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

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2019–0972]

Special Local Regulations; Mark Hahn Memorial 300 PWC Endurance Race, Lake Havasu City, AZ

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the Mark Hahn Memorial 300 PWC Endurance Race special local regulations on the waters of Lake Havasu, Arizona on February 22 through February 23, 2020. These special local regulations are necessary to provide for the safety of the participants, crew, spectators, sponsor vessels, and general users of the waterway. During the enforcement period, persons and vessels are prohibited from anchoring, blocking, loitering, or impeding within this regulated area unless authorized by the Captain of the Port, or his designated representative.

DATES: The regulations in 33 CFR 100.1102, Table 1, Item 14 will be enforced from 8 a.m. through 6 p.m., each day from February 22, 2020 through February 23, 2020.

FOR FURTHER INFORMATION CONTACT: If you have questions about this publication of enforcement, call or email Lieutenant Briana Biagas, Waterways Management, U.S. Coast Guard Sector San Diego, CA; telephone (619) 278–7656, email *D11MarineEventsSD@uscg.mil*.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulations in 33 CFR 100.1102 for the Mark Hahn Memorial 300 PWC Endurance Race on Lake Havasu, AZ in 33 CFR 100.1102, Table 1, Item 14 of that section from 8 a.m. until 6 p.m. daily, on February 22, 2020 and February, 23, 2020. This enforcement action is being taken to provide for the safety of life on navigable waterways during the event. The Coast Guard's regulation for recurring marine events in the San Diego Captain of the Port Zone identifies the regulated entities and area for this event. Under the provisions of 33 CFR 100.1102, persons and vessels are prohibited from anchoring, blocking, loitering, or impeding within this regulated area, unless authorized by the Captain of the Port, or his designated representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

In addition to this document in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via the Local Notice to Mariners, and local advertising by the event sponsor.

If the Captain of the Port Sector San Diego or his designated representative determines that the regulated area need not be enforced for the full duration stated on this document, he or she may use a Broadcast Notice to Mariners or other communications coordinated with the event sponsor to grant general permission to enter the regulated area.

Dated: January 16, 2020.

T.J. Barelli,

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

[FR Doc. 2020–01286 Filed 1–28–20; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0830]

RIN 1625–AA87

Security Zone; Super Bowl 2020, Bayfront Park, Miami, FL

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone over certain navigable waters of Biscayne Bay during Super Bowl 2020 events in Miami, Florida. The security zone is necessary to protect the official party, public, and surrounding waterway from terrorist acts, sabotage or other subversive acts, accidents, or other hazards of a similar nature. This regulation requires vessels transit through the security zone at a steady speed and not stop or anchor unless authorized by the Captain of the Port Miami (COTP) or a designated representative.

DATES: This rule is effective without actual notice from January 29, 2020 through February 3, 2020. For the purposes of enforcement, actual notice will be used from January 26, 2020, until January 29, 2020.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2019–0830 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, contact Omar Beceiro, Sector Miami Waterways Management Division, U.S. Coast Guard at 305–535–4317 or by email *Omar.Beceiro@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The City of Miami will be hosting Super Bowl LIV (54) on February 2, 2020. In addition, several venues and hotels in the City of Miami downtown area will host Super Bowl-related events during the week preceding the Super Bowl. Major event venues include Bayfront Park, Adrienne Arsht Center for the Performing Arts, and JW Marriott Marquis Hotel. The Coast Guard anticipates these events will draw large crowds and present a security concern since the venues may be accessed from or are in close proximity to the Biscayne Bay waterfront. The COTP has determined the ease of waterfront access to the various venues hosting Super Bowl events present a security concern

for attendees. In response, the Coast Guard published a notice of proposed rulemaking (NPRM) on November 5, 2019, titled ''Security Zone; Super Bowl 2020, Bayfront Park, Miami, FL'' (84 FR 59602). There we stated why we issued the NPRM and invited comments on our proposed regulatory action related to this security zone. During the comment period that ended December 5, 2019, we received 13 comments.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to the public interest because immediate action is needed to respond to potential security concerns associated with the Super Bowl and related acitivities and events.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The COTP has determined the ease of waterfront access to various venues hosting Super Bowl events presents a security concern for attendees and surrounding waterways. The purpose of this rulemaking is to ensure security of the public, Very important persons, official party and surrounding waterway from terrorist acts, sabotage or other subversive acts, accidents, or other hazards of a similar nature.

IV. Discussion of Comments, Changes, and the Rule

As noted above, the Coast Guard received 13 comments on the NPRM during the comment period which closed on December 5, 2019. Twelve comments were in favor of the Coast Guard establishing the security zone during the week of Super Bowl activities. One comment sought to clarify whether private parties would be allowed to access the security zone before, during and after the Super Bowl. This regulation will permit private vessels to transit the security zone but not stop or anchor unless authorized by the COTP or a designated representative. One of the 12 supporting comments asked that affected businesses be given ample notification prior to the Coast Guard enforcing the security zone. The NPRM which published on Novermber 5, 2019, provided approximately 11 weeks notice of the security zone to potentially affected persons, vessels, and facilities. In addition, the Coast Guard will notify the local maritime community of the security zone through various means including, local notice mariners and broadcast notice to mariners issued on VHF–FM marine radio channel 16.

There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule establishes a temporary security zone that will be enforced 24 hours a day beginning at 8:00 a.m. on January 26, 2020 until 8:00 a.m. on February 3, 2020. The temporary security zone would cover all navigable waters of the Intracoastal Waterway in Biscayne Bay from approximately Venetian Causeway south to and including a portion of the Miami River. The duration of the temporary security zone is intended to ensure the security of the public, executives, official party and surrounding waterway before, during, and after the various Super Bowl-related events in the Downtown area of Miami, Florida. All persons and vessels will be required to transit the security zone at a steady speed and may not slow down, stop, or anchor without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

We 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 size, location, and duration of the security zone. The security zone will only affect a small area of Biscayne Bay near Bayfront Park in the Port of Miami for approximately eight days and thus is limited in time and scope. Vessels will be able to transit the security zone along the Intracoastal Waterway with the only restriction being the inability to stop or anchor within the zone. Moreover, upon activating the security zone, the Coast Guard will notify the local maritime community through various means including, Local Notice Mariners and Broadcast Notice to Mariners issued on VHF–FM marine radio channel 16.

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 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.

While some owners or operators of vessels intending to transit the security zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

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 guide 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 a temporary security zone lasting approximately eight days that would prohibit vessels from stopping or anchoring within the zone. Normally such actions are categorically excluded from further review under paragraph L60(a) in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures. A Record of Environmental Consideration supporting this determination is available in the docket. 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, Security measures, 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.T07–0830 to read as follows:

§ 165.T07–0830 Security Zone; Super Bowl 2020, Bayfront Park, Miami, FL

(a) *Regulated Areas.* The following is a temporary security zone:

(1) All waters of Biscayne Bay within the following points: Beginning at Point 1 in position 25°47′13″ N, 80°11′6″ W; thence east to Point 2 in position 25°47′13″ N, 80°10′48″ W; thence south to Point 3 in position 25°46′11″ N, 80°10′48″ W; thence west to Point 4 in position 25°46′11″ N, 80°11′27″ W; thence north to Point 5 in position 25°46′15″ N, 80°11′27″ W; thence east to Point 6 in position 25°46′15″ N, 80°11′6″ W; thence back to origin at Point 1.

(b) *Definition.* The term *designated representative* means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the COTP in the enforcement of the security zone.

(c) *Regulations.* (1) All persons and vessels are required to transit the security zone at a steady speed and may not slow down, stop, or anchor except in the case of unforeseen mechanical failure or other emergency. Any persons or vessels forced to slow or stop in the zone shall immediately notify the COTP via VHF channel 16.

(2) Persons who must notify or request authorization from the COTP may do so by telephone at (305) 535–4472, or may contact a designated representative via VHF radio on channel 16.

(3) If authorization to anchor, or remain within the security zone is granted by the COTP or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the COTP or the designated representative.

(d) *Enforcement Period.* This rule will be enforced from 8 a.m. on January 26, 2020 through 8 a.m. on February 3, 2020.

Dated: January 10, 2020.

J.F. Burdian,

Captain, U.S. Coast Guard, Captain of the Port Miami.

[FR Doc. 2020–01287 Filed 1–28–20; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2019–0956]

RIN 1625–AA00

Safety Zones; Humboldt Bay Bar and Entrance Channel, Eureka, CA, Noyo River Entrance Channel, Ft. Bragg, CA, and Crescent City Harbor Entrance Channel, Crescent City, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing three temporary safety zones in the navigable waters of the Humboldt Bay Bar and Entrance Channel, of Eureka, CA; Noyo River Entrance Channel, of Fort Bragg, CA; and Crescent City Harbor Entrance Channel, of Crescent City, CA to safeguard navigation during extreme environmental conditions. These safety zones are established to protect the safety of vessels transiting the areas from the dangers associated with extreme breaking surf and high wind conditions occurring in the Humboldt Bay Bar and Entrance Channel, Noyo River Entrance Channel, and Crescent City Harbor Entrance Channel. Unauthorized persons or vessels are prohibited from entering into, transiting through, or remaining in the safety zones without permission of the Captain of the Port San Francisco or a designated representative.

DATES: This rule is effective without actual notice from January 1, 2020 through January 29, 2020. This rule is enforceable with constructive notice from January 29, 2020 until March 31, 2020.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2019–0956 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 Emily Rowan, Waterways Management, U.S. Coast Guard; telephone (415) 399–7443, email at *SFWaterways@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port San Francisco
DHS Department of Homeland Security
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking with respect to this rule because it is impracticable.

On September 21, 2019, the Coast Guard was informed of forecasted extreme environmental conditions occurring near three respective locations of California likely to exceed the maximum environmental limits of the 47-foot Motor Lifeboat employed by the Coast Guard as the primary rescue asset in each area. These three locations are: The Humboldt Bay Bar and Entrance Channel, near Eureka, CA; the Noyo River Entrance Channel, near Fort Bragg, CA; and the Crescent City Harbor Entrance Channel, near Crescent City, CA. This area is subject to extreme weather annually, but this year's forecast of extreme weather starting in September is earlier than is typical. Last year's comparable forecast of 24-foot breaking seas occurred in November, which the month when the Coast Guard has historically established temporary safety zones for these three respective locations.

Due to the consistency of extreme environmental conditions typically observed between the months of November and March each winter, the Coast Guard is seeking to establish a permanent regulation to account for the normal storm season each year. If enacted, it will cover the period from 1 November of each year through 31 March of the following year. This regulation is still working through the public rulemaking process. The Coast Guard previously issued a temporary final rule covering the period from September 25, 2019 through December 31, 2019. The affected navigable waters remain unsafe to transit during the storm season, and there is no permanent regulation in effect, so these three safety zones are necessary to provide for the safety of mariners transiting the area due to the dangers posed by extreme environmental conditions and the resulting limited availability of rescue assets.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause also exists for making this rule effective less than 30 days after publication in the **Federal Register**. For similar reasons as stated above, notice and comment procedures would be impracticable in this instance because the hazardous conditions associated with the extreme environmental conditions precipitating the rulemaking are ongoing and will occur before the full rulemaking process could be completed, and a full rulemaking process for a permanent regulation is ongoing but it does not appear that it will be complete before the effective date of this temporary final rule.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 46 U.S.C. 70034. Notable hazards associated with the extreme environmental conditions have been observed in the Humboldt Bay Bar and Entrance Channel near Eureka, CA; the Noyo River Entrance Channel, near Fort Bragg, CA; and the Crescent City Harbor Entrance Channel, of Crescent City, CA. These safety zones establish temporary restricted areas on the navigable waters of the Humboldt Bay Bar and Entrance Channel near Eureka, CA; the Noyo River Entrance Channel, near Fort Bragg, CA; and the Crescent City Harbor Entrance Channel, of Crescent City, CA. Because dangerous sea state conditions have historically been observed from September through March, these restricted areas are necessary to mitigate the risks associated with vessels transiting the area while extreme environmental conditions exist on scene.

IV. Discussion of the Rule

The Coast Guard will enforce, independent of each other, three respective safety zones in the navigable waters of the Humboldt Bay Bar and Entrance Channel near Eureka, CA; the Noyo River Entrance Channel, near Fort Bragg, CA; and the Crescent City Harbor Entrance Channel, of Crescent City, CA, when the COTP determines that the on scene conditions are hazardous and unsafe for vessel transits, typically expected to be 20-foot breaking seas at each location. Enforcement will be announced via Broadcast Notice to Mariners. These safety zones will continue to be effective from January 1, 2020, through March 31, 2020. These safety zones will be enforced with actual notice until this rulemaking is published in the **Federal Register**, and with constructive notice thereafter.

The effect of the temporary safety zones is to restrict navigation in the vicinity of zones while the hazardous conditions associated with extreme environmental conditions exist, and until the Coast Guard deems the safety zone is no longer needed. Except for persons or vessels authorized by the COTP or the COTP's designated representative, no person or vessel may enter or remain in the restricted areas during times of enforcement. As used in the rule, ''designated representative'' means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer on a Coast Guard vessel or at a Coast Guard unit or a Federal, State, or local officer designated by or assisting the COTP in the enforcement of the safety zones. These three regulated areas are needed to keep vessels away from the immediate vicinity of the hazardous conditions associated with the forecasted extreme weather to ensure the safety of transiting vessels in each respective area.

V. Regulatory Analyses

We 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 limited duration and narrowly tailored geographic area of the safety zones. Although this rule restricts access to the waters encompassed by the safety zones, the effect of this rule will not be significant because the local waterway users will be notified via public Broadcast Notice to Mariners to ensure the safety zones will result in minimum impact, and because the rule will be enforced only during dangerous conditions caused by extreme weather. The entities most likely to be affected are waterfront facilities, commercial vessels, and pleasure craft engaged in recreational activities.

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 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 safety zones at times when the zones are being enforced. This rule will not have a significant economic impact on a substantial number of small entities for the following reasons: (i) This rule will encompass only a small portion of the waterway for a limited period of time while hazardous conditions exist, and (ii) the maritime public will be advised in advance of this safety zones via Broadcast Notice to Mariners.

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 contact 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 contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

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 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 and U.S. Coast Guard Environmental Planning Policy, COMDTINST 5090.1 (series), which guide 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 three safety zones which will be implemented during periods of extreme environmental conditions in Humboldt Bay Bar and Entrance Channel near Eureka, CA; the Noyo River Entrance Channel, near Fort Bragg, CA; and the Crescent City Harbor Entrance Channel, of Crescent City, CA. It is categorically excluded from further review under paragraph L60(a) in Table 3–1 of Department of Homeland Security Directive 023–01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact 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, Security measures, and 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.T11–014 to read as follows:

§ 165.T11–014 Safety zones; Humboldt Bay Bar and Entrance Continuation, Noyo River Entrance, and Crescent City Harbor Entrance Channel Closures, Humboldt Bay, Eureka, CA.

