention of an individual, or issuance of a security clearance, background investigation, license, contract, grant, or other benefit, or if the information is relevant and necessary to a FRTIB decision concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit and when disclosure is appropriate to the proper performance of the official duties of the person making the request.

3. Routine Use—Congressional Inquiries: A record from this system of records may be disclosed to a Congressional office from the record of an individual in response to an inquiry from that Congressional office made at the request of the individual to whom the record pertains.

4. Routine Use—Contractors, *et al.:* A record from this system of records may be disclosed to contractors, grantees, experts, consultants, the agents thereof, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for FRTIB, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on

disclosure as are applicable to FRTIB officers and employees.

5. Routine Use—Debt Collection: A record from this system of records may be disclosed to the Department of Justice, the Department of Treasury, or to a consumer reporting agency for collection action on any delinquent debt, pursuant to 5 U.S.C. 552a(b)(12).

6. Routine Use—Former Employees: A record from this system of records may be disclosed to a former employee of the FRTIB, in accordance with applicable regulations, for purposes of responding to an official inquiry by a federal, state, or local government entity or professional licensing authority; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the FRTIB requires information or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

7. Routine Use—Investigations, Third Parties: A record from this system of records may be disclosed to third parties during the course of a law enforcement investigation to the extent necessary to obtain information pertinent to the investigation, provided disclosure is appropriate to the proper performance of the official duties of the third party officer making the disclosure.

8. Routine Use—Investigations, Other Agencies: A record from this system of records may be disclosed to appropriate federal, state, local, tribal, or foreign government agencies or multilateral governmental organizations for the purpose of investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, license, or treaty where FRTIB determines that the information would assist in the enforcement of civil or criminal laws.

9. Routine Use—Law Enforcement Intelligence: A record from this system of records may be disclosed to a federal, state, tribal, local, or foreign government agency or organization, or international organization, lawfully engaged in collecting law enforcement intelligence information, whether civil or criminal, or charged with investigating, prosecuting, enforcing or implementing civil or criminal laws, related rules, regulations or orders, to enable these entities to carry out their law enforcement responsibilities, including the collection of law enforcement intelligence.

10. Routine Use—Law Enforcement Referrals: A record from this system of records may be disclosed to an appropriate federal, state, tribal, local, international, or foreign agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

11. Routine Use—Litigation, DOJ or Outside Counsel: A record from this system of records may be disclosed to the Department of Justice, FRTIB's outside counsel, other federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when: (1) FRTIB, or (b) any employee of FRTIB in his or her official capacity, or (c) any employee of FRTIB in his or her individual capacity where DOJ or FRTIB has agreed to represent the employee, or (d) the United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and FRTIB determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which FRTIB collected the records.

12. Routine Use—Litigation, Opposing Counsel: A record from this system of records may be disclosed to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena.

13. Routine Use—NARA/Records Management: A record from this system of records may be disclosed to the National Archives and Records Administration (NARA) or other federal government agencies pursuant to the Federal Records Act.

14. Routine Use—Redress: A record from this system of records may be disclosed to a federal, state, tribal, local, international, or foreign government agency or entity for the purpose of consulting with that agency or entity: (1) To assist in making a determination regarding redress for an individual in connection with the operations of a FRTIB program; (2) for the purpose of verifying the identity of an individual seeking redress in connection with the operations of a FRTIB program; or (3) for the purpose of verifying the accuracy of information submitted by an individual who has requested such redress on behalf of another individual.

15. Routine Use—Security Threat: A record from this system of records may be disclosed to federal and foreign government intelligence or counterterrorism agencies when FRTIB reasonably believes there to be a threat or potential threat to national or international security for which the information may be useful in countering the threat or potential threat, when FRTIB reasonably believes such use is to assist in anti-terrorism efforts, and disclosure is appropriate to the proper performance of the official duties of the person making the disclosure.

16. Routine Use—Complainant, Witnesses: Disclosure of information from this system of records about an investigation that may have been conducted may be made to the complaining party; the alleged harasser; and to a limited number of witnesses when the purpose of the disclosure is both relevant and necessary and is compatible with the purpose for which the information was collected.

17. Routine Use—Breach Mitigation and Notification: A record from this system may be disclosed to appropriate agencies, entities, and persons when (1) FRTIB suspects or has confirmed that there has been a breach of the system of records, (2) FRTIB has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, FRTIB (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 FRTIB's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

18. Routine Use—Response to Breach of Other Records: A record from this system may be disclosed to another Federal agency or Federal entity, when FRTIB 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.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained electronically in computer databases, including cloud-based services, and on paper in secure facilities in a locked drawer behind a secured-access door.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by the name of the individual on whom they are maintained, and may also be retrieved by case number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained in accordance with the General Records Retention Schedules issued by the National Archives and Records Administration (NARA) or an FRTIB records disposition schedule.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

FRTIB has adopted appropriate administrative, technical, and physical controls in accordance with FRTIB's security program to protect the security, confidentiality, availability, and integrity of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Paper records are stored in locked file cabinets in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and protected by assigning usernames to individuals needing access to the records and by passwords set by unauthorized users that must be changed periodically.