(a) *Location.* The following areas are safety zones:

(1) All navigable waters, from surface to bottom, of the Humboldt Bay Bar Channel and the Humboldt Bay Entrance Channel, of Humboldt Bay, CA,

(2) All navigable waters, from surface to bottom, of the Noyo River Entrance Channel as defined by the Area contained seaward of the Line of Demarcation with northern boundary of the line originating in approximate position 39°25′41″ N, 123°48′37″ W and extending 1200 yards at bearing 290° T, and southern boundary of the line originating in approximate position 39°25′38″ N, 123°48′36″ W and extending 1200 yards at 281° T, in Fort Bragg, CA, and

(3) All navigable waters, from surface to bottom, of the Crescent City Harbor Entrance Channel, as defined by the area contained seaward of the line originating in approximate position 41°44′36″ N, 124°11′18″W bearing 237°T and extending out to 1 NM from the Line of Demarcation in Crescent City, CA.

(b) *Definitions.* As used in this section, ''designated representative'' means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer on a Coast Guard vessel or at a Coast Guard unit or a Federal, State, or local officer designated by or assisting the COTP in the enforcement of the safety zones.

(c) *Regulations.* (1) Under the general regulations in 33 CFR part 165, subpart C, entering into, transiting through, or anchoring within these safety zones are prohibited unless authorized by the COTP or the COTP's designated representative.

(2) The safety zones are closed to all vessel traffic, except as may be permitted by the COTP or the COTP's designated representative.

(3) Vessel operators desiring to enter or operate within the Humboldt Bay Entrance Channel or Crescent City Harbor Entrance Channel safety zones during times of enforcement shall contact Station Humboldt Bay on VHF–FM channel 16 or at (707) 443–2213 if contacting between 6:30 a.m. and 10 p.m., or Sector Humboldt Bay on VHF–FM channel 16 or at (707) 839–6113 if contacting between 10 p.m. and 6:30 a.m. Vessel operators desiring to enter or operate within the Noyo River Entrance Channel safety zone during times of enforcement shall contact Station Noyo River on VHF–FM channel 16 or at (707) 964–6611 if contacting between 6:30 a.m. and 10 p.m., or Sector Humboldt Bay on VHF–FM channel 16 or at (707) 839–6113 if contacting between 10 p.m. and 6:30 a.m. Vessel operators given permission to enter or operate in the safety zones must comply with all directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* The zones described in paragraph (a) of this section will be effective from January 1, 2020 through March 31, 2020. This section will be enforced when the COTP determines that the on scene conditions are hazardous and unsafe for vessel transits due to extreme weather conditions.

(e) *Information broadcasts.* The COTP or the COTP's designated representative will notify the maritime community of periods during which this zone will be enforced in accordance with 33 CFR 165.7.

Dated: December 19, 2019.

Marie B. Byrd,

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

[FR Doc. 2020–00657 Filed 1–28–20; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0606]

RIN 1625–AA00

Safety Zone; North Washington Street Bridge Replacement Project—Charles River, Boston, MA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the navigable waters within 100 yards of the North Washington Street Bridge, Charles River, Boston, Massachusetts, from February 1, 2020 through December 31, 2023. The temporary safety zone is necessary to protect personnel, vessels, and the marine environment from potential hazards created during the replacement project of the North Washington Street Bridge. When enforced, this rule would prohibit vessels and persons from being in the safety zone unless authorized by the Captain of the Port (COTP) Boston or a designated representative.

DATES: This rule is effective from February 1, 2020, through December 31, 2023.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to the Federal eRulemaking Portal at *http://www.regulations.gov*. Type USCG–2019–0606 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 about this rulemaking, call or email Mark Cutter, Waterways Management Division, U.S. Coast Guard Sector Boston; telephone 617–223–4000, email *mark.e.cutter@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
MBTA Massachusetts Bay Transportation Authority
NPRM Notice of proposed rulemaking
NAD 83 North American Datum 1983
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

Massachusetts Department of Transportation (MassDOT) notified Sector Boston that there would be times in which the navigable channels underneath the North Washington Street Bridge, Charles River, Boston, Massachusetts, will need to be closed for the removal of the old bridge spans, demolition of the swing span pier foundation, construction of the abutment, and replacement of the span. The exact times are currently unknown. However, every effort is being made by MassDOT and the contractor to schedule these closures during the winter months when the Charles River is iced over or during the fall and spring when boating traffic is minimal.

In response, on September 4, 2019, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Safety Zone, North Washington Street Bridge Replacement Project—Charles River, Boston, MA (84 FR 46498—46501). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this safety zone. During the comment period that ended on October 4, 2019,

we received one comment in favor of this regulation out of safety concerns.

The replacement project started in the summer of 2018 and is expected to be completed in the spring of 2023. The COTP Boston determined that the potential hazards associated with the removal of the old bridge spans, demolition of the swing span pier foundation, construction of the abutment, and replacement of the span will be a safety concern for anyone within the work area. This temporary safety zone would be enforced during the removal of the old bridge spans, demolition of the swing span pier foundation, construction of the abutment, and replacement of the span or when other hazards to navigation arise. No vessel or person will be permitted to enter the temporary safety zone without obtaining permission from the COTP or a designated representative.

The Coast Guard will notify the public of closures through the Massachusetts Bay Harbor Safety Committee meetings, Boston's Port Operators Group meetings, Local Notice to Mariners, and the Massachusetts Boating & Yacht Clubs Associations network. The Coast Guard will issue a Safety Marine Information Broadcast (SMIB) via marine channel 16 (VHF–FM) seven days in advance of the commencement of the temporary safety zone.

The purpose of this rulemaking is to protect personnel, vessels, and the marine environment from potential hazards created during the replacement project of the North Washington Street Bridge, Charles River, Boston, Massachusetts. The Coast Guard is issuing this rulemaking under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231).

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The COTP Boston and has determined that potential hazards associated with the removal of the old bridge spans, demolition of the swing span pier foundation, construction of the abutment, and replacement of the span will be a safety concern for anyone within the work area or anyone transiting within 100 yards of the North Washington Street Bridge. The purpose of this rule is to ensure the safety of vessels and personnel within 100 yards of the North Washington Street Bridge before, during, and after removal of the old bridge spans, demolition of the swing span pier foundation, construction of the abutment, and replacement of the spans, or when other hazards to navigation arise.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received one comment in favor of the temporary safety zone on the NPRM published September 4, 2019. The only regulatory text change in this rule is the start date is moved from December 1, 2019 to February 1, 2020. The contractor has stated that they are behind schedule and would not need the safety zone prior to February 1, 2020.

This rule establishes a safety zone from 12:01 a.m. on February 1, 2020, to 11:59 p.m. on December 31, 2023. While the safety zone would be effective throughout this period, it would only be enforced during periods when work barges and cranes will be placed in the navigable channel or when other hazards to navigation exist. Any closure is expected to last less than two weeks. The safety zone would include all navigable waters within 100 yards of the North Washington Street Bridge, Charles River, Boston, Massachusetts. During times of enforcement, no vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP Boston or a designated representative. The Coast Guard will notify the public of closures through the Massachusetts Bay Harbor Safety Committee meetings, Boston's Port Operators Group meetings, Local Notice to Mariners, and the Massachusetts Boating & Yacht Clubs Associations network. The Coast Guard will issue a Safety Marine Information Broadcast (SMIB) via marine channel 16 (VHF–FM) seven days in advance of the commencement of the temporary safety zone.

V. Regulatory Analyses

We 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, the 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 size, location, duration, and time of year of the safety zone. There may be a time during the boating summer season that the safety zone needs to be enforced. However, MassDOT and the contractor are making all attempts to schedule these needed closures during the winter months. We expect the adverse economic impact of this temporary rule to be minimal.

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 no comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section IV.A above, this rule would not have a significant economic impact on any vessel owner or operator.

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 contact 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 would 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 would 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 contact 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 would 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 guide 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 the establishment of a temporary safety zone for the navigable waters within 100 yards of the North Washington Street Bridge, Charles River, Boston, Massachusetts, from February 1, 2020 through December 31, 2023 for the replacement of the bridge for the replacement of the bridge. The safety zone will only be enforced during periods when work barges and cranes will be placed in the navigable channel or when other hazards to navigation arise. As discussed in our pre-construction meeting, any closure is expected to be of less than a two-week duration and all attempts are being made by MassDOT and the contractor to schedule these closures during winter months when there is no boating traffic or during the spring and fall season when boating traffic is minimal. It is categorically excluded from further review under paragraph L60 (a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact 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

Marine safety, Navigation (water), Reporting and record keeping 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.T01–0606 to read as follows:

§ 165.T01–0606 Safety Zone; North Washington Street Bridge Replacement Project—Charles River, Boston, MA.

(a) *Location.* The following area is a safety zone: All navigable waters within 100 yards of the North Washington Street Bridge, Charles River, Boston, Massachusetts.

(b) *Enforcement Periods.* This rule is enforceable from 12:01 a.m. on February 1, 2020, to 11:59 p.m. on December 31, 2023.

(c) *Definitions.* As used in this section:

(1) *Designated representative* means any Coast Guard commissioned, warrant, petty officer, or any federal, state, or local law enforcement officer who has been designated by the Captain of the Port (COTP) Boston, to act on his or her behalf. The designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF–FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(2) *Official patrol vessels* means any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP Boston to enforce this section.

(d) *Regulations.* When this safety zone is enforced, the following regulations, along with those contained in 33 CFR 165.23 apply:

(1) No person or vessel may enter or remain in this safety zone without the permission of the COTP Boston or the COTP's designated representatives. However, any person or vessel permitted to enter the safety zone must comply with the directions and orders of the COTP Boston or the COTP's designated representatives.

(2) To obtain permission required by this regulation, individuals may reach the COTP Boston or a COTP-designated representative via Channel 16 (VHF–FM) or 617–223–5757 (Sector Boston Command Center).

(3) *Penalties.* Those who violate this section are subject to the penalties set forth in 33 U.S.C. 1232.

Dated: January 14, 2020.

Eric J. Doucette,

Captain, U.S. Coast Guard, Captain of the Port Boston.

[FR Doc. 2020–01276 Filed 1–28–20; 8:45 am]

BILLING CODE 9110–04–P

GENERAL SERVICES ADMINISTRATION

41 CFR Part 105–60

[GSPMR Case 2016–105–1; Docket No. 2016–0004, Sequence No. 1]

RIN 3090–AJ74

Public Availability of Agency Records and Informational Materials

AGENCY: Office of Administrative Services (OAS), General Services Administration (GSA).

ACTION: Final rule.

SUMMARY: GSA is amending the General Services Administration's regulations implementing the Freedom of Information Act (FOIA). The regulations are being updated to incorporate changes brought about by the amendments to FOIA under both statutory and nonstatutory authorities. Specifically, this rule amends GSA's regulations under FOIA to incorporate certain changes made to FOIA by the FOIA Improvement Act of 2016. Additionally, the regulations are being updated to reflect developments in case law, recent guidance from the Department of Justice—Office of Information Policy for processing FOIA requests, technological advancements in how the FOIA is administered, and to update the cost figures used in calculating and charging search/or review fees. Finally, the revisions to the rule increase the amount of information that members of the public may receive from the agency without being charged processing fees through proactive agency disclosures.

DATES: *Effective:* February 28, 2020.

FOR FURTHER INFORMATION CONTACT: Mr. Travis S. Lewis, Director of GSA, OAS, Freedom of Information Act Requester Service Center, at 202–219–3078 or via email at *travis.lewis@gsa.gov* for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755. Please cite GSPMR Case 2016–105–1.

SUPPLEMENTARY INFORMATION:

I. Background

GSA published a proposed rule in the **Federal Register** at 83 FR 28592 on June 20, 2018, to amend the General Services Administration rule to regulations implementing the Freedom of Information Act (FOIA).

The FOIA provides that any person has a right, enforceable in Federal court, to obtain access to Federal agency records, except to the extent that such records (or portions of them) are protected from public disclosure by one of nine exemptions or by one of three special law enforcement record exclusions. FOIA thus established a statutory right of public access to Executive Branch information in the Federal Government. Part 105–60 of 41 CFR establishes the policies, responsibilities, and procedures for the release of GSA records that are under the jurisdiction of GSA to members of the public. These regulations apply to information found in all GSA agency organizations and components.

This final rule revises GSA's regulations under the FOIA to address changes to the language of several procedural provisions and to incorporate certain changes brought about by the amendments to FOIA under the FOIA Improvement Act of 2016 Public Law 114–185, 130 Stat. 538 (June 30, 2016).

The final rule also incorporates changes to the language and structure of the current GSA regulations enumerated in 41 CFR part 105–60 to achieve the aforementioned updates. Please note that the final rule that applies to GSA's FOIA Fee Schedule can be found in Subpart J—Fees. The revisions also increase the amount of information that members of the public may receive from the agency without being charged processing fees through proactive disclosures of agency records online in the GSA FOIA Reading Room.

The FOIA Improvement Act of 2016 provides that agencies shall allow a minimum of 90 days for requesters to file an administrative appeal. The Act also requires that agencies notify requesters of the availability of dispute resolution services at various times throughout the FOIA process. Finally, the Act codifies the ''foreseeable harm'' standard. Additionally, GSA's FOIA regulations are being updated to reflect developments in case law, technological changes in the administration of FOIA, executive guidance from the Department of Justice, other non-statutory authorities such as Presidential Executive Orders, including current cost figures to be used in calculating and charging fees.

II. Discussion and Analysis

GSA has reviewed the public comments in the development of the final rule. A discussion of the comments is provided as follows:

A. Summary of Significant Changes

There were no significant changes as a result of the comments received.

B. Analysis of Public Comments

Comment: The first respondent expressed that GSA should remove its references to the Office of Management and Budget's (OMB) Uniform Freedom of Information Act Fee Schedule and Guidelines (''OMB Guidelines'') as both an authority for interpreting the FOIA and GSA's implementing regulations, because the OMB Guidelines are now outdated.

Response: Per the Freedom of Information Reform Act of 1986 (Pub. L. 99–570), all federal agencies subject to the FOIA are required to promulgate regulations implementing the FOIA's amended fee and fee waiver provisions reflecting the OMB Guidelines. To date, there has not been a statutory amendment to the Freedom of Information Reform Act of 1986 (Pub. L. 99–570) nor any case precedent which has eliminated GSA's requirement to promulgate regulations implementing the FOIA's amended fee and fee waiver provisions reflecting the OMB Guidelines. GSA will continue to implement the OMB Guidelines accordingly.

Comment: The second respondent expressed that streamlining the National Environmental Policy Act (NEPA) via a time/or page limit on NEPA documents will just create the need for more administrative paperwork and project management costs as government decision-makers struggle to meet these new requirements. This will thus divert time from the more important work of thinking about and discussing proposed NEPA related projects.

Response: Responder's comment does not make mention of nor concerns GSA's FOIA regulations. This comment is not germane to GSA.

III. Executive Orders 12866 and 13563—Regulatory Review

Executive Orders (E.O.) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

IV. Executive Order 13771

This rule is not subject to E.O. 13771, because this rule is not a significant regulatory action under E.O. 12866.

V. Regulatory Flexibility Act

This final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* This final rule is also exempt from the Administrative Procedure Act per 5 U.S.C. 553(a)(2), because it applies to agency management or personnel.

VI. Small Business Regulatory Enforcement Fairness Act

This final rule is also exempt from Congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

VII. Paperwork Reduction Act

This final rule does not contain any information collection requirements that require approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. Chapter 35).

VIII. Unfunded Mandates Reform Act of 1995

This rule will not 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, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

List of Subjects in 41 CFR Part 105–60

Administrative practice and procedure, Records, Information, Confidential business information, Freedom of Information Act, Privacy Act.

Dated: December 23, 2019.

Emily W. Murphy,

Administrator.

■ For the reasons stated in the preamble, GSA revises 41 CFR part 105–60 to read as follows:

PART 105–60—PUBLIC AVAILABILITY OF AGENCY RECORDS AND INFORMATIONAL MATERALS

Sec.

Subpart A—General Policy

105–60.000 Scope of part.
105–60.001 General policy.

Subpart B—Proactive Disclosures

105–60.100 Public availability of information.

Subpart C—Requirements for Making Requests

105–60.200 Making a request.
105–60.201 Description of records sought.

Subpart D—Responding to Requests

105–60.300 Responsibility for responding to requests.
105–60.301 Acknowledging FOIA request
105–60.302 Responding to FOIA requests.
105–60.303 Consolation, referral, and coordination
105–60.304 Time requirements to respond to FOIA requests.
105.60.305 Unusual circumstances.
105.60.306 Expedited processing.

Subpart E—Acknowledging the FOIA Request

105–60.400 Applying FOIA exemptions.

Subpart F—Final Responses to the FOIA Request

105–60.500 Final response procedures and rules.

Subpart G—Handling Confidential Commercial Information

105–60.600 Procedural and lawful considerations.
105–60.601 Submitter's opportunity to object to disclosure.

Subpart I—Appeals

105–60.700 Submitting an appeal.
105–60.701 Adjudication of appeals.
105–60.702 Requirements to preserve FOIA records.

Subpart J—Fees

105–60.800 General provisions.
105–60.801 Definitions pertaining to fee assessments.
105–60.802 Fees to be charged.
105–60.803 Restrictions on charging fees.
105–60.804 Fee Schedule.
105–60.805 Anticipated fees.
105–60.806 Advanced payments.
105–60.807 Fee waivers and fee reductions.

Subpart K—Other Rights and Services

105–60.900 Coda.

Authority: 5 U.S.C. 301 and 552; 40 U.S.C. 486(c).

Subpart A—General Policy

§ 105–60.000 Scope of part.

This part contains the rules that the U.S. General Services Administration, hereinafter GSA, follows in processing requests for records under the Freedom of Information Act (''FOIA''), 5 U.S.C. 552. The rules in this part should be read in conjunction with the text of the FOIA and the Uniform Freedom of Information Fee Schedule and Guidelines published by the Office of Management and Budget (''OMB Guidelines''). Requests made by individuals for records about themselves under the Privacy Act of 1974, 5 U.S.C. 552a, are processed in accordance with Privacy Act regulations as well as under this part.

§ 105.60.001 General policy.

(a) In compliance with the Freedom of Information Act (FOIA), as amended 5 U.S.C. 552, a positive and continuing obligation exists for GSA to make available to the fullest extent practicable upon request by members of the public, all records and informational materials that are generated, maintained, and controlled by GSA.

(b) This subpart also covers exemptions from disclosure of these records; procedures for the public to inspect or obtain copies of GSA records.

(c) The regulations promulgated in this subpart are consistent with amendments to 5 U.S.C. 552a as well as other applicable Federal laws germane to disclosure of information to the public.

(d) This subpart applies to all GSA organizations, portfolios, business lines, regional offices and components. The aforementioned units may establish additional rules for processing FOIA requests due to unique program requirements; however, such rules shall be consistent with these rules and have the concurrence of the GSA Administrator and GSA Chief FOIA Officer.

(e) Any internal GSA policies or procedures inconsistent with the policies and procedures promulgated in this subpart are superseded by this subpart to the extent of that inconsistency.

(f) This subpart does not entitle any person to any service or to the disclosure of any GSA records that are not required to be disclosed under the FOIA.

Subpart B—Proactive Disclosures

§ 105–60.100 Public availability of information.

Records that FOIA in 5 U.S. Code section 552(a)(2) requires GSA to make available for public inspection in an electronic format can be accessed via GSA's website at *www.gsa.gov*. Additionally, the GSA FOIA Reading Room, and the FOIA Online System. GSA is responsible for determining which of its records shall be made publicly available, for identifying additional records of interest to the public that are appropriate for public disclosure, and for posting and indexing such records. These records shall be made available electronically via the GSA FOIA Reading Room. GSA shall ensure that its online FOIA Library of posted records and indices is reviewed and updated on an ongoing basis. GSA maintains a FOIA Requester Service Center, the office that oversees FOIA requests for all of GSA, and a FOIA

Public Liaison to assist individuals in locating records particular to an agency. A list of agency FOIA Public Liaisons is available at: *http://www.foia.gov/*.

Subpart C—Requirements for Making Requests

§ 105–60.200 Making a request.

(a) To make a request for GSA records, a requester shall file their request to the GSA FOIA Requester Service Center via one of the following, via the FOIAonline website: (*https://foiaonline.gov/foiaonline/action/public/home*). From FOIAonline you can submit FOIA requests to GSA and other participating FOIAonline agencies, track the status of requests, search for requests submitted by others, access previously released records, and generate agency-specific FOIA processing reports.

(b) If it is not reasonably possible for a requester to submit an electronic request via FOIAonline, the requester shall submit their request via U.S. Mail to the following address: GSA FOIA Requester Service Center (H3), Room 7308, 1800 F Street NW, Washington, DC 20405. Fax: 202–501–2727. Alternatively, a FOIA requester may email its FOIA request to *gsa.foia@gsa.gov* (Subject: FOIA Request via Email).

(c) FOIA request description *requirements:*

(1) The requester shall provide the following items of contact information when submitting a request to GSA:

(i) Full name with honorific (Mr., Ms., Mrs., Dr., etc.);

(ii) Complete mailing address; and

(iii) Telephone number.

(2) This requirement is applicable to both FOIA requests submitted electronically and via U.S. mail, respectively.

(3) Although it is not a mandatory requirement, GSA also recommends the requester provide a personal/business email address for remittance as well.

(d) A requester who is making a request for records about himself or herself shall comply with the verification of identity requirements as specified in paragraph (e) of this section.

(e) Where a request for records pertains to another individual, a requester may receive access to the requested records by submitting: Either a notarized authorization signed by the individual permitting that he or she explicitly grants access to the requested records pursuant to the requirements set forth in 28 U.S.C. 1746 or by submitting proof that the individual is deceased (*e.g.,* a copy of a death certificate or an obituary). As an exercise of administrative discretion, GSA can require a requester to supply additional information such as a Certification of Identity Form in order to sufficiently verify the individual submitting the request and/or also verify that a particular individual has consented to disclosure.

§ 105–60.201 Description of records sought.

(a) Requesters shall describe the records sought in sufficient detail to enable GSA personnel to locate them with a reasonable amount of effort. To the extent possible, requesters should include the following information in their FOIA request, which may help GSA identify the requested records the date/timeframe the requested information was created or occurred, title or name, author, recipient, subject matter of the record, case number, file designation, contract number, leasing identification number, or reference number and if known, the component of GSA housing the records.

(b) Before submitting a FOIA request, requesters may contact the GSA FOIA Requester Service Center or GSA FOIA Public Liaison to discuss the records they seek and to receive assistance in describing the records. If after receiving a request, GSA determines that it does not reasonably describe the records sought, GSA shall inform the requester what additional information is needed or why the request is otherwise insufficient. Requesters who are attempting to reformulate or modify such a request may discuss their request with their assigned Government Information Specialist or FOIA Public Liaison. If a request does not reasonably describe the records sought, GSA's response to the request may be delayed.

(c) In order to efficiently respond to FOIA requests within the required 20-business-day timeframe per 5 U.S.C. 552(a)(6)(A), GSA may close an unperfected request 10 business days after GSA notifies the requester of the information needed to perfect the request. If the request does not reasonably describe the records sought, it is unperfected. A perfected FOIA request is a FOIA request for records that adequately describes the records sought, is made in accordance with GSA's regulations, has been received by the GSA FOIA Requester Service center, and for which there is no remaining question about the payment or amount of applicable fees.

(d) Requesters may specify whether they prefer to receive paper copies of the records or receive the records electronically. GSA shall accommodate the request if the record is readily reproducible in the requested form.

Subpart D—Responding to Requests

§ 105–60.300 Responsibility for responding to FOIA requests.

(a) The GSA FOIA Requester Service Center is responsible for managing all requests for records submitted to GSA from initial receipt of the FOIA request through the agency's final decision to release in whole or in part, or withhold the requested records.

(b) Upon receiving a request for records, the GSA FOIA Requester Service Center shall determine whether the requested records reside within GSA. If GSA does not have ownership of the requested records, the GSA FOIA Requester Service Center shall make a good faith effort to redirect the requester to the appropriate record location or/entity that has control and ownership of the requested record, if known.

(c) If GSA has possession of the requested records, the FOIA Requester Service Center shall work in coordination with the appropriate GSA component/or program office to fulfill the FOIA request in accordance with 5 U.S.C. 552.

§ 105–60.301 Acknowledging FOIA requests.

(a) To the extent practicable, GSA shall communicate with requesters electronically via the FOIAonline web portal and/or email.

(b) Upon receipt of a request, GSA shall send requesters an acknowledgement letter within 2 business days containing a brief description of the records sought so requesters may more easily keep track of their requests.

(c) When a request is submitted via FOIAonline, the system automatically generates a tracking number, which allows for easy identification of each request. This tracking number shall be included in the acknowledgement letter.

(d) When GSA receives a request not directly entered by the requester into FOIAonline (*i.e.,* email, fax, standard mail, etc.) the FOIA Requester Service Center shall immediately upload the request into the FOIAonline system and it shall be assigned a tracking number that shall be communicated to the requester.

§ 105–60.302 Responding to FOIA requests.

(a) GSA shall provide an estimated date by which the agency expects to provide a response to the requester. If a request involves a voluminous amount of material or searches in multiple locations, GSA may provide an interim

response, meaning the agency releases the records on a rolling basis as the records are located and verified.

(b) In determining which records are responsive to a request, the agency shall include only the records in its possession as of the date the agency receives the perfected FOIA request. If any other date is used, GSA shall inform the requester accordingly. A record that is excluded from the requirements of the FOIA pursuant to 5 U.S.C. 552(c) is not considered responsive to a request.

(c) Pursuant to 5 U.S.C. 552, GSA is not required to perform the following in response to a FOIA request:

(1) Answer questions or interrogatories posed as FOIA requests;

(2) Issue guidance/or opinions;

(3) Analyze and/or interpret documents for a requester;

(4) Create records;

(5) Conduct research; or

(6) Initiate investigations.

(d) The GSA Administrator and GSA Chief FOIA Officer and/or their assigned delegates are authorized to grant or deny any requests for records or portions thereof that are generated, maintained, or controlled by GSA.

§ 105–60.303 Consultation, referral, and coordination.

(a) All consultations and referrals received by GSA shall be handled according to the date the other agency received the perfected FOIA request.

(b) GSA may establish agreements with other agencies to eliminate the need for consultations or referrals with respect to particular types of records.

(c) When GSA is reviewing records located in response to a FOIA request, GSA shall determine whether another agency of the Federal Government is better able to determine if the records are releasable under the FOIA. As to any such record, GSA shall proceed in one of the following ways:

(1) *Consultation.* When GSA receives a request for records that either originated with another agency or is a GSA record that includes information that originated with another agency, GSA should typically consult with that other agency prior to making a release determination.

(2) *Referral.* (i) Whenever GSA receives a request for records that are known to be the primary responsibility of another agency, GSA shall refer the responsibility for responding to the request regarding records to that agency. Ordinarily, the agency that created the records is presumed to be the best agency to make the disclosure determination. However, if GSA and the originating agency jointly agree that GSA is in the best position to respond regarding the record, then the responsive record(s) may be handled as a consultation.

(ii) Whenever GSA refers any part of the responsibility for responding to a record request to another agency, GSA shall maintain documentation that the referral to the other agency has occurred, and shall notify the requester of the referral. The notification to the requester shall include both the name of the agency to which the record request was referred and the contact information for the agency's FOIA office/or personnel.

(iii) This referral procedure is not appropriate where disclosure of the identity of the agency to which the referral would be made could reasonably harm an interest protected by an applicable exemption, such as the exemptions that protect personal privacy or national security interests. If a non-law enforcement agency responding to a request for records on a living third party locates within its files records originating with a law enforcement agency, and if the existence of that law enforcement interest in the third party was not publicly known, then to disclose that law enforcement interest could cause an unwarranted invasion of the personal privacy of the third party. Similarly, if GSA locates a record that originates with an intelligence community agency, and the involvement of that agency in the matter is classified and not publicly acknowledged, then to disclose or give attribution to the involvement of that Intelligence Community agency could cause national security harms. Records meeting these criteria shall be treated as a consultation.

(iv) In such instances, in order to avoid a harm to an interest protected by an FOIA applicable exemption, GSA should coordinate with the originating agency to seek its views on the disclosability of the record. The release determination for the record that is the subject of the coordination should then be conveyed to the requester by GSA.

(4) *Classified information.* (i) On receipt of any request involving classified information, GSA shall determine whether the information is currently and properly classified in accordance with applicable classification rules. Whenever a request involves a record containing information that has been classified or may be appropriate for classification by another agency under any applicable executive order concerning the classification of records, GSA shall refer request for records to the agency that classified the information or that should consider the information for classification.

(ii) Whenever GSA's records contain information that has been derivatively classified (*i.e.,* it contains information classified by another agency), GSA shall refer the responsibility for responding to that portion of the request to the agency that classified the information.

§ 105–60.304 Time requirements to respond to FOIA requests.

(a) Upon receipt of perfected request via U.S. mail, email, or facsimile, the GSA FOIA Requester Service Center shall begin processing the request for records. Pursuant to 5 U.S.C. 552(a)(6)(A)(i), GSA has 20 business days (excluding Saturdays, Sundays, and Federal holidays) to inform the requester of the agency's determination with respect to the request for records, unless in the alternative, the agency has negotiated a different timeframe based on scope and level of effort to prepare the FOIA request response. If a requester does not receive a response to their perfected FOIA request within the statutory timeframe requester may seek judicial review in the U.S. District Court in the district in which the requester resides or has a principal place of business, or where the records are situated, or in the U.S. District Court for the District of Columbia.

(b) GSA shall to the greatest extent practicable respond to FOIA requests by order of receipt of the requests.

(c) GSA shall designate a specific track for requests that are granted expedited processing, in accordance with the standards set forth in this subpart. GSA may also designate additional processing tracks that distinguish between simple and more complex requests based on the estimated amount of work or time needed to process the request. Among the factors GSA may consider are the number of records requested, the number of pages involved in processing the request, and the need for consultations or referrals. GSA shall advise requesters of the track into which their request falls upon request, and when appropriate, offer the requester an opportunity to narrow the scope and/or modify their requests.

(d) GSA may aggregate requests in cases where it reasonably appears that multiple requests for records were submitted either by a requester or by a group of requesters acting in concert for the same, or similar information to ensure it is fulfilled in a timely manner. GSA cannot aggregate multiple requests for unrelated subject matters.

§ 105–60.305 Unusual circumstances.

Whenever GSA cannot meet the statutory time limit for processing a request because of ''unusual circumstances,'' as defined at 5 U.S.C. 552(a)(6)(A)(iii), GSA shall, before expiration of the 20-day statutory time period to respond to a request for records, notify the requester in writing of the unusual circumstances involved and of the date by which GSA estimates the processing of the request shall be completed. Where the extension of time is anticipated to exceed 10 business days, GSA shall provide the requester with an opportunity to modify the request or arrange an alternative time period for processing the original or modified request. GSA shall make available its FOIA Public Liaison for this purpose. GSA shall also alert requesters to the availability of the Office of Government Information Services (OGIS) to provide dispute resolution services.