RECORD ACCESS PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should submit a written request to the FOIA Officer, FRTIB, 77 K Street NE, Suite 1000, Washington, DC 20002, and include the following information:

a. Full name;

b. Any available information regarding the type of record involved;

c. The address to which the record information should be sent; and

d. You must sign your request.

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual, such as a Power of Attorney, in order for the representative to act on their behalf. Individuals requesting access must also comply with FRTIB's Privacy Act regulations regarding verification of identity and access to such records, available at 5 CFR part 1630.

CONTESTING RECORD PROCEDURES:

See Record Access Procedures above.

NOTIFICATION PROCEDURES:

See Record Access Procedures above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Pursuant to 5 U.S.C. 552a(k)(2), records in this system are exempt from the requirements of subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), (I); and (f) of 5 U.S.C. 552a, provided, however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of the material would reveal the identity of a source who furnished information to the Government with an express promise that the identity of the source would be held in confidence.

HISTORY:

80 FR 43428 (July 22, 2015).

SYSTEM NAME AND NUMBER:

FRTIB–16, Congressional Correspondence Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are maintained at the Federal Retirement Thrift Investment Board, 77 K Street NE, Suite 1000, Washington, DC 20002. Records may also be maintained at an additional location for Business Continuity Purposes.

SYSTEM MANAGER(S):

Director, Office of External Affairs, Federal Retirement Thrift Investment Board, 77 K Street NE, Suite 1000, Washington, DC 20002, (202) 942–1600.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 8474; 5 U.S.C. 301; and 44 U.S.C. 3101.

PURPOSE(S) OF THE SYSTEM:

This system of records is maintained to catalog and respond to correspondence received from congressional offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who submit inquiries, complaints, comments, or other correspondence to FRTIB, and the responding party on behalf of FRTIB.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records in this system include, but are not limited to the following information about individuals who have corresponded with FRTIB: Name; dates of birth; Social Security numbers; TSP account numbers; home and business address; email address; personal and business telephone numbers; who the correspondence is about; incoming correspondence; FRTIB's response; the FRTIB responder's name and business information; additional unsolicited personal information provided by the individual; and other related materials.

RECORD SOURCE CATEGORIES:

Information used to compile records in this system is taken from incoming correspondence and FRTIB responses to incoming correspondence from congressional offices.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. Routine Use—Audit: A record from this system of records may be disclosed to an agency, organization, or individual for the purpose of performing an audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to FRTIB officers and employees.

2. Routine Use—Congressional Inquiries: A record from this system of records may be disclosed to a Congressional office from the record of an individual in response to an inquiry from that Congressional office made at the request of the individual to whom the record pertains.

3. Routine Use—Contractors, *et al.:* A record from this system of records may be disclosed to contractors, grantees, experts, consultants, the agents thereof, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for FRTIB, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to FRTIB officers and employees.

4. Routine Use—Former Employees: A record from this system of records may be disclosed to a former employee of the FRTIB, in accordance with applicable regulations, for purposes of responding to an official inquiry by a federal, state, or local government entity or professional licensing authority; or facilitating communications with a

former employee that may be necessary for personnel-related or other official purposes where the FRTIB requires information or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

5. Routine Use—Investigations, Third Parties: A record from this system of records may be disclosed to third parties during the course of a law enforcement investigation to the extent necessary to obtain information pertinent to the investigation, provided disclosure is appropriate to the proper performance of the official duties of the third party officer making the disclosure.

6. Routine Use—Investigations, Other Agencies: A record from this system of records may be disclosed to appropriate federal, state, local, tribal, or foreign government agencies or multilateral governmental organizations for the purpose of investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, license, or treaty where FRTIB determines that the information would assist in the enforcement of civil or criminal laws.

7. Routine Use—Law Enforcement Intelligence: A record from this system of records may be disclosed to a federal, state, tribal, local, or foreign government agency or organization, or international organization, lawfully engaged in collecting law enforcement intelligence information, whether civil or criminal, or charged with investigating, prosecuting, enforcing or implementing civil or criminal laws, related rules, regulations or orders, to enable these entities to carry out their law enforcement responsibilities, including the collection of law enforcement intelligence.

8. Routine Use—Law Enforcement Referrals: A record from this system of records may be disclosed to an appropriate federal, state, tribal, local, international, or foreign agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

9. Routine Use—Litigation, DOJ or Outside Counsel: A record from this system of records may be disclosed to the Department of Justice, FRTIB's outside counsel, other federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when: (1) FRTIB, or (b) any employee of FRTIB in his or her official capacity, or (c) any employee of FRTIB in his or her individual capacity where DOJ or FRTIB has agreed to represent the employee, or (d) the United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and FRTIB determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which FRTIB collected the records.