§ 105–60.306 Expedited processing.

(a) A request for expedited processing may be made at any time. In order to qualify for consideration for expedited processing, the request shall reasonably describe the records sought. Expedited requests should be described in sufficient detail to facilitate expedited processing.

(b) A requester who seeks expedited processing shall submit a statement with their FOIA request, certified to be true and correct, explaining in detail the basis for making the request for expedited processing as described in paragraphs (c)(1) through (4) of this section. As a matter of administrative discretion, GSA may waive the formal certification requirement.

(c) GSA may process requests and appeals on an expedited basis whenever it is determined that they involve:

(1) Circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;

(2) An urgency to inform the public about an actual or alleged Federal Government activity, if made by a person who is primarily engaged in disseminating information; or

(3) The loss of substantial due process rights; or

(4) A matter of widespread and exceptional media interest in which there exist possible questions about the Government's integrity that affect public confidence.

(d) GSA shall notify the requester within 10 calendar days of its receipt of a request for expedited processing and of its decision whether to grant or deny expedited processing. If expedited processing is granted, the request shall be given priority, placed in the processing track for expedited requests, and processed as soon as practicable. If a request for expedited processing is denied, GSA shall act on any appeal of that decision within 3 business days.

Subpart E—Acknowledging the FOIA Request

§ 105–60.400 Applying FOIA exemptions.

(a) 5 U.S.C. 552(b)(1)–(9) of the Freedom of Information Act provides that the disclosure requirements of FOIA do not apply to matters that are:

(1) Specifically authorized under the criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such executive order (see Executive Order No. 13,526);

(2) Related solely to the internal personnel rules and practices of an agency;

(3) Specifically exempted from disclosure by statute other than 5 U.S.C. 552(b)(1)–(9), provided that such statute:

(i) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue;

(ii) Establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) Trade secrets and commercial or financial information that could harm the competitive posture or business interests of a company;

(5) Interagency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency, provided that the deliberative process privilege shall not apply to records created 25 years or more before the date on which the records were requested;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information:

(i) Could reasonably be expected to interfere with enforcement proceedings;

(ii) Would deprive a person of a right to a fair trial or an impartial adjudication;

(iii) Could reasonably be expected to constitute an unwarranted invasion of personal privacy;

(iv) Reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution that furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source;

(v) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or

(vi) Could reasonably be expected to endanger the life or physical safety of any individual;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

(b) GSA will provide any reasonably segregable portion of a record to a requester after redacting the portions of the requested records that are exempt under this section.

Subpart F—Final Responses to the FOIA Request

§ 105–60.500 Final response procedures and rules.

(a) Once GSA determines that it shall grant a request in full or in part, the requester shall be notified of the decision in writing as well. GSA shall also inform the requester of any fees charged under § 105–60.804 of this part and shall disclose the requested records to the requester promptly upon payment of any applicable fees. The agency shall inform the requester of the availability of its FOIA Public Liaison to offer assistance.

(b) If GSA makes an adverse determination on any part of the FOIA request, it shall notify the requester of that determination in writing. Adverse determinations, or denials of requests, include determinations that:

(1) The requested record is exempt from disclosure, in whole or in part;

(2) The FOIA request does not reasonably describe the records sought;

(3) The information requested is not subject to FOIA;

(4) The requested record does not exist, cannot be located, or has been destroyed; or

(5) The requested record is not readily reproducible in the form or format sought by the requester.

(c) Records disclosed in part in response to a FOIA request shall be marked clearly to show the exemption under which the applicable portions of the responsive records were redacted unless doing so would harm an interest protected by an applicable exemption.

(d) Adverse determinations also include denials involving fee waiver requests, denials for expedited processing, and the administrative closure of FOIA requests due to nonpayment of search and review fees for processing the FOIA request.

(e) Any adverse determination of a FOIA request, in full or in part, shall be signed by the Chief FOIA Officer or his or her designee and shall include:

(1) The name and title or position of the person responsible for the adverse determination;

(2) A brief statement of the reasons for the adverse determination, including any FOIA exemption that is the basis for GSA's decision;

(3) An estimate of the volume of any records or information withheld, such as the number of pages or some other reasonable form of estimation, although such an estimate is not required if the volume is otherwise indicated by deletions marked on records that are disclosed in part or if providing an estimate would harm an interest protected by an applicable exemption; and

(4) A statement that the denial may be appealed under subpart I of this part, and a description of the appeal requirements.

(5) A statement notifying the requester of the assistance available from the agency's FOIA Public Liaison and the dispute resolution services offered by OGIS.

(f) Use of record exclusions pursuant to 5 U.S.C. 552(c):

(1) In the event that GSA identifies records that may be subject to exclusion from the requirements of the FOIA pursuant to 5 U.S.C. 552(c), GSA shall confer with Department of Justice, Office of Information Policy (OIP), to obtain approval to apply the exclusion.

(2) If GSA invokes an exclusion, it shall maintain an administrative record of the process of invocation and approval of the exclusion by OIP.

Subpart G—Handling Confidential Commercial Information

§ 105–60.600 Procedural and lawful considerations.

(a) Confidential commercial information means commercial or financial information obtained by GSA from a submitter that may be protected from disclosure under Exemption 4 of the FOIA, 5 U.S.C. 552(b)(4).

(b) Submitter means any person or entity, including a corporation, State, or foreign government, but not including another Federal Government entity, that provides confidential commercial information, either directly or indirectly to the Federal Government.

(c) A submitter of confidential commercial information shall use good faith efforts to designate by appropriate markings/or redact any portion of its submission that it considers to be protected from disclosure under Exemption 4. These designations expire 10 years after the date of the submission unless the submitter requests and provides justification for a longer designation period.

(d) When notice to submitters is required:

(1) GSA shall promptly provide written notice to the submitter of confidential commercial information whenever records containing such information are requested under the FOIA if GSA determines that it may be required to disclose the records, provided:

(i) The requested information has been designated in good faith by the submitter as information considered protected from disclosure under Exemption 4; or

(ii) GSA has a reason to believe that the requested information may be protected from disclosure under Exemption 4, but has not yet determined whether the information is protected from disclosure.

(2) The notice shall either describe the commercial information requested or include a copy of the requested records or portions of records containing the information. In cases involving a voluminous number of submitters, GSA may post or publish a notice in a place or manner reasonably likely to inform the submitters of the proposed disclosure, instead of sending individual notifications.

(e) The notice requirements of this section do not apply if:

(1) GSA determines that the information is exempt under the FOIA, and therefore shall not be disclosed;

(2) The information has been lawfully published or has been officially made available to the public;

(3) Disclosure of the information is required by a statute other than FOIA or by a regulation issued in accordance with the requirements of Executive Order 12,600 of June 23, 1987; or

(4) The designation made by the submitter under paragraph (c) of this section appears obviously frivolous. In such a case, GSA shall give the submitter written notice of any final decision to disclose the information within reasonable time prior to a specified disclosure date.

§ 105–60.601 Submitters opportunity to object to disclosure.

(a) GSA shall provide a submitter with 10 business days, within which the submitter shall respond to the notice referenced in § 105–60.600.

(b) If a submitter has any objections to disclosure, it should provide GSA a detailed written statement that specifies all grounds for withholding the particular information under any exemption of the FOIA. In order to rely on Exemption 4 as the basis for nondisclosure, the submitter shall explain why the information constitutes a trade secret or commercial or financial information that is privileged or confidential and the harm of the release of the information to the submitter.

(c) A submitter who fails to respond within the time period specified in the notice shall be considered to have no objection to disclosure of the information.

(d) GSA is not required to consider any information received after the date of any disclosure decision. Any information provided by a submitter under this subpart may itself be subject to disclosure under the FOIA.

(e) GSA shall consider a submitter's objections and specific grounds for nondisclosure in deciding whether to disclose the requested information.

(f) Whenever GSA decides to disclose information over the objection of a submitter, the agency shall provide the submitter written notice, which shall include:

(1) A statement of the reasons why each of the submitter's disclosure objections was not sustained;

(2) A description of the information to be disclosed or copies of the records as the agency intends to release them; and

(3) The specified disclosure date.

(g) Whenever a requester files a lawsuit seeking to compel the disclosure of confidential commercial information, GSA shall promptly notify the submitter.

(h) GSA shall notify the requester whenever it provides the submitter with notice and an opportunity to object to disclosure; whenever it notifies the submitter of its intent to disclose the requested information; and whenever a submitter files a lawsuit to prevent the disclosure of the information.

Subpart I—Appeals

§ 105–60.700 Submitting an appeal.

(a) A requester may appeal any adverse determination (denial of access to records, denial of fee waiver, or

denial of expedited processing, etc.) to the GSA FOIA Requester Service Center which is designated as the agency's FOIA Appeals Office.

(b) The appeal shall include:

(1) The FOIAonline tracking number;

(2) The basis for disagreement with GSA's adverse determination that is being appealed; and

(3) A brief statement of the reasons he or she thinks GSA should release the records or provide expedited processing and enclose copies of the initial request and denial.

(c) The requester may submit the appeal electronically to *GSA.FOIA@gsa.gov*. The requester should mark the subject line of the electronic transmission, ''Freedom of Information Act Appeal.'' In the alternative, the requester may submit an appeal via facsimile to 202–501–2727, or via US mail to U.S. General Services Administration, FOIA Requester Service Center (H3), 1800 F Street NW, 7308, Washington, DC 20405–0001. If the appeal is submitted via US mail, the appeal letter must include the words ''Freedom of Information Act Appeal'' on both the face of the appeal letter and on the envelope. Failure to follow these procedures will delay processing of the appeal.

(d) The GSA FOIA Officer must receive the requester's appeal no later than 90 calendar days after receipt by the requester of any adverse determination by GSA with respect to the FOIA request. GSA has 20 business days after receipt of a proper appeal to issue a response to the requester's appeal. The 20-workday time limit shall not begin until the GSA FOIA Officer receives the appeal. As noted in § 105.60.305 of this part, the GSA FOIA Officer may extend this time limit in unusual circumstances. GSA will process appeals of denials of expedited processing as soon as possible after receiving them. The GSA FOIA Officer may also extend the time limit in the event of unusual circumstances occur during the processing of appeals as well.

§ 105–60.701 Adjudication of appeals.

(a) The GSA Chief FOIA Officer or his or her designee shall act on behalf of GSA on all appeals under this section.

(b) An appeal ordinarily shall not be adjudicated if the request that is the subject of the appeal becomes a matter of FOIA litigation. GSA shall administratively close the appeal if it becomes the subject of litigation and provide this notice to the requester in writing that the request has been administratively closed.

(c) On receipt of any appeal involving classified information, GSA shall take appropriate action to ensure compliance with applicable classification rules.

(d) GSA shall provide its review and decision on any appeal in writing. Any decision that either upholds GSA's original determination in whole or in part shall contain a statement that identifies the reasons for the affirmance, including any FOIA exemptions applied.

(e) If GSA's decision is remanded or modified on appeal, GSA shall notify the requester of that determination in writing. GSA shall then further process the request in accordance with that appeal determination and shall respond directly to the requester. If GSA affirms its original decision after timely receipt of an appeal, GSA shall inform the requester via writing as well. GSA shall inform the requester of their right to seek judicial review in the U.S. District Court in the district in which the requester resides or has a principal place of business, or where the records are situated, or in the U.S. District Court for the District of Columbia. GSA shall also inform the requester of the mediation services offered by the Office of Government Information Services (OGIS) of the National Archives and Records Administration (NARA) as a non-exclusive alternative to litigation.

(f) Engaging in dispute resolution or mediation services provided by OGIS is a voluntary process. Mediation is a voluntary process. If GSA agrees to participate in the mediation services provided by OGIS, it will actively engage as a partner to the process in an attempt to resolve the dispute.

§ 105–60.702 Requirements to preserve FOIA records.

GSA shall preserve all correspondence pertaining to the requests that it receives under this subpart, as well as copies of all requested records, until disposition or destruction is authorized pursuant to title 44 of the United States Code or the General Records Schedule 4.2 of the NARA. GSA shall not dispose of or destroy records while they are the subject of a pending request, appeal, or lawsuit under FOIA.

Subpart J—Fees

§ 105–60.800 General provisions.

(a) GSA shall charge for processing requests under the FOIA in accordance with the provisions of this section and with OMB Guidelines. For purposes of assessing fees, FOIA establishes three categories of requesters:

(1) Commercial use requesters;

(2) Noncommercial scientific or educational institutions or news media requesters; and

(3) All other requesters.

(b) Fees are assessed depending on the category GSA determines the requester falls under in subpart A of this part. Requesters may seek a fee waiver. GSA shall consider requests for fee waiver in accordance with the requirements in § 105–60.807 of this subpart. To resolve any fee issues that arise under this section, GSA may contact a requester for additional information. GSA shall ensure that searches, review, and duplication of FOIA records are conducted in the most efficient and the least expensive manner.

(c) GSA shall collect all applicable fees before sending copies of records to a requester. Requesters pay fees by check, credit card, or money order made payable to the U.S. General Services Administration, or by another method as determined by GSA.

§ 105–60.801 Definitions pertaining to fee assessments.

(a) A commercial use request is a request that asks for information that furthers a commercial, trade, or profit interest, which can include furthering those interests through litigation. GSA's decision to place a requester in the commercial use category shall be made on a case-by-case basis and is based on the requester's intended use of the information. GSA shall notify requesters of their placement in this category.

(b) Direct costs are those expenses that GSA incurs in searching for and duplicating (and, in the case of commercial use requests, reviewing) records in order to respond to a FOIA request. For example, direct costs include the salary of the employee performing the work (*i.e.,* the basic rate of pay for the employee, plus sixteen (16) percent of that rate to cover benefits) and the cost of operating computers and other electronic equipment, such as photocopiers and scanners. Direct costs do not include overhead expenses such as the costs of space or the heating or lighting of a facility.

(c) Duplication is reproducing a record to respond to a FOIA request. Duplicating records can occur via paper, audiovisual materials or electronic records.

(d) An educational institution is any school that operates a program of scholarly research. A requester in this fee category shall show that the request is made in connection with his or her role at the educational institution. Agencies may seek verification from the requester that the request is in furtherance of scholarly research.

(e) A noncommercial scientific institution is an institution that is not operated on a commercial basis. The term 'commercial' for purposes of this subpart is that which is defined in paragraph (a) of this section and that is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry. A requester in this category shall show that the request is authorized by a qualifying noncommercial institution, or educational institution of vocational and higher learning and where the records are sought to further scientific, or academic scholarly research, and are not for a commercial use. GSA shall advise requesters of their placement in this category.

(f) Representative of the news media is any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. The term ''news'' means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations that broadcast ''news'' to the public at large and publishers of periodicals that disseminate ''news'' and make their products available through a variety of means to the general public, including news organizations that disseminate solely on the internet. A request for records supporting the news-dissemination function of the requester shall not be considered to be for a commercial use. ''Freelance'' journalists who demonstrate a solid basis for expecting publication through a news media entity shall be considered as a representative of the news media. A publishing contract would provide the clearest evidence that publication is expected; however, GSA can also consider a requester's past publication record in making this determination. GSA shall advise requesters of their placement in this category.

(g) Review is the examination of a record located in response to a request in order to determine whether any portion of it is exempt from disclosure. Review time includes the process of reviewing each individual record for possible redactions and marking the appropriate exemptions. Review costs are properly charged even if a record ultimately is not disclosed. Review time also includes time spent both obtaining and considering any formal objection to disclosure made by a confidential commercial information submitter under § 105–60.601 of this part. It does not include time spent resolving general legal or policy issues regarding the application of exemptions.

(h) Search is the process of looking for and retrieving records or information responsive to a request. Search time includes page-by-page or line-by-line identification of information within records and the reasonable efforts expended to locate and retrieve information from electronic records.

§ 105–60.802 Fees to be charged.

In responding to FOIA requests, GSA shall charge the following fees unless a waiver or reduction of fees has been granted under § 105–60.807 of this subpart. Because the fee amounts provided below already account for the direct costs associated with a given fee type, GSA shall not add any additional costs to charges calculated under this section.

(a) *Search fees.* (1) Requests made by educational institutions, noncommercial scientific institutions, or representatives of the news media are not subject to search fees. GSA shall charge search fees for all other requesters, subject to the rules and restrictions enumerated in this subpart. GSA may properly charge for time spent searching even if the GSA FOIA Requester Service Center does not locate any responsive records or if they determine that the records are entirely exempt from disclosure.

(2) For each half hour (30 minutes) spent by GSA personnel searching for requested records, including electronic searches that do not require new programming, a $24.50 fee shall be assessed per the guidelines of the fee schedule enumerated in § 105–60.804 of this subpart.

(3) GSA shall charge the direct costs associated with conducting any search that requires the creation of a new computer program to locate the requested records. GSA shall notify the requester of the costs associated with creating such a program, and the requester shall agree to pay the associated costs before the costs may be incurred.

(4) For requests that require the retrieval of records stored by GSA at a Federal records center operated by the NARA, GSA shall charge additional costs in accordance with the Transactional Billing Rate Schedule established by NARA.

(b) *Duplication fees.* (1) GSA shall charge duplication fees to all requesters, subject to the restrictions of § 105–60.803 of this subpart. GSA shall honor a requester's preference for receiving a record in a particular form or format where the agency can readily reproduce it in the form or format requested. Where photocopies are supplied, GSA shall provide one copy per request at the cost of $0.10 per copy. For copies of records produced on tapes, disks, or other media, GSA shall charge the direct costs of producing the copy, including operator time.

(2) Where paper documents shall be scanned in order to comply with a requester's preference to receive the records in an electronic format, the requester shall also pay the direct costs associated with scanning those materials. For other forms of duplication, GSA shall charge the direct costs.

(3) GSA determines the standard fee for duplication of records as follows:

(i) Per copy of each page (not larger than 8.5 x 14 inches) reproduced by photocopy or similar means (includes costs of personnel and equipment)—U.S. $0.10.

(ii) Per copy prepared by any other method of duplication—actual direct cost of production.

(c) *Review fees.* GSA shall charge review fees to requesters who make commercial use requests. Review fees shall be assessed based upon the initial review of the record (*i.e.,* the review conducted by GSA to determine whether an exemption applies to a particular record or portion of a record). No charge shall be made for review during the administrative appeal stage of exemptions applied at the initial review stage. However, if a particular exemption is deemed to no longer apply, any costs associated with GSA or another agency's secondary review of the records in order to consider the use of other exemptions may be assessed as review fees. Review fees shall be charged at the same rates as those enumerated in the fee schedule of this section.

§ 105–60.803 Restrictions on charging fees.

(a) When GSA determines that a requester is an educational institution, noncommercial scientific institution, or representative of the news media, and that the records are not sought for commercial use, GSA shall not charge search fees.

(b) If GSA fails to comply with the time limits in which to respond to a request for agency records under FOIA, it will not charge search fees, or in the instances of requests from requesters described in paragraph (a) of this section, may not charge duplication fees, except as described in paragraphs (b)(1) through (3) of this section. GSA will charge duplication fees in accordance with § 105–60.802(b)(1) through (3) of this subpart.

(1) If GSA has determined that unusual circumstances, as defined by FOIA, apply and the agency provided timely written notice to the requester in accordance with FOIA, a failure to comply with the time limit shall be excused for an additional 10 business days.

(2) If GSA has determined that unusual circumstances, as defined by the FOIA, apply and that more than 5,000 pages are necessary to respond to the request, GSA may charge search fees, or, in the case of requesters described in paragraph (d)(1) of this section, may charge duplication fees, if the following steps are taken. GSA shall have provided timely written notice of unusual circumstances to the requester in accordance with FOIA and GSA shall have discussed with the requester via written mail, email, or telephone (or made not less than three good-faith attempts to do so) how the requester could effectively limit the scope of the request in accordance with 5. U.S.C. 552(a)(6)(B)(ii). If this exception is satisfied, the component may charge all applicable fees incurred in the processing of the request.

(3) If a court has determined that exceptional circumstances exist, as defined by FOIA, a failure to comply with the time limits shall be excused for the length of time provided by the court order.

(c) No search or review fees shall be charged for a half-hour period unless more than half of that period is required for search or review.

(d) Except for requesters seeking records for a commercial use, GSA shall provide without charge:

(1) The first 100 pages of duplication (or the cost equivalent for other media); and

(2) The first 2 hours of search time.

(e) No fee shall be charged when the total fee, after deducting the 100 free pages (or its cost equivalent) and the first 2 hours of search, is equal to or less than $49.00.

§ 105–60.804 Fee schedule.

Table 1 to § 105–60.804 outlines the basic fee categories and applicable fees:

TABLE 1 TO § 105–60.804—FEE REQUESTER CATEGORY TABLE

Requester category	Search fees	Review fees	Duplication fees	Amount
(a) Commercial use requester.	Yes	Yes	Yes, first 100 pages, or equivalent volume without charge. Then, U.S. $0.10. per copy of each page (not larger than 8.5 x 14 inches) reproduced by photocopy or similar means (includes costs of personnel and equipment)—OR, per copy prepared by any other method of duplication—actual direct cost of production.	$49.00/hour plus applicable duplication costs.
(b) Educational and noncommercial scientific institutions.	No	No	Yes, first 100 pages, or equivalent volume without charge. Then, U.S. $0.10. per copy of each page (not larger than 8.5 x 14 inches) reproduced by photocopy or similar means (includes costs of personnel and equipment)—OR, per copy prepared by any other method of duplication—actual direct cost of production.	Eligible requesters not subject to fees other than duplication costs.
(c) Representative of news media.	No	No	Yes, first 100 pages, or equivalent volume without charge. Then, U.S. $0.10. per copy of each page (not larger than 8.5 x 14 inches) reproduced by photocopy or similar means (includes costs of personnel and equipment)—OR, per copy prepared by any other method of duplication—actual direct cost of production.	Eligible requesters not subject to fees other than duplication costs.
(d) All other requesters	Yes (first 2 hours without charge).	No	Yes, first 100 pages, or equivalent volume without charge. Then, U.S. $0.10. per copy of each page (not larger than 8.5 x 14 inches) reproduced by photocopy or similar means (includes costs of personnel and equipment)—OR, per copy prepared by any other method of duplication—actual direct cost of production.	$49.00/hour plus applicable duplication costs.

Note 1 to § 105–60.804: GSA's calculated hourly rate for manual search, computer operator/programmer time, and employee time spent reviewing records is set at a flat rate of 49.00 per hour. GSA charges for these FOIA services by the hour at $49.00 and half hour at $24.50.

Note 2 to § 105–60.804: The fee schedule of this section does not apply to fees charged under any statute that specifically requires GSA to set and collect fees for particular types of records. In instances where records responsive to a request are subject to a statutorily based fee schedule program, GSA shall inform the requester of the contact information for that program.

Note 3 to § 105–60.804: If GSA utilizes a contractor or agency personnel outside of the FOIA Requester Service Center to perform any services described in this subpart, the standard fee is based on the equivalent hourly rates.

§ 105–60.805 Anticipated fees.

(a) When GSA determines or estimates that the fees to be assessed in accordance with this section shall exceed $49.00, the agency shall notify the requester of the actual or estimated amount of the fees, including a breakdown of the fees for search, review or duplication, unless the requester has indicated a willingness to pay fees as high as those anticipated via writing. If only a portion of the fee can be estimated readily, GSA shall advise the requester accordingly. If the request is not for noncommercial use, the notice shall specify that the requester is entitled to the statutory entitlements of 100 pages of duplication at no charge and, if the requester is charged search fees, 2 hours of search time at no charge, and shall advise the requester whether those entitlements have been provided.

(b) If GSA notifies the requester that the actual or estimated fees are in excess of $49.00, the request shall not be considered received and further work shall not be completed until the requester commits in writing to pay the actual or estimated total fee, or designates some amount of fees the requester is willing to pay. Or in the case of a noncommercial use requester who has not yet been provided with the requester's statutory entitlements, designates that the requester seeks only that which can be provided by the statutory entitlements. The requester shall provide the commitment/or designate an exact dollar amount in writing the requester is willing to pay.

GSA is not required to accept payments in installments.

(c) If the requester has indicated a willingness to pay some designated amount of fees, but the agency estimates that the total fee shall exceed that amount, GSA shall toll the processing of the request when it notifies the requester of the estimated fees in excess of the amount the requester has indicated a willingness to pay. GSA shall inquire whether the requester wishes to revise the amount of fees the requester is willing to pay or modify the request. Once the requester submits the new estimated fee, the time to respond shall resume from where it was at the date of the notification.

(d) GSA's FOIA Public Liaison and other FOIA professionals shall be available to assist any requester in reformulating a request to meet the requester's needs at a lower cost.

(e) Although not required to provide special services, if GSA chooses to do so as a matter of administrative discretion, the direct costs of providing the service shall be charged. Examples of such services include certifying that records are true copies, providing multiple copies of the same document, or sending records by means other than first class mail.

(f) GSA may charge interest on any unpaid bill starting on the 31st day following the date the requester is first billed. Interest charges shall be assessed at the rate provided in 31 U.S.C. 3717 and shall accrue from the billing date until payment is received by the agency. GSA shall follow the provisions of the Debt Collection Act of 1982 (Public Law 97–365, 96 Stat. 1749), as amended, and its administrative procedures, including the use of consumer reporting agencies, collection agencies, and offset.

(g) When GSA reasonably believes that a requester or a group of requesters acting in concert are attempting to divide a single request into a series of requests for the purpose of avoiding fees, GSA may aggregate those requests and charge accordingly. GSA may presume that multiple requests of this type made within a 30-day period have been made in order to avoid fees. For requests separated by a longer period, GSA shall aggregate them only where there is a reasonable basis for determining that aggregation is warranted in view of all the circumstances involved. Multiple requests involving unrelated matters cannot be aggregated.

§ 105–60.806 Advanced payments.

(a) For requests other than those described in this subpart, GSA cannot require the requester to make an advance payment before work is commenced or continued on a request. Payment owed for work already completed (*i.e.,* payment before copies are sent to a requester) is not an advance payment.

(b) When GSA determines or estimates that a total fee to be charged under this section shall exceed $250.00, it may require that the requester make an advance payment up to the amount of the entire anticipated fee before beginning to process the request. GSA may elect to process the request prior to collecting fees when it receives a satisfactory assurance of full payment from a requester with a history of prompt payment.

(c) Where a requester has previously failed to pay a properly charged FOIA fee to GSA within 30 calendar days of the billing date, GSA may require that the delinquent requester pay the full amount due, plus any applicable interest on that prior request, and require that the requester make an advance payment of the full amount of any anticipated fee before the agency begins to process a new request or continues to process a pending request or any pending appeal. If GSA has a reasonable basis to believe that a requester has misrepresented the requester's identity in order to avoid paying outstanding fees, it may require that the requester provide proof of identity.

(d) In cases in which GSA requires advance payment, the request shall not be considered received and further work shall not be completed until the required payment is received. If the requester does not pay the advance payment within 10 business days after the date of GSA's fee determination, the request shall be closed.

§ 105–60.807 Fee waivers and fee reductions.

(a) Requests for a fee waiver shall be made when the FOIA request is first submitted to the agency and should address the criteria referenced above. A requester may submit a fee waiver request at a later time so long as the underlying record request is pending or being reviewed per an appeal. When a requester who has committed to pay fees subsequently asks for a waiver of those fees and that waiver is denied, the requester shall pay any costs incurred up to the date the fee waiver request was received.

(b) Requirements for waiver or reduction of fees:

(1) Requesters may seek a waiver of fees by submitting a written rationale as to how disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Government and is not primarily in the commercial interest of the requester; and

(2) GSA shall furnish records responsive to a request without charge or at a reduced rate when it determines, based on all available information, that the factors described in paragraphs (b)(2)(i) through (iii) of this section are satisfied:

(i) Disclosure of the requested information would shed light on the operations or activities of the Government. The subject of the request shall concern identifiable operations or activities of the Federal Government with a connection that is direct and clear, not remote or attenuated; and

(ii) Disclosure of the requested information is likely to contribute significantly to public understanding of those operations or activities. This factor is satisfied when the following criteria are met; and

(A) Disclosure of the requested records shall be meaningfully informative about Government operations or activities. The disclosure of information that already is in the public domain, in either the same or a substantially identical form, would not be meaningfully informative if nothing new would be added to the public's understanding.

(B) The disclosure shall contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester. A requester's expertise in the subject area as well as the requester's ability and intention to effectively convey information to the public shall be considered. GSA shall presume that a representative of the news media shall satisfy this consideration;

(iii) The disclosure shall not be primarily in the commercial interest of the requester. To determine whether disclosure of the requested information is primarily in the commercial interest of the requester, GSA shall consider the following criteria:

(A) GSA shall identify whether the requester has any commercial interest that would be furthered by the requested disclosure. A commercial interest includes any commercial, trade, or profit interest. Requesters shall be given an opportunity to provide explanatory information regarding this consideration.

(B) If there is an identified commercial interest, GSA shall determine whether that is the primary interest furthered by the request. A

waiver or reduction of fees is justified when the requirements of paragraphs (b)(2)(i) and (ii) of this section are satisfied and any commercial interest is not the primary interest furthered by the request. GSA ordinarily shall presume that, when a news media requester has satisfied factors in paragraph (b)(1) of this section and this paragraph (b)(2), the request is not primarily in the commercial interest of the requester. Disclosure to data brokers or others who merely compile and market Government information for direct economic return shall not be presumed to primarily serve the public interest.

(c) Where only some of the records to be released satisfy the requirements for a fee waiver, a waiver shall be granted for those records.

Subpart K—Other Rights and Services

§ 105–60.900 Coda.

Nothing in this subpart shall be construed to entitle any person, as of right, to any service or to the disclosure of any record to which such person is not entitled under the FOIA.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 73

[AU Docket No. 19–290; DA 19–1256; DA 19–1265]

Auction of FM Broadcast Construction Permits Scheduled for April 28, 2020; Notice of Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 106; Auction 106 Freeze Announced for FM Minor Change Applications

AGENCY: Federal Communications Commission.

ACTION: Final action; requirements and procedures.

SUMMARY: This document summarizes public notices that announce the procedures and upfront payments amounts and minimum opening bids for the auction of certain FM broadcast construction permits as well as a temporary freeze on the filing of minor change applications for FM stations. The *Auction 106 Procedures Public Notice* summarized here is intended to familiarize applicants with the procedures and other requirements for participation in Auction 106.