10. Routine Use—Litigation, Opposing Counsel: A record from this system of records may be disclosed to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena.

11. Routine Use—NARA/Records Management: A record from this system of records may be disclosed to the National Archives and Records Administration (NARA) or other federal government agencies pursuant to the Federal Records Act.

12. Routine Use—Redress: A record from this system of records may be disclosed to a federal, state, tribal, local, international, or foreign government agency or entity for the purpose of consulting with that agency or entity: (1) To assist in making a determination regarding redress for an individual in connection with the operations of a FRTIB program; (2) for the purpose of verifying the identity of an individual seeking redress in connection with the operations of a FRTIB program; or (3) for the purpose of verifying the accuracy of information submitted by an individual who has requested such redress on behalf of another individual.

13. Routine Use—Referral of Correspondence: A record from this system of records may be disclosed to another Federal agency to refer correspondence or refer to correspondence, given the nature of the issue.

14. Routine Use—News Media and Public, Public Interest: Information in this system of records may be disclosed to the news media and the public, with the approval of the Senior Agency Official for Privacy, in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information; when disclosure is necessary to preserve confidence in the integrity of FRTIB; or when it is necessary to demonstrate the accountability of FRTIB's officers, employees, or individuals covered by this system, except to the extent it is determined that the release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

15. Routine Use—Breach Mitigation and Notification: A record from this system may be disclosed to appropriate agencies, entities, and persons when (1) FRTIB suspects or has confirmed that there has been a breach of the system of records, (2) FRTIB has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, FRTIB (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 FRTIB's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

16. Routine Use—Response to Breach of Other Records: A record from this system may be disclosed to another Federal agency or Federal entity, when FRTIB 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.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in paper and electronic form, including on computer databases, all of which are stored in a secure location.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records may be retrieved by individual name; the name of the Member of Congress requesting a response; and the date of the correspondence.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained in accordance with the General Records Retention Schedules issued by the National Archives and Records Administration (NARA) or an FRTIB records disposition schedule.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

FRTIB has adopted appropriate administrative, technical, and physical controls in accordance with FRTIB's security program to protect the security, confidentiality, availability, and integrity of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Paper records are stored in locked file cabinets in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and protected by assigning usernames to individuals needing access to the records and by passwords set by unauthorized users that must be changed periodically.

RECORD ACCESS PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should submit a written request to the FOIA Officer, FRTIB, 77 K Street NE, Suite 1000, Washington, DC 20002, and include the following information:

a. Full name;

b. Any available information regarding the type of record involved;

c. The address to which the record information should be sent; and

d. You must sign your request.

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual, such as a Power of Attorney, in order for the representative to act on their behalf. Individuals requesting access must also comply with FRTIB's Privacy Act regulations regarding verification of identity and access to such records, available at 5 CFR part 1630.

CONTESTING RECORD PROCEDURES:

See Record Access Procedures above.

NOTIFICATION PROCEDURES:

See Record Access Procedures above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

81 FR 7106 (Feb. 10, 2016).

SYSTEM NAME AND NUMBER:

FRTIB–17, Telework and Alternative Work Schedule Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are maintained at the Federal Retirement Thrift Investment Board, 77 K Street NE, Suite 1000, Washington, DC 20002. Records may also be maintained at an additional location for Business Continuity Purposes.

SYSTEM MANAGER(S):

Human Resources Officer, Federal Retirement Thrift Investment Board, 77 K Street NE, Suite 1000, Washington, DC 20002, (202) 942–1600.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 8474; 5 U.S.C. 301; 5 U.S.C. 6120; and 44 U.S.C. 3101.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system of records is to collect and maintain records on prospective, current, and former FRTIB employees who have participated in, presently participate in, or have sought to participate in FRTIB's Telework Program.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prospective, current, and former FRTIB employees who have been granted or denied authorization to participate in FRTIB's Telework Program to work at an alternative worksite apart from their official FRTIB duty station.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, position title, grade level, job series, and office name; official FRTIB duty station address and telephone number; alternative worksite address and telephone number(s); date telework agreement received and approved/denied; telework request and approval form; telework agreement; self-certification home safety checklist, and supervisor-employee checklist; type of telework requested (*e.g.,* situational or core); regular work schedule; telework schedule; approvals/disapprovals; description and list of government-owned equipment and software provided to the teleworker; mass transit benefits received through FRTIB's mass transit subsidy program; parking subsidies received through FRTIB's subsidized parking program; and any other miscellaneous documents supporting telework.