DATES: Applications to participate in Auction 106 must be submitted before 6 p.m. Eastern Time (ET) on February 11, 2020. FM commercial and noncommercial educational minor change applications may not be filed during a period starting on January 29, 2020, and ending on February 11, 2020. Upfront payments for Auction 106 must be received by 6 p.m. ET on March 20, 2020. Bidding in Auction 106 is scheduled to start on April 28, 2020.

FOR FURTHER INFORMATION CONTACT: For auction legal questions, Lynne Milne or Daniel Habif in the OEA Auctions Division at (202) 418–0660. For general auction questions, the Auction Hotline at (717) 338–2868. For FM Broadcast service questions, Lisa Scanlan, Thomas Nessinger, or James Bradshaw in the MB Audio Division at (202) 418–2700. To request materials in accessible formats (Braille, large print, electronic files, or audio format) for people with disabilities, send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 or (202) 418–0432 (TTY).

SUPPLEMENTARY INFORMATION: This is a summary of the *Auction 106 Procedures Public Notice,* released on December 13, 2019, and the *Auction 106 Freeze Public Notice,* also released on December 13, 2019. The complete text of the *Auction 106 Procedures Public Notice,* including attachments and any related document, and the complete text of the *Auction 106 Freeze Public Notice* are available for public inspection and copying from 8 a.m. to 4:30 p.m. ET Monday through Thursday or from 8 a.m. to 11:30 a.m. ET on Fridays in the FCC Reference Information Center, 445 12th Street SW, Room CY–A257, Washington, DC 20554. These public notices and related documents also are available on the internet at the Commission's website: *www.fcc.gov/auction/106,* or by using the search function for DA 19–1256 or DA 19–1265 on the Commission's EDOCS web page at *http://www.fcc.gov/edocs/.*

I. General Information

1. *Construction Permits in Auction 106.* Auction 106 will offer 130 construction permits in the FM broadcast service for 130 new FM allotments, including 34 construction permits that were offered but not sold or were defaulted upon in prior auctions. These construction permits are for vacant FM allotments, reflecting FM channels added to the Table of FM Allotments pursuant to the Commission's established rulemaking procedures, and assigned at the indicated communities specified in 47 CFR 73.202(b). Attachment A of the *Auction 106 Procedures Public Notice* lists the reference coordinates for each vacant FM allotment offered in Auction 106. Each Auction 106 applicant may submit in its FCC Form 175 a set of preferred site coordinates for any of its selected construction permits as an alternative to the reference coordinates for that vacant FM allotment.

2. The set of construction permits listed in Attachment A of the *Auction 106 Procedures Public Notice* is unchanged from the list of construction permits that were proposed for this auction in the *Auction 106 Comment Public Notice.* Two commenters request the addition of specific construction permits in Auction 106. Those requests cannot be granted because the underlying allotments must first be added to the Table of Allotments through separate administrative processes. Likewise, a third commenter's request to delete a specific allocation from the Table of Allotments cannot be granted because it is beyond the scope of this proceeding.

3. Pursuant to the policies established in the *Broadcast Competitive Bidding Order,* applicants may apply for any vacant FM allotment listed in Attachment A. If two or more \FCC Forms 175 specify the same FM allotment in Auction 106, mutual exclusivity exists for auction purposes, and that construction permit must be awarded by competitive bidding procedures. Once mutual exclusivity exists for auction purposes, even if only one applicant is qualified to bid for a particular construction permit in Auction 106, that applicant is required to submit a bid in order to obtain the construction permit.

4. *Media Bureau Freeze Public Notice.* Pursuant to the *Auction 106 Freeze Announced for FM Minor Change Applications Public Notice,* DA 19–1265 (Dec. 13, 2019), the Media Bureau (MB) will not accept FM commercial and noncommercial educational (NCE) minor change applications filed during the Auction 106 short-form application (FCC Form 175) filing window. This freeze ensures that there will not be a mutual exclusivity conflict between stations proposed in an Auction 106 Form 175 and a minor change application. Accordingly, this freeze promotes a more certain and speedier auction process.

5. *Auction Dates and Deadlines.* The following dates and deadlines apply:

Auction Tutorial Available (via internet): by January 22, 2020

FCC Form 175 Initial Filing Window Opens: January 29, 2020, 12:00 noon ET

FCC Form 175 Initial Filing Deadline: February 11, 2020, 6:00 p.m. ET

Upfront Payments (via wire transfer): March 20, 2020, 6:00 p.m. ET
Mock Auction: April 24, 2020
Auction Bidding Begins: April 28, 2020

6. *Requirements for Participation.* Those wishing to bid in Auction 106 must: (1) Submit a FCC Form 175 electronically prior to 6:00 p.m. ET, on February 11, 2020, following the procedures set forth in Attachment B to the *Auction 106 Procedures Public Notice,* that complies with the Commission's competitive bidding rules and other requirements set forth in the *Auction 106 Procedures Public Notice*; (2) submit a sufficient upfront payment and a complete and accurate FCC Remittance Advice Form (FCC Form 159) by 6:00 p.m. ET on March 20, 2020, following the procedures and instructions set forth in Attachment C to the *Auction 106 Procedures Public Notice;* and (3) comply with all provisions outlined in the *Auction 106 Procedures Public Notice* and applicable Commission rules.

II. Applying To Participate in Auction 106

7. *Relevant Authority.* Auction 106 applicants must familiarize themselves thoroughly with the Commission's general competitive bidding rules, 47 CFR pt. 1, subpart Q, as well as Commission decisions in proceedings regarding competitive bidding procedures, application requirements, and obligations of Commission licensees. Broadcasters should also familiarize themselves with the Commission's FM broadcast service competitive bidding requirements contained in 47 CFR pt. 73, as well as Commission orders concerning competitive bidding for broadcast construction permits. Applicants must also be thoroughly familiar with the procedures, terms and conditions contained in the *Auction 106 Procedures Public Notice* and any future public notices that may be released in the proceeding.

8. The terms contained in the Commission's rules, relevant orders, and public notices are not negotiable. The Commission may amend or supplement the information contained in its public notices at any time, and will issue public notices to convey any new or supplemental information to applicants. It is the responsibility of all applicants to remain current with all Commission rules and with all public notices pertaining to this auction. Copies of most auctions-related Commission documents, including public notices, can be retrieved from the FCC Auctions internet site at *www.fcc.gov/auctions* and at the Commission's headquarters, Reference Information Center, located at 445 12th Street SW, Washington, DC 20554.

9. *General Information Regarding Short-Form Applications.* An application to participate in Auction 106, referred to as a short-form application or FCC Form 175, provides information that the Commission uses to determine whether the applicant is legally, technically, and financially qualified to participate in Commission auctions for licenses or permits. The short-form application is the first part of the Commission's two-phased auction application process. In the first phase, parties desiring to participate in the auction must file a streamlined, short-form application in which they certify under penalty of perjury as to their qualifications. Eligibility to participate in bidding is based on the applicant's short-form application and certifications, and on its upfront payment.

10. If an applicant claims eligibility for a bidding credit, the information provided in its FCC Form 175 will be used to determine whether the applicant is eligible for the claimed bidding credit. Applicants filing a short-form application are subject to the Commission's rules against prohibited communications beginning at the deadline for filing.

11. An applicant bears full responsibility for submitting an accurate, complete and timely short-form application. Each applicant must certify on its FCC Form 175 under penalty of perjury that it is legally, technically, financially and otherwise qualified to hold a license. Each applicant should read carefully the instructions set forth in Attachment B to the *Auction 106 Procedures Public Notice* and should consult the Commission's rules to ensure that all the information required is included within its short-form application.

12. Each applicant should note that submission of a short-form application (and any amendments thereto) constitutes a representation by the certifying official that he or she is an authorized representative of the applicant, that he or she has read the form's instructions and certifications, and that the contents of the application, its certifications, and any attachments are true and correct. Applicants are not permitted to make major modifications to their applications; such impermissible changes include a change of the certifying official to the application. Submission of a false certification to the Commission may result in penalties, including monetary forfeitures, license forfeitures, ineligibility to participate in future auctions, and/or criminal prosecution.

13. Pursuant to 47 CFR 1.2105(a)(3), the same party may not bid on more than one auction application, *i.e.,* as more than one applicant. If a party submits multiple FCC Forms 175 for an auction, only one application may be the basis for that party to become qualified to bid in that auction.

14. Consistent with the Commission's general prohibition of joint bidding agreements, a party is generally permitted to participate in a Commission auction only through a single bidding entity. Accordingly, the filing of applications in Auction 106 by multiple entities controlled by the same individual or set of individuals will generally not be permitted.

15. An applicant should consult the Commission's rules to ensure that all required information is included in its short-form application. To the extent the information in the *Auction 106 Procedures Public Notice* does not address a potential applicant's specific operating structure, or if the applicant needs additional information or guidance concerning the following disclosure requirements, the applicant should review the educational materials for Auction 106 and/or use the contact information provided in the *Auction 106 Procedures Public Notice* to consult with Commission staff to better understand the information it must submit in its short-form application.

16. *Authorized Bidders.* An applicant must designate at least one authorized bidder, and no more than three, in its FCC Form 175. According to 47 CFR 1.2105(a)2)(iii), an individual is prohibited from serving as an authorized bidder for more than one auction applicant. Accordingly, the same individual may not be listed as an authorized bidder in more than one FCC Form 175 in a given auction.

17. *Permit Selection.* An applicant must select on its FCC Form 175 the construction permit or permits, from the list of available permits in Attachment A, on which it wants to bid. An applicant must carefully review and verify its construction permit selections before the deadline for submitting the FCC Form 175, because those selections cannot be changed after the auction application filing deadline. The FCC auction bidding system will not accept bids on construction permits that were not selected on the applicant's FCC Form 175.

18. *Disclosure of Agreements Relating to Permits Subject to Auction.* As required by 47 CFR 1.2105(a)(2)(viii), an applicant must provide in its FCC Form 175 a brief description of, and identify

each party to, any partnership, joint venture, consortium, or agreement, arrangement, or understanding of any kind relating to the FM construction permits being auctioned, including any agreement that addresses or communicates directly or indirectly bids (including specific prices), bidding strategies (including the specific construction permit(s) or license(s) on which to bid or not to bid), or the post-auction market structure, to which the applicant, or any party that controls or is controlled by the applicant, is a party. As defined in 47 CFR 1.2105(a)(4)(i), a controlling interest for purposes of this rule includes all individuals or entities with positive or negative de jure or de facto control of the applicant or licensee. The applicant must certify under penalty of perjury in its FCC Form 175 that it has described, and identified each party to, any such agreement, arrangement, or understanding into which it has entered. An auction applicant that enters into any agreement relating to the permits or licenses being auctioned is subject to the same disclosure obligations it would have for agreements existing at the FCC Form 175 filing deadline, and it must maintain the accuracy and completeness of the information in its pending auction application.

19. The Commission's rules generally prohibit joint bidding and other arrangements involving auction applicants (including any party that controls or is controlled by, such applicants). For purposes of the prohibition on joint bidding arrangements, joint bidding arrangements include arrangements relating to the permits being auctioned that address or communicate, directly or indirectly, bidding at the auction, bidding strategies, including arrangements regarding price or the specific permits on which to bid, and any such arrangements relating to the post-auction market structure.

20. To implement the prohibition on joint bidding arrangements, 47 CFR 1.2105(a)(2)(viii)–(ix) require each auction applicant to certify in its short-form application that it has disclosed any arrangements or understandings of any kind relating to the licenses being auctioned to which it (or any party that controls or is controlled by it) is a party. The applicant must also certify that it (or any party that controls or is controlled by it) has not entered and will not enter into any arrangement or understanding of any kind relating directly or indirectly to bidding at auction with, among others, any other applicant.

21. Although the Commission's rules do not prohibit auction applicants from communicating about matters that are within the scope of an agreement excepted pursuant to 47 CFR 1.2105(a)(2)(ix)(A)–(C) and that has been disclosed in an FCC Form 175,certain discussions or exchanges could nonetheless touch upon impermissible subject matters, and compliance with the Commission's rules will not insulate a party from enforcement of the antitrust laws.

22. A winning bidder will be required to disclose in its long-form application (FCC Form 2100, Schedule 301–FM) following the close of the auction the specific terms, conditions and parties involved in any agreement relating to the permits or licenses being auctioned into which it had entered prior to the time bidding closed. This applies to any joint venture, partnership, or other agreement, arrangement, or understanding of any kind entered into relating to the competitive bidding process, including any agreements relating to the permits being auctioned that address or communicate directly or indirectly bids (including specific prices), bidding strategies (including the specific permits on which to bid or not to bid), or the post-auction market structure, to which the applicant, or any party that controls or is controlled by the applicant, is a party.

23. *Ownership Disclosure Requirements.* Each applicant must comply with the ownership and control disclosure requirements and provide information required by 47 CFR 1.2105 and 1.2112, and, where applicable, 47 CFR 1.2110. Specifically, in completing the FCC Form 175, an applicant will be required to fully disclose information on the real party(ies)-in-interest and the ownership structure of the applicant, including both direct and indirect ownership interests of 10% or more.

24. In certain circumstances, an applicant may have previously filed an FCC Form 175 for a previous auction or an FCC Form 602 in which ownership information was disclosed. The most current ownership information contained in any previous FCC Form 175 or FCC Form 602 on file with the Commission that used the same FRN the applicant is using to submit its FCC Form 175 in this auction will automatically be pre-filled into certain ownership sections on the applicant's FCC Form 175, if such information is in an electronic format compatible with FCC Form 175. Each applicant must carefully review any ownership information automatically entered into its FCC Form 175, including any ownership attachments, to confirm that all information supplied on its FCC Form 175 is complete and accurate as of the application filing deadline in this auction. Any information that needs to be corrected or updated must be changed directly in the FCC Form 175 for this auction.

25. *Foreign Ownership Disclosure Requirements.* The Commission is required by 47 U.S.C. 310 to review foreign investment in radio station licenses and specific restrictions on who may hold certain types of radio licenses. In its FCC Form 175, an applicant must report citizenship or jurisdiction of formation for the applicant and for each disclosable interest holder (DIH). In completing the FCC Form 175, an applicant also will be required to certify that it is in compliance with the foreign ownership provisions contained in section 310 of the Communications Act of 1934, as amended. According to 47 CFR 1.2105(a)(2)(vi), the Commission will accept an auction application certifying that a request for waiver or other relief from the requirements of section 310 is pending. If such a request concerning section 310 is pending or was granted previously, this information needs to be reported in an attachment to the applicant's FCC Form 175.

26. *Prohibited Communications and Compliance with Antitrust Laws.* The rules prohibiting certain communications set forth in 47 CFR 1.2105(c) and 73.5002(d), (e) apply to each applicant that files an FCC Form 175 in Auction 106. Section 1.2105(c)(1) provides that, subject to specified exceptions, after the deadline for filing a short-form application all applicants are prohibited from cooperating or collaborating with respect to, communicating with or disclosing, to each other in any manner the substance of their own, or each other's, or any other applicant's bids or bidding strategies (including post-auction market structure), or discussing or negotiating settlement agreements, until after the down payment deadline.