RECORD SOURCE CATEGORIES:

Subject individuals; subject individuals' supervisors.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. Routine Use—Audit: A record from this system of records may be disclosed to an agency, organization, or individual for the purpose of performing an audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to FRTIB officers and employees.

2. Routine Use—Congressional Inquiries: A record from this system of records may be disclosed to a Congressional office from the record of an individual in response to an inquiry from that Congressional office made at the request of the individual to whom the record pertains.

3. Routine Use—Contractors, *et al.:* A record from this system of records may be disclosed to contractors, grantees, experts, consultants, the agents thereof, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for FRTIB, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to FRTIB officers and employees.

4. Routine Use—Former Employees: A record from this system of records may be disclosed to a former employee of the FRTIB, in accordance with applicable regulations, for purposes of responding to an official inquiry by a federal, state, or local government entity or professional licensing authority; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the FRTIB requires information or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

5. Routine Use—Investigations, Third Parties: A record from this system of records may be disclosed to third parties during the course of a law enforcement investigation to the extent necessary to obtain information pertinent to the investigation, provided disclosure is appropriate to the proper performance of the official duties of the third party officer making the disclosure.

6. Routine Use—Investigations, Other Agencies: A record from this system of records may be disclosed to appropriate federal, state, local, tribal, or foreign government agencies or multilateral governmental organizations for the purpose of investigating or prosecuting

the violations of, or for enforcing or implementing, a statute, rule, regulation, order, license, or treaty where FRTIB determines that the information would assist in the enforcement of civil or criminal laws.

7. Routine Use—Law Enforcement Intelligence: A record from this system of records may be disclosed to a federal, state, tribal, local, or foreign government agency or organization, or international organization, lawfully engaged in collecting law enforcement intelligence information, whether civil or criminal, or charged with investigating, prosecuting, enforcing or implementing civil or criminal laws, related rules, regulations or orders, to enable these entities to carry out their law enforcement responsibilities, including the collection of law enforcement intelligence.

8. Routine Use—Law Enforcement Referrals: A record from this system of records may be disclosed to an appropriate federal, state, tribal, local, international, or foreign agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

9. Routine Use—Litigation, DOJ or Outside Counsel: A record from this system of records may be disclosed to the Department of Justice, FRTIB's outside counsel, other federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when: (1) FRTIB, or (b) any employee of FRTIB in his or her official capacity, or (c) any employee of FRTIB in his or her individual capacity where DOJ or FRTIB has agreed to represent the employee, or (d) the United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and FRTIB determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which FRTIB collected the records.

10. Routine Use—Litigation, Opposing Counsel: A record from this system of records may be disclosed to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena.

11. Routine Use—NARA/Records Management: A record from this system of records may be disclosed to the National Archives and Records Administration (NARA) or other federal government agencies pursuant to the Federal Records Act.

12. Routine Use—Redress: A record from this system of records may be disclosed to a federal, state, tribal, local, international, or foreign government agency or entity for the purpose of consulting with that agency or entity: (1) To assist in making a determination regarding redress for an individual in connection with the operations of a FRTIB program; (2) for the purpose of verifying the identity of an individual seeking redress in connection with the operations of a FRTIB program; or (3) for the purpose of verifying the accuracy of information submitted by an individual who has requested such redress on behalf of another individual.

13. Routine Use—Medical Professionals: A record from this system may be disclosed to medical professionals to obtain information about an employee's medical background necessary to grant or deny approval of medical telework.

14. Routine Use—Emergency Preparedness: A record from this system may be disclosed to federal, state, or local governments during actual emergencies, exercises, or Business Continuity Purpose tests for emergency preparedness and disaster recovery training exercises.

15. Routine Use—Report of Injury, Department of Labor: A record from this system may be disclosed to the Department of Labor when an employee is injured when working at home while in the performance of normal duties.

16. Routine Use—Telework Survey, Office of Personnel Management: A record from this system may be disclosed to the Office of Personnel Management (OPM) for use in its Telework Survey to provide consolidated data on participation in FRTIB's Telework Program.

17. Routine Use—Third-Parties, Mediation/Alternative Dispute Resolution: A record from this system of records may be disclosed to appropriate third-parties contracted by FRTIB to facilitate mediation or other alternate dispute resolution procedures or programs.

18. Routine Use—Breach Mitigation and Notification: A record from this system may be disclosed to appropriate agencies, entities, and persons when (1) FRTIB suspects or has confirmed that there has been a breach of the system of records, (2) FRTIB has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, FRTIB (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 FRTIB's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

19. Routine Use—Response to Breach of Other Records: A record from this system may be disclosed to another Federal agency or Federal entity, when FRTIB 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.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in paper and electronic form, including on computer databases, all of which are stored in a secure location.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by any one or more of the following: Employee name; and the office in which the employee works, will work, or previously worked.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained in accordance with the General Records Retention Schedule 1, item 42, issued by the National Archives and Records Administration (NARA).