27. *Entities Subject to Section 1.2105.* An applicant for purposes of this rule includes the officers and directors of the applicant, all controlling interests in the entity submitting the FCC Form 175, as well as all holders of interests amounting to 10% or more of that entity. See 47 CFR 1.2105(c)(1). A party that submits an application becomes an applicant under the rule at the application filing deadline, and that status does not change based on later developments. Thus, an auction applicant that does not correct deficiencies in its application, fails to submit a timely and sufficient upfront payment, or does not otherwise become

qualified, remains an applicant for purposes of the rule and remains subject to the prohibition on certain communications until the applicable down payment deadline.

28. *Scope of Prohibition on Communications; Prohibition on Joint Bidding Agreements.* The Commission in 2015 amended section 1.2105(c) to extend the prohibition on communications to cover all applicants for an auction regardless of whether the applicants seek permits or licenses in the same geographic area or market. The Commission's rules now prohibit any joint bidding arrangement, including arrangements relating to the permits being auctioned that address or communicate, directly or indirectly, bidding in the auction, bidding strategies, including arrangements regarding price or the specific permits on which to bid, and any such arrangements relating to the post-auction market structure. The revised rule provides limited exceptions for a communication within the scope of any arrangement consistent with the exclusions from the Commission's rule prohibiting joint bidding specified at 47 CFR 1.2105(a)(2)(ix)(A)–(C), provided such arrangement is disclosed on the applicant's auction application. An applicant may continue to communicate pursuant to any pre-existing agreements, arrangements, or understandings that are solely operational or that provide for transfer or assignment of licenses, provided that such agreements, arrangements or understandings are disclosed on its auction application and do not both relate to the permits at auction and address or communicate bids (including amounts), bidding strategies, or the particular permits or licenses on which to bid or the post-auction market structure.

29. The prohibition against communicating in any manner includes public disclosures as well as private communications and indirect or implicit communications. Consequently, an applicant must take care to determine whether its auction-related communication may reach another applicant. Applicants must determine whether their communications with other parties are permissible under the rule once the prohibition begins at the deadline for submitting applications, even before the public notice identifying applicants is released.

30. Parties subject to section 1.2105(c) should take special care in circumstances where their officers, directors, and employees may receive information directly or indirectly relating to any applicant's bids or bidding strategies. Such information may be deemed to have been received by the applicant under certain circumstances. For example, Commission staff have determined that, where an individual serves as an officer and director for two or more applicants, the bids and bidding strategies of one applicant are presumed conveyed to the other applicant through the shared officer or director, which creates an apparent violation of the rule.

31. Section 1.2105(c)(1) prohibits applicants from communicating with specified other parties only with respect to their own, or each other's, or any other applicant's bids or bidding strategies. Moreover, a communication conveying bids or bidding strategies (including post-auction market structure) must also relate to the licenses being auctioned to be covered by the prohibition. Thus, the prohibition is limited in scope and does not apply to all communications between or among the specified parties. The Commission consistently has made clear that application of the rule prohibiting communications has never required total suspension of essential ongoing business. Entities subject to the prohibition may negotiate agreements during the prohibition period, provided that the communications involved do not relate both (1) to the construction permits or licenses being auctioned and (2) to bids or bidding strategies or post-auction market structure.

32. Business discussions and negotiations that are unrelated to bidding in Auction 106 and that do not convey information about the bids or bidding strategies of an applicant, including the post-auction market structure, are not prohibited by the rule. While section 1.2105(c) does not prohibit business discussions and negotiations among auction applicants that are not auction related, each applicant must remain vigilant not to communicate, directly or indirectly, information that affects, or could affect, bids or bidding strategies. Certain discussions might touch upon subject matters that could convey price or geographic information related to bidding strategies. Such subject areas include, but are not limited to, management, sales, local marketing agreements, and other transactional agreements.

33. *Communicating with Third Parties.* Section 1.2105(c) does not prohibit an applicant from communicating bids or bidding strategies to a third-party, such as a consultant or consulting firm, counsel, or lender. The applicant should take appropriate steps, however, to ensure that any third party it employs for advice pertaining to its bids or bidding strategies does not become a conduit for prohibited communications to other specified parties, as that would violate the rule. For example, an applicant might require a third party, such as a lender, to sign a non-disclosure agreement before the applicant communicates any information regarding bids or bidding strategy to the third party. Within third-party firms, separate individual employees, such as attorneys or auction consultants, may advise individual applicants on bids or bidding strategies, so long as such firms implement firewalls and other compliance procedures that prevent such individuals from communicating the bids or bidding strategies of one applicant to other individuals representing separate applicants. Although firewalls and/or other procedures should be used, their existence is not an absolute defense to liability if a violation of the rule has occurred.

34. In the case of an individual, the objective precautionary measure of a firewall is not available. As a result, an individual that is privy to bids or bidding information of more than one applicant presents a greater risk of becoming a conduit for a prohibited communication. Whether a prohibited communication has taken place in a given case will depend on all the facts pertaining to the case, including who possessed what information, what information was conveyed to whom, and the course of bidding in the auction.

35. Potential applicants may discuss the short-form application or bids for specific permits with their counsel, consultant, or expert of their choice before the short-form application deadline. Furthermore, the same third-party individual could continue to give advice regarding the application after the short-form application deadline, provided that no information pertaining to bids or bidding strategies is conveyed to that individual. To the extent potential applicants can develop bidding instructions prior to the short-form deadline that a third party could implement without changes during bidding, the third party could follow such instructions for multiple applicants provided that those applicants do not communicate with the third party during the prohibition period.

36. Applicants should use caution in their dealings with other parties, such as members of the press, financial analysts, or others who might become conduits for the communication of prohibited bidding information. For example, an

applicant's statement to the press that it intends to stop bidding in an auction could give rise to a finding of a Section 1.2105 violation. Similarly, an FCC Form 175 applicant's public statement of intent not to place bids during bidding could also violate the rule.

37. *Section 1.2105(c) Certification.* By electronically submitting its FCC Form 175, each applicant in Auction 106 certifies its compliance with 47 CFR 1.2105(c) and 73.5002(d). However, the mere filing of a certifying statement as part of an application will not outweigh specific evidence that a prohibited communication has occurred, nor will it preclude the initiation of an investigation when warranted. Any applicant found to have violated these communication prohibitions may be subject to sanctions.

38. *Duty to Report Prohibited Communications.* Section 1.2105(c)(4) requires that any applicant that makes or receives a communication that appears to violate section 1.2105(c) must report such communication in writing to the Commission immediately, and in no case later than five business days after the communication occurs. Each applicant's obligation to report any such communication continues beyond the five-day period after the communication is made, even if the report is not made within the five-day period.

39. *Procedures for Reporting Prohibited Communications.* Section 1.2105(c) requires parties to file only a single report concerning a prohibited communication and to file that report with Commission personnel expressly charged with administering the Commission's auctions. This rule is designed to minimize the risk of inadvertent dissemination of information in such reports. Any reports required by section 1.2105(c) must be filed consistent with the instructions set forth in the *Auction 106 Procedures Public Notice*. For Auction 106, such reports must be filed with the Chief of the Auctions Division, OEA, by the most expeditious means available. Any such report should be submitted by email to Margaret W. Wiener at the following email address: *auction106@fcc.gov*. If you choose instead to submit a report in hard copy, any such report must be delivered only to: Margaret W. Wiener, Chief, Auctions Division, OEA, FCC, 445 12th Street SW, Washington, DC 20554.

40. A party reporting any communication pursuant to sections 1.65, 1.2105(a)(2), or 1.2105(c)(4) must take care to ensure that any report of a prohibited communication does not itself give rise to a violation of section 1.2105(c). For example, a party's report of a prohibited communication could violate the rule by communicating prohibited information to other applicants through the use of Commission filing procedures that would allow such materials to be made available for public inspection such as submission through the FCC Office of the Secretary or ECFS. A party seeking to report such a prohibited communication should consider submitting its report with a request that the report or portions of the submission be withheld from public inspection by following the procedures specified in 47 CFR 0.459. Such parties also are encouraged to coordinate with the Auctions Division staff about the procedures for submitting such reports.

41. *Antitrust Laws.* Applicants remain subject to the antitrust laws, which are designed to prevent anticompetitive behavior in the marketplace. Applicants should note that conduct that is permissible under the Commission's Rules may be prohibited by the antitrust laws. Compliance with the disclosure requirements of section 1.2105(c) will not insulate a party from enforcement of the antitrust laws. To the extent the Commission becomes aware of specific allegations that suggest that violations of the federal antitrust laws may have occurred, the Commission may refer such allegations to the United States Department of Justice for investigation. If an applicant is found to have violated the antitrust laws or the Commission's rules in connection with its participation in the competitive bidding process, it may be subject to a forfeiture and may be prohibited from participating in future auctions, among other sanctions. See 47 CFR 1.2109(d).

42. *New Entrant Bidding Credit.* Two commenters observed that the *Auction 106 Comment Public Notice* did not invite comments on the use of new entrant bidding credits in this auction, and seek confirmation that new entrant bidding credits will be available to eligible applicants in this auction. This proceeding concerning procedures for conducting this auction does not alter the applicability of the Commission's rules for broadcast auctions; thus, a new entrant bidding credit will be available in Auction 106.

43. Applicants that qualify for the new entrant bidding credit, as specified in 47 CFR 73.5007, are eligible for a bidding credit in this auction that represents the amount by which a bidder's winning bid is discounted. The size of the new entrant bidding credit depends on the number of ownership interests in other media of mass communications that are attributable to the bidder entity and its attributable interest-holders. A 35% bidding credit will be given to a winner if it, and/or any individual or entity with an attributable interest in the winning bidder, has no attributable interest in any other media of mass communications, as defined in section 73.5008. A 25% bidding credit will be given to a winning bidder if it, and/or any individual or entity with an attributable interest in the winning bidder, has an attributable interest in no more than three mass media facilities, as defined in section 73.5008. No bidding credit will be given if any of the commonly owned mass media facilities serve the same area as the broadcast permit proposed in the auction, as defined in section 73.5007(b), or if the winning bidder, and/or any individual or entity with an attributable interest in the winning bidder, has attributable interests in more than three mass media facilities. For purposes of determining whether a broadcast permit offered in this auction is in the same area as an applicant's existing mass media facilities, the coverage area of the to-be-auctioned facility is calculated using maximum class facilities at the allotment reference coordinates, not any applicant-specified preferred site coordinates. Bidding credits are not cumulative; qualifying applicants receive either the 25% or the 35% bidding credit, but not both. The interests of the applicant, and of any individuals or entities with an attributable interest in the applicant, in other media of mass communications are considered when determining an applicant's eligibility for the New Entrant Bidding Credit. Attributable interests are defined in section 73.3555 and note 2 of that section. In Auction 106, the bidder's attributable interests and, thus, its maximum new entrant bidding credit eligibility are determined as of the short-form application filing deadline. Events occurring after the short-form application filing deadline, such as the acquisition of attributable interests in media of mass communications, may cause diminishment or loss of the bidding credit, and must be reported immediately, specifically no later than five business days after the change occurs. Each applicant has a duty to continuously maintain the accuracy of information submitted in its auction application.

44. An applicant intending to divest a media interest or make any other ownership change, such as resignation of positional interests (officer or director), in order to avoid attribution

for purposes of qualifying for the New Entrant Bidding Credit must have consummated such divestment transactions or have completed such ownership changes by no later than the FCC Form 175 filing deadline. Thus, an applicant could not qualify for a bidding credit, nor upgrade a previously claimed bidding credit, based upon ownership or officer/director positional changes occurring after the FCC Form 175 filing deadline.

45. Under broadcast attribution rules, those entities or individuals with an attributable interest in a bidder include: All officers and directors of a corporate bidder; any owner of 5% or more of voting stock of a corporate bidder; all partners and limited partners of a partnership bidder, unless the limited partners are sufficiently insulated; and all members of a limited liability company, unless sufficiently insulated.

46. In cases where an applicant's spouse or close family member holds other media interests, such interests are not automatically attributable to the bidder. The Commission decides attribution issues in this context based on certain factors traditionally considered relevant. See *Clarification of Commission Policies Regarding Spousal Attribution,* MM Docket No. 91–122, Policy Statement, 57 FR 8845, Mar. 13, 1992.

47. In the *New Entrant Bidding Credit Reconsideration Order,* the Commission attributed the media interests held by very substantial investors in, or creditors of, an applicant claiming new entrant status. Specifically, the attributable mass media interests held by an individual or entity with an equity and/or debt interest in an applicant shall be attributed to that bidder for purposes of determining its eligibility for the New Entrant Bidding Credit, if the equity and debt interests, in the aggregate, exceed 33% of the total asset value of the applicant, even if such an interest is non-voting. See 47 CFR 73.5008(c).

48. In the *Diversity Order,* the Commission relaxed the equity/debt plus (EDP) attribution standard, to allow for higher investment opportunities in entities meeting the definition of eligible entities. An eligible entity is defined in Note 2(i) of section 73.3555. On September 23, 2019, the United States Court of Appeals for the Third Circuit issued a decision in *Prometheus Radio Project* v. *FCC,* vacating the Commission's eligible entity definition, and remanding those provisions of the *Quadrennial Second Report and Order* that rely on the eligible entity definition. As a result of this ongoing litigation, the relaxed EDP rule for eligible entities as the basis for the New Entrant Bidding Credit will be unavailable in Auction 106.

49. Generally, media interests will be attributable for purposes of the New Entrant Bidding Credit to the same extent that such other media interests are considered attributable for purposes of the broadcast multiple ownership rules. Further, any bidder asserting new entrant status must have de facto as well as de jure control of the entity claiming the bidding credit. See47 CFR 73.5007. Typically, de jure control is evidenced by ownership of at least 50.1% of an entity's voting stock or equivalent level of interest in cases where the bidder is not a corporate entity. De facto control is determined on a case-by-case basis. However, attributable interests held by a winning bidder in existing low power television, television translator, or FM translator facilities will not be counted among the applicant's other mass media interests in determining its eligibility for a New Entrant Bidding Credit. A medium of mass communications is defined in Section 73.5008(b). Full power noncommercial educational stations, on both reserved and non-reserved channels, are included among media of mass communications as defined in section 73.5008(b).

50. *Application Requirements.* In addition to the ownership information required pursuant to sections 1.2105 and 1.2112, applicants seeking a New Entrant Bidding Credit are required to establish on their short-form applications that they satisfy the eligibility requirements to qualify for the bidding credit. In those cases, a certification under penalty of perjury must be provided in completing the short-form application. An applicant claiming that it qualifies for a 35% New Entrant Bidding Credit must certify that neither it nor any of its attributable interest holders have any attributable interests in any other media of mass communications. An applicant claiming that it qualifies for a 25% New Entrant Bidding Credit must certify that neither it nor any of its attributable interest holders has any attributable interests in more than three media of mass communications, and must identify and describe such media of mass communications.

51. *Unjust Enrichment.* Applicants should note that the unjust enrichment provisions of 47 CFR 73.5007(c) apply to a winning bidder that utilizes a bidding credit and subsequently seeks to assign or transfer control of its license or construction permit to an entity not qualifying for the same level of bidding credit.