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

FRTIB has adopted appropriate administrative, technical, and physical controls in accordance with FRTIB's security program to protect the security, confidentiality, availability, and integrity of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Paper records are stored in locked file cabinets in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and protected by assigning usernames to individuals needing access to the records and by passwords

set by unauthorized users that must be changed periodically.

RECORD ACCESS PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should submit a written request to the FOIA Officer, FRTIB, 77 K Street NE, Suite 1000, Washington, DC 20002, and include the following information:

a. Full name;

b. Any available information regarding the type of record involved;

c. The address to which the record information should be sent; and

d. You must sign your request.

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual, such as a Power of Attorney, in order for the representative to act on their behalf. Individuals requesting access must also comply with FRTIB's Privacy Act regulations regarding verification of identity and access to such records, available at 5 CFR part 1630.

CONTESTING RECORD PROCEDURES:

See Record Access Procedures above.

NOTIFICATION PROCEDURES:

See Record Access Procedures above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

81 FR 7106 (Feb. 10, 2016).

SYSTEM NAME AND NUMBER:

FRTIB–18, Reasonable Accommodation Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are maintained at the Federal Retirement Thrift Investment Board, 77 K Street NE, Suite 1000, Washington, DC 20002. Records may also be maintained at an additional location for Business Continuity Purposes.

SYSTEM MANAGER(S):

Human Resources Officer, Federal Retirement Thrift Investment Board, 77 K Street NE, Suite 1000, Washington, DC 20002, (202) 942–1600.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 8474; 5 U.S.C. 301; 42 U.S.C. 12101 *et seq.;* 44 U.S.C. 3101; E.O. 13164; and E.O. 13548.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to: (1) Allow FRTIB to collect and maintain records on prospective, current, and former employees with disabilities who request or receive a reasonable accommodation by FRTIB; (2) to track and report the processing of requests for FRTIB-wide reasonable accommodations to comply with applicable laws and regulations; and (3) to preserve and maintain the confidentiality of medical information submitted by or on behalf of applicants or employees requesting a reasonable accommodation.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prospective, current, and former FRTIB employees who request and/or receive a reasonable accommodation for a disability; and authorized individuals or representatives (*e.g.,* family members or attorneys) who file a request for a reasonable accommodation on behalf of a prospective, current, or former employee.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and employment information of employees needing an accommodation; requestor's name and contact information (if different than the employee who needs an accommodation); date request was initiated; information concerning the nature of the disability and the need for accommodation, including appropriate medical documentation; details of the accommodation request, such as: Type of accommodation requested, how the requested accommodation would assist in job performance, the sources of technical assistance consulted in trying to identify alternative reasonable accommodation, any additional information provided by the requestor related to the processing of the request, and whether the request was approved or denied, and whether the accommodation was approved for a trial period; and notification(s) to the employee and his/her supervisor(s) regarding the accommodation.

RECORD SOURCE CATEGORIES:

Subject individuals; subject individuals' supervisors.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. Routine Use—Audit: A record from this system of records may be disclosed to an agency, organization, or individual for the purpose of performing an audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to FRTIB officers and employees.

2. Routine Use—Clearance Processing: A record from this system of records may be disclosed to an appropriate federal, state, local, tribal, foreign, or international agency, if the information is relevant and necessary to a requesting agency's decision concerning the hiring or retention of an individual, or issuance of a security clearance, background investigation, license, contract, grant, or other benefit, or if the information is relevant and necessary to a FRTIB decision concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit and when disclosure is appropriate to the proper performance of the official duties of the person making the request.

3. Routine Use—Congressional Inquiries: A record from this system of records may be disclosed to a Congressional office from the record of an individual in response to an inquiry from that Congressional office made at the request of the individual to whom the record pertains.

4. Routine Use—Contractors, *et al.:* A record from this system of records may be disclosed to contractors, grantees, experts, consultants, the agents thereof, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for FRTIB, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to FRTIB officers and employees.

5. Routine Use—Former Employees: A record from this system of records may be disclosed to a former employee of the FRTIB, in accordance with applicable regulations, for purposes of responding to an official inquiry by a federal, state, or local government entity or professional licensing authority; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the FRTIB requires information or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

6. Routine Use—Investigations, Third Parties: A record from this system of records may be disclosed to third parties during the course of a law enforcement investigation to the extent necessary to obtain information pertinent to the investigation, provided disclosure is appropriate to the proper performance of the official duties of the third party officer making the disclosure.

7. Routine Use—Investigations, Other Agencies: A record from this system of records may be disclosed to appropriate federal, state, local, tribal, or foreign government agencies or multilateral governmental organizations for the purpose of investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, license, or treaty where FRTIB determines that the information would assist in the enforcement of civil or criminal laws.