52. *Provisions regarding Former and Current Defaulters.* Each applicant must make certifications regarding whether it is a current or former defaulter or delinquent. A current defaulter or delinquent is not eligible to participate in Auction 106. An applicant is considered a current defaulter or a current delinquent when it, any of its affiliates, any of its controlling interests, or any of the affiliates of its controlling interests, is in default on any payment for any Commission construction permit or license (including a down payment) or is delinquent on any non-tax debt owed to any Federal agency as of the filing deadline for auction applications. Accordingly, each applicant must certify under penalty of perjury on its FCC Form 175 that the applicant, any of its affiliates, any of its controlling interests, and any of the affiliates of its controlling interests, are not in default on any payment for a Commission construction permit or license (including down payments) and that they are not delinquent on any non-tax debt owed to any Federal agency. For purposes of making this certification, the term affiliate is defined in 47 CFR 1.2110 and the term controlling interest is defined in 47 CFR 1.2105(a)(4)(i).

53. An applicant is considered a former defaulter or a former delinquent when, as of the FCC Form 175 filing deadline, it or any of its controlling interests has defaulted on any Commission construction permit or license or has been delinquent on any non-tax debt owed to any Federal agency, but has since remedied all such defaults and cured all of the outstanding non-tax delinquencies. A former defaulter or delinquent who has remedied all such defaults and cured all of the outstanding non-tax delinquencies prior to the FCC Form 175 filing deadline in this auction may participate so long as it is otherwise qualified and if the applicant makes an upfront payment that is 50% more than would otherwise be required. For this reason, an applicant must certify under penalty of perjury whether it (along with any of its controlling interests) has ever been in default on any payment for a Commission construction permit or license (including a down payment) or has ever been delinquent on any non-tax debt owed to any Federal agency, subject to the exclusions of any cured default on a Commission construction permit or license as well as any cured delinquency on a non-tax debt owed to a Federal agency described in 47 CFR 1.2105(a)(2)(xii). For purposes of making this certification, the term

controlling interest is defined in 47 CFR 1.2105(a)(4)(i).

54. For purposes of evaluating the certifications required by sections 1.2105(a)(2)(xi) and (xii), non-tax debt owed to any Federal agency includes all amounts owed under Federal programs, including contributions to the Universal Service Fund, Telecommunications Relay Services Fund, and the North American Numbering Plan Administration, notwithstanding that the administrator of any such fund may not be considered a Federal agency under the Debt Collection Improvement Act of 1996. Public Law 104–134, 110 Stat. 1321 (1996).

55. We encourage applicants to review previous guidance provided on default and delinquency disclosure requirements in the context of the auction short-form application process. Applicants also are advised to consult with Auctions Division staff if they have questions about delinquency or default disclosure requirements.

56. The Commission considers outstanding debts owed to the United States Government, in any amount, to be a serious matter. The Commission adopted rules, including a provision referred to as the red light rule, that implement its obligations under the Debt Collection Improvement Act of 1996, which governs the collection of debts owed to the United States. Under the red light rule, applications and other requests for benefits filed by parties that have outstanding debts owed to the Commission will not be processed. The Commission's adoption of the red light rule does not alter the applicability of any of its competitive bidding rules, including the provisions and certifications of sections 1.2105 and 1.2106, with regard to current and former defaults or delinquencies.

57. The Commission's Red Light Display System, which provides information regarding debts currently owed to the Commission, may not be determinative of an auction applicant's ability to comply with the default and delinquency disclosure requirements of section 1.2105. While the red light rule ultimately may prevent the processing of long-form applications by auction winners, an auction applicant's lack of current red light status is not necessarily determinative of its eligibility to participate in an auction (or whether it may be subject to an increased upfront payment obligation). A prospective applicant in Auction 106 should note that any long-form application filed after the close of bidding will be reviewed for compliance with the Commission's red light rule, and such review may result in the dismissal of a winning bidder's long-form application. Applicants that have their long-form applications dismissed will be deemed to have defaulted and will be subject to default payments under 47 CFR 1.2104(g) and 1.2109(c).

58. Each applicant should carefully review all records and other available Federal agency databases and information sources to determine whether the applicant, or any of its affiliates, or any of its controlling interests, or any of the affiliates of its controlling interests, owes or was ever delinquent in the payment of non-tax debt owed to any Federal agency.

59. *Optional Applicant Status Identification.* An applicant owned by members of minority groups and/or women, as defined in section 1.2110(c)(3), or rural telephone companies, as defined in section 1.2110(c)(4), may identify itself as such in its FCC Form 175. This applicant status information is optional and collected for statistical purposes only because it assists the Commission in monitoring the participation of various groups in its auctions.

60. *Noncommercial Educational Status Election.* In the *NCE Second Report and Order,* the Commission held that applications for noncommercial educational (NCE) FM stations on non-reserved spectrum, filed during an FM filing window, will be returned as unacceptable for filing if mutually exclusive with any application for a commercial station. Auction applications specifying the same FM station construction permit are considered mutually exclusive. If an FCC Form 175 filed during the Auction 106 filing window identifying the application's proposed station as NCE is mutually exclusive with any application filed during that window for a commercial station, the NCE application will be returned as unacceptable for filing. In the *NCE Second Report and Order,* the Commission determined that short-form applications that do not identify the facilities proposed in the FCC Form 175 as NCE will be considered, as a matter of law, applications for commercial broadcast stations. For this reason, each prospective applicant in this auction should consider carefully whether it wishes to propose NCE operation for any FM station acquired in this auction. This NCE election cannot be reversed after the initial application filing deadline.

61. *Only Minor Modifications to FCC Form 175 Allowed.* After the initial FCC Form 175 filing deadline, an Auction 106 applicant will be permitted to make only minor modifications to its short-form application. Examples of minor changes include the deletion or addition of authorized bidders (to a maximum of three), revision of addresses and telephone numbers of the applicant, its responsible party, and its contact person, or change in the applicant's selected bidding option (electronic or telephonic). Major modifications to an FCC Form 175 application (*e.g.,* change of construction permit selection, change in required certifications, change in control of the applicant such as any change in ownership or control that would constitute an assignment or transfer of control of the applicant, claim eligibility for a higher percentage of bidding credit, or change of the identification of the application's proposed facilities as noncommercial educational) will not be permitted after the initial FCC Form 175 filing deadline. If an applicant makes a major amendment, as defined by section 1.2105(b)(2), the major amendment may result in disqualification of the applicant from participating in bidding. Even if an applicant's FCC Form 175 is dismissed, the applicant would remain subject to the prohibitions on certain communications of 47 CFR 1.2105(c) until the down payment deadline for this auction. Questions about FCC Form 175 amendments should be directed to the Auctions Division at (202) 418–0660.

62. *Maintaining Current Information in Short-Form Applications.* Each applicant has a continuing obligation to maintain the accuracy and completeness of information furnished in its pending application in a competitive bidding proceeding. An auction applicant must furnish additional or corrected information to the Commission within five days after a significant occurrence, or amend its FCC Form 175 no more than five days after the applicant becomes aware of the need for the amendment. An applicant's obligation to make modifications to a pending auction application to provide additional or corrected information continues beyond the five-day period, even if the report is not made within the five-day period. Changes that cause a loss of or reduction in the percentage of bidding credit specified on the originally submitted application must be reported immediately, and no later than five business days after the change occurs. An applicant is obligated to amend its pending application even if a reported change is considered to be a major modification that may result in the dismissal of its application.

63. *Modifying an FCC Form 175.* During the initial filing window, an applicant will be able to make any

necessary modifications to its FCC Form 175 in the Auction Application System. An applicant that has certified and submitted its FCC Form 175 before the close of the initial filing window may continue to make modifications as often as necessary until the close of that window; however, the applicant must re-certify and re-submit its FCC Form 175 before the close of the initial filing window to confirm and effect its latest application changes. After each submission, a confirmation page will be displayed stating the submission time and submission date.

64. As with filing the FCC Form 175, any amendment(s) to the application and related statements of fact must be certified by an authorized representative of the applicant with authority to bind the applicant. Applicants should note that submissions of any such amendment or related statement of fact constitutes a representation by the person certifying that he or she is an authorized representative with such authority and that the contents of the amendment or statement of fact are true and correct.

III. Preparing for Bidding

65. *Due Diligence.* Each potential bidder is solely responsible for investigating and evaluating all technical and marketplace factors that may have a bearing on the value of the construction permit(s) it is seeking in this auction. The FCC makes no representations or warranties about the use of this spectrum or these construction permits for particular services. Each Applicant should be aware that an FCC auction represents an opportunity to become an FCC permittee in a broadcast service, subject to certain conditions and regulations. This includes the established authority of the Commission to alter the terms of existing licenses by rulemaking, which is equally applicable to licenses awarded by auction. An FCC auction does not constitute an endorsement by the FCC of any particular service, technology, or product, nor does an FCC construction permit or license constitute a guarantee of business success.

66. An applicant should perform its due diligence research and analysis before proceeding, as it would with any new business venture. Each potential bidder should perform technical analyses and/or refresh its previous analyses to assure itself that, should it become a winning bidder for any Auction 106 construction permit, it will be able to build and operate facilities that will fully comply with all applicable technical and legal requirements. Each applicant should inspect any prospective transmitter sites located in, or near, the service area for which it plans to bid, to confirm the availability of such sites, and to familiarize itself with the Commission's rules regarding any applicable federal, state or local requirements. See 47 CFR pt. 1, subpart I.

67. Each applicant should continue to conduct its own research throughout Auction 106 to determine the existence of pending or future administrative or judicial proceedings that might affect its decision on continued participation in the auction. Each Auction 106 applicant is responsible for assessing the likelihood of the various possible outcomes and for considering the potential impact on construction permits available in this auction. The due diligence considerations mentioned in the *Auction 106 Procedures Public Notice* do not comprise an exhaustive list of steps that should be undertaken prior to participating in Auction 106. The burden is on the potential bidder to determine how much research to undertake, depending upon specific facts and circumstances related to its interests.

68. Applicants are solely responsible for identifying associated risks and for investigating and evaluating the degree to which such matters may affect their ability to bid on, otherwise acquire, or make use of the construction permits available in Auction 106. Each potential bidder is responsible for undertaking research to ensure that any permits won in this auction will be suitable for its business plans and needs. Each potential bidder must undertake its own assessment of the relevance and importance of information gathered as part of its due diligence efforts.

69. The Commission makes no representations or guarantees regarding the accuracy or completeness of information in its databases or any third-party databases, including, for example, court docketing systems. To the extent the Commission's databases may not include all information deemed necessary or desirable by an applicant, it must obtain or verify such information from independent sources or assume the risk of any incompleteness or inaccuracy in said databases. Furthermore, the Commission makes no representations or guarantees regarding the accuracy or completeness of information that has been provided by incumbent licensees and incorporated into its databases.

70. *Bidder Education—Online Tutorial on Auction Process.* An educational auction tutorial will be available on the Auction 106 web page by Tuesday, January 22, 2020. This online tutorial will provide information about pre-auction procedures, the FCC auction application system, completing short-form applications, auction conduct, the FCC auction bidding system, auction rules, and broadcast services rules. The online auction tutorial will be accessible on the Education tab of the Auction 106 website at *www.fcc.gov/auction/106*. Once posted, this tutorial will remain available and accessible anytime for reference in connection with the procedures outlined in the *Auction 106 Procedures Public Notice*.

71. *Short-Form Applications: Due Before 6:00 p.m. ET on February 11, 2020.* In addition to other requirements, in order to be eligible to bid in Auction 106, an applicant must first submit an FCC Form 175 electronically via the Auction Application System, following the instructions set forth in Attachment B to the *Auction 106 Procedures Public Notice*. The FCC Form 175 will become available with the opening of the initial filing window and must be submitted prior to 6:00 p.m. on February 11, 2020. Late applications will not be accepted. No application fee is required.

72. Applications may be filed at any time beginning at noon ET on January 29, 2020, until the filing window closes at 6:00 p.m. ET on February 11, 2020. Applicants are strongly encouraged to file early and are responsible for allowing adequate time for filing their applications. There are no limits or restrictions on the number of times an application can be updated or amended until the initial filing deadline on February 11, 2020.

73. An applicant must always click on the CERTIFY & SUBMIT button on the Certify & Submit screen to successfully submit its FCC Form 175 and any modifications; otherwise, the application or changes to the application will not be received or reviewed by Commission staff. Additional information about accessing, completing, and viewing the FCC Form 175 is included in Attachment B to the *Auction 106 Procedures Public Notice*. Applicants requiring technical assistance should contact FCC Auctions Technical Support at (877) 480–3201, option nine; (202) 414–1250; or (202) 414–1255 (text telephony (TTY)); hours of service are Monday through Friday, from 8:00 a.m. to 6:00 p.m. ET. All calls to Technical Support are recorded. The Commission periodically performs scheduled maintenance of its IT systems. During scheduled maintenance activities, which typically occur over the weekends, every effort is made to minimize any downtime to auction-related systems, including the auction

application system. However, there are occasions when auction-related systems may be temporarily unavailable.

74. *Public Notice of Applicant's Initial Application Status and Opportunity for Minor Modifications.* After the deadline for filing auction applications, Commission staff will review all timely submitted applications to determine whether each applicant has complied with the application requirements and provided all information concerning its qualifications for bidding. Commission staff will issue a public notice with applicants' initial application status identifying (1) those that are complete; (2) those that are rejected; or (3) those that are incomplete or deficient because of minor defects that may be corrected. The public notice will include the deadline for resubmitting corrected applications, and a paper copy will be sent by overnight delivery to the contact address listed in the FCC Form 175 for each applicant. In addition, each applicant with an incomplete application will be sent information on the nature of the deficiencies in its application, along with the name and phone number of a Commission staff member who can answer questions specific to the application.

75. Non-mutually exclusive applications will be listed in a subsequent public notice to be released by the Office of Economics and Analytics (OEA) and MB. Such applications will not proceed to auction, but will proceed in accordance with instructions set forth in that public notice. All mutually exclusive applications will be considered under the relevant procedures for conflict resolution. Mutually exclusive applications proposing commercial stations will proceed to auction.

76. Commission staff will communicate only with an applicant's contact person or certifying official, as designated on the FCC Form 175, unless the applicant's certifying official or contact person notifies the Commission in writing that applicant's counsel or other representative is authorized to speak on its behalf. Authorizations may be sent by email to *auction106@fcc.gov*.

77. *Public Notice of Applicant's Final Application Status After Upfront Payment Deadline.* After review of resubmitted applications for Auction 106 and consideration of upfront payments, Commission staff will release a public notice identifying applicants that have become qualified bidders. A Qualified Bidders Public Notice will be issued before bidding in the auction begins. Qualified bidders are those applicants with submitted FCC Form 175 applications that are deemed timely filed and complete, and which have made a timely and sufficient upfront payment.

78. *Upfront Payments.* In addition to other requirements, to be eligible to bid in this auction, a sufficient upfront payment and a complete and accurate FCC Remittance Advice Form (FCC Form 159, February 2003 edition) must be submitted before 6:00 p.m. ET on March 20, 2020, following the procedures described in the *Auction 106 Procedures Public Notice* and the instructions in its Attachment C. After completing its short-form application, an applicant will have access to an electronic version of the FCC Form 159. This FCC Form 159 can be printed and the completed form must be sent by fax to the FCC at (202) 418–2843, or by email to *RROGWireFaxes@fcc.gov*.

79. *Making Upfront Payments by Wire Transfer.* All upfront payments must be made by wire transfer. An applicant must initiate the wire transfer through its bank, authorizing the bank to wire funds from the applicant's account to the Commission's account at the U.S. Treasury. No other payment method is acceptable. The Commission will not accept checks, credit cards, or automated clearing house (ACH) payments. All payments must be made in U.S. dollars. Upfront payments