8. Routine Use—Law Enforcement Intelligence: A record from this system of records may be disclosed to a federal, state, tribal, local, or foreign government agency or organization, or international organization, lawfully engaged in collecting law enforcement intelligence information, whether civil or criminal, or charged with investigating, prosecuting, enforcing or implementing civil or criminal laws, related rules, regulations or orders, to enable these entities to carry out their law enforcement responsibilities, including the collection of law enforcement intelligence.

9. Routine Use—Law Enforcement Referrals: A record from this system of records may be disclosed to an appropriate federal, state, tribal, local, international, or foreign agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

10. Routine Use—Litigation, DOJ or Outside Counsel: A record from this system of records may be disclosed to the Department of Justice, FRTIB's outside counsel, other federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when: (1) FRTIB, or (b) any employee of FRTIB in his or her official capacity, or (c) any employee of FRTIB in his or her individual capacity where DOJ or FRTIB has agreed to represent the employee, or (d) the United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and FRTIB determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which FRTIB collected the records.

11. Routine Use—Litigation, Opposing Counsel: A record from this system of records may be disclosed to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena.

12. Routine Use—NARA/Records Management: A record from this system of records may be disclosed to the National Archives and Records Administration (NARA) or other federal government agencies pursuant to the Federal Records Act.

13. Routine Use—Redress: A record from this system of records may be disclosed to a federal, state, tribal, local, international, or foreign government agency or entity for the purpose of consulting with that agency or entity: (1) To assist in making a determination regarding redress for an individual in connection with the operations of a FRTIB program; (2) for the purpose of verifying the identity of an individual seeking redress in connection with the operations of a FRTIB program; or (3) for the purpose of verifying the accuracy of information submitted by an individual who has requested such redress on behalf of another individual.

14. Routine Use—Security Threat: A record from this system of records may be disclosed to federal and foreign government intelligence or counterterrorism agencies when FRTIB reasonably believes there to be a threat or potential threat to national or international security for which the information may be useful in countering the threat or potential threat, when FRTIB reasonably believes such use is to assist in anti-terrorism efforts, and disclosure is appropriate to the proper performance of the official duties of the person making the disclosure.

15. Routine Use—Medical Professionals, Reasonable Accommodation Documentation: A record from this system of records may be disclosed to physicians or other medical professionals to provide them with or obtain from them the necessary medical documentation and/or certification for reasonable accommodations.

16. Routine Use—Federal Agencies, Equal Employment and Reasonable Accommodation Issues: A record from this system of records may be disclosed to another federal agency or commission with responsibility for labor or employment relations or other issues, including equal employment opportunity and reasonable accommodation issues, when that agency or commission has jurisdiction over reasonable accommodation issues.

17. Routine Use—Federal Agencies, Reasonable Accommodation Requirements: A record from this system of records may be disclosed to the Department of Labor (DOL), Office of Personnel Management (OPM), Equal Employment Opportunity Commission (EEOC), or Office of Special Counsel (OSC) to obtain advice regarding statutory, regulatory, policy, and other requirements related to reasonable accommodation.

18. Routine Use—Mediation/Alternative Dispute Resolution: A record from this system of records may be disclosed to appropriate third-parties contracted by the Agency to facilitate mediation or other alternative dispute resolution procedures or programs.

19. Routine Use—Department of Defense, Procurement of Assistive Technologies: A record from this system of records may be disclosed to the Department of Defense (DOD) for the purpose of procuring assistive technologies and services through the Computer/Electronic Accommodation Program in response to a request for reasonable accommodation.

20. Routine Use—Breach Mitigation and Notification: A record from this system may be disclosed to appropriate agencies, entities, and persons when (1) FRTIB suspects or has confirmed that there has been a breach of the system of records, (2) FRTIB has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, FRTIB (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 FRTIB's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

21. Routine Use—Response to Breach of Other Records: A record from this system may be disclosed to another Federal agency or Federal entity, when FRTIB 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.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in paper and electronic form, including on computer databases, all of which are stored in a secure location.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by any one or more of the following: Employee name or assigned case number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained in accordance with the General Records Retention Schedule 1, item 24, issued by the National Archives and Records Administration (NARA).

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

FRTIB has adopted appropriate administrative, technical, and physical controls in accordance with FRTIB's security program to protect the security, confidentiality, availability, and integrity of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Paper records are stored in locked file cabinets in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and protected by assigning usernames to individuals needing access to the records and by passwords set by unauthorized users that must be changed periodically.

RECORD ACCESS PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should submit a written request to the FOIA Officer, FRTIB, 77 K Street NE, Suite 1000, Washington, DC 20002, and include the following information:

a. Full name;

b. Any available information regarding the type of record involved;

c. The address to which the record information should be sent; and

d. You must sign your request.

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual, such as a Power of Attorney, in order for the representative to act on their behalf. Individuals requesting access must also comply with FRTIB's Privacy Act regulations regarding verification of identity and access to such records, available at 5 CFR part 1630.

CONTESTING RECORD PROCEDURES:

See Record Access Procedures above.

NOTIFICATION PROCEDURES:

See Record Access Procedures above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

81 FR 7106 (Feb. 10, 2016).

SYSTEM NAME AND NUMBER:

FRTIB–19, Freedom of Information Act Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are maintained at the Federal Retirement Thrift Investment Board, 77 K Street NE, Suite 1000, Washington, DC 20002. Records may also be maintained at an additional location for Business Continuity Purposes.

SYSTEM MANAGER(S):

Chief FOIA Officer, Retirement Thrift Investment Board, 77 K Street NE, Suite 1000, Washington, DC 20002, (202) 942–1600.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 8474; 5 U.S.C. 552; and 44 U.S.C. 3101.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to support the processing of record access requests made pursuant to the Freedom of Information Act (FOIA), whether FRTIB receives such requests directly from the requestor or via referral from another agency. In addition, this system is used to support litigation arising from such requests and appeals, and to assist FRTIB in carrying out any other responsibilities under the FOIA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records covers all individuals who submit requests pursuant to the FOIA; individuals whose requests and/or records have been referred to FRTIB by other agencies; attorneys or other persons representing individuals submitting such requests and appeals; individuals who are the subjects of such requests and appeals; individuals who file litigation based on their requests; Department of Justice (DOJ) and other government litigators; and/or FRTIB employees assigned to handle such requests or appeals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system include, but are not limited to: (1) Records received, created, or compiled in processing FOIA requests or appeals, including original requests and appeals, intra- or inter-agency memoranda, referrals, correspondence notes, fee schedules, assessments, cost calculations, and other documentation related to the referral and/or processing of the FOIA request or appeal, correspondence with the individuals or entities that submitted the requests, and copies of requested records; (2) the type of information in the records may include requestors' and their attorneys' or representatives' contact information, the contact information of FRTIB employees, the name of the individual subject of the request or appeal, fee determinations, unique case identifier, and other identifiers provided by a requestor about him or herself or about the individual whose records are requested.

RECORD SOURCE CATEGORIES:

Records are obtained from those individuals who submit requests and administrative appeals pursuant to the FOIA or who file litigation regarding such requests and appeals; the agency record keeping systems searched in the process of responding to such requests and appeals; FRTIB employees assigned to handle such requests, appeals, and/or litigation; other agencies or entities that have referred to FRTIB requests concerning FRTIB records, or that have consulted with FRTIB regarding handling of particular requests; and submitters or subjects of records or information that have provided assistance to FRTIB in making access or amendment determinations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 552a(b), and:

1. Routine Use—Audit: A record from this system of records may be disclosed to an agency, organization, or individual for the purpose of performing an audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act

requirements and limitations on disclosure as are applicable to FRTIB officers and employees.

2. Routine Use—Clearance Processing: A record from this system of records may be disclosed to an appropriate federal, state, local, tribal, foreign, or international agency, if the information is relevant and necessary to a requesting agency's decision concerning the hiring or retention of an individual, or issuance of a security clearance, background investigation, license, contract, grant, or other benefit, or if the information is relevant and necessary to a FRTIB decision concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit and when disclosure is appropriate to the proper performance of the official duties of the person making the request.

3. Routine Use—Congressional Inquiries: A record from this system of records may be disclosed to a Congressional office from the record of an individual in response to an inquiry from that Congressional office made at the request of the individual to whom the record pertains.

4. Routine Use—Contractors, *et al.:* A record from this system of records may be disclosed to contractors, grantees, experts, consultants, the agents thereof, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for FRTIB, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to FRTIB officers and employees.

5. Routine Use—Former Employees: A record from this system of records may be disclosed to a former employee of the FRTIB, in accordance with applicable regulations, for purposes of responding to an official inquiry by a federal, state, or local government entity or professional licensing authority; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the FRTIB requires information or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

6. Routine Use—Investigations, Third Parties: A record from this system of records may be disclosed to third parties during the course of a law enforcement investigation to the extent necessary to obtain information pertinent to the investigation, provided disclosure is appropriate to the proper performance of the official duties of the third party officer making the disclosure.

7. Routine Use—Investigations, Other Agencies: A record from this system of records may be disclosed to appropriate federal, state, local, tribal, or foreign government agencies or multilateral governmental organizations for the purpose of investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, license, or treaty where FRTIB determines that the information would assist in the enforcement of civil or criminal laws.

8. Routine Use—Law Enforcement Intelligence: A record from this system of records may be disclosed to a federal, state, tribal, local, or foreign government agency or organization, or international organization, lawfully engaged in collecting law enforcement intelligence information, whether civil or criminal, or charged with investigating, prosecuting, enforcing or implementing civil or criminal laws, related rules, regulations or orders, to enable these entities to carry out their law enforcement responsibilities, including the collection of law enforcement intelligence.

9. Routine Use—Law Enforcement Referrals: A record from this system of records may be disclosed to an appropriate federal, state, tribal, local, international, or foreign agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

10. Routine Use—Litigation, DOJ or Outside Counsel: A record from this system of records may be disclosed to the Department of Justice, FRTIB's outside counsel, other federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when: (1) FRTIB, or (b) any employee of FRTIB in his or her official capacity, or (c) any employee of FRTIB in his or her individual capacity where DOJ or FRTIB has agreed to represent the employee, or (d) the United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and FRTIB determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which FRTIB collected the records.

11. Routine Use—Litigation, Opposing Counsel: A record from this system of records may be disclosed to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena.

12. Routine Use—NARA/Records Management: A record from this system of records may be disclosed to the National Archives and Records Administration (NARA) or other federal government agencies pursuant to the Federal Records Act.

13. Routine Use—Redress: A record from this system of records may be disclosed to a federal, state, tribal, local, international, or foreign government agency or entity for the purpose of consulting with that agency or entity: (1) To assist in making a determination regarding redress for an individual in connection with the operations of a FRTIB program; (2) for the purpose of verifying the identity of an individual seeking redress in connection with the operations of a FRTIB program; or (3) for the purpose of verifying the accuracy of information submitted by an individual who has requested such redress on behalf of another individual.

14. Routine Use—Security Threat: A record from this system of records may be disclosed to federal and foreign government intelligence or counterterrorism agencies when FRTIB reasonably believes there to be a threat or potential threat to national or international security for which the information may be useful in countering the threat or potential threat, when FRTIB reasonably believes such use is to assist in anti-terrorism efforts, and disclosure is appropriate to the proper performance of the official duties of the person making the disclosure.

15. Routine Uses—Federal Agencies, FOIA Processing: A record from this system of records may be disclosed to a federal agency or other federal entity that furnished the record or information for the purpose of permitting that agency or entity to make a decision regarding access to or correction of the record or information, or to a federal agency or entity for purposes of providing guidance or advice regarding the handling of a particular request.

16. Routine Uses—Department of Justice, Advice: A record from this system of records may be disclosed to the Department of Justice (DOJ) to

obtain advice regarding statutory and other requirements under the FOIA.

17. Routine Use—OGIS, FOIA Responsibilities: A record from this system of records may be disclosed to the National Archives and Records Administration, Office of Government Information Services (OGIS), to the extent necessary to fulfill its responsibilities in 5 U.S.C. 552(h) to review administrative agency policies, procedures, and compliance with the FOIA, and to facilitate OGIS's offering of mediation services to resolve disputes between persons making FOIA requests and administrative agencies.

18. Routine Use—Breach Mitigation and Notification: A record from this system may be disclosed to appropriate agencies, entities, and persons when (1) FRTIB suspects or has confirmed that there has been a breach of the system of records, (2) FRTIB has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, FRTIB (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 FRTIB's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

19. Routine Use—Response to Breach of Other Records: A record from this system may be disclosed to another Federal agency or Federal entity, when FRTIB 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.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in paper and electronic form, including on computer databases, all of which are stored in a secure location.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by any one or more of the following: The name of the requestor; the number assigned to the request or appeal; and in some instances, the name of the attorney representing the requestor or appellant, and/or the name of an individual who is the subject of such a request or appeal.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are retained and disposed of in accordance with the General Records Schedule 4.2, item 020, issued by the National Archives and Records Administration (NARA).

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

FRTIB has adopted appropriate administrative, technical, and physical controls in accordance with FRTIB's security program to protect the security, confidentiality, availability, and integrity of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Paper records are stored in locked file cabinets in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and protected by assigning usernames to individuals needing access to the records and by passwords set by unauthorized users that must be changed periodically.

RECORD ACCESS PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should submit a written request to the FOIA Officer, FRTIB, 77 K Street NE, Suite 1000, Washington, DC 20002, and include the following information:

a. Full name;

b. Any available information regarding the type of record involved;

c. The address to which the record information should be sent; and

d. You must sign your request.

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual, such as a Power of Attorney, in order for the representative to act on their behalf. Individuals requesting access must also comply with FRTIB's Privacy Act regulations regarding verification of identity and access to such records, available at 5 CFR part 1630.

CONTESTING RECORD PROCEDURES:

See Record Access Procedures above.

NOTIFICATION PROCEDURES:

See Record Access Procedures above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

81 FR 7106 (Feb. 10, 2016).

[FR Doc. 2020–15468 Filed 7–16–20; 8:45 am]

BILLING CODE 6760–01–P

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Federal Register

Vol. 85, No. 138

Friday, July 17, 2020

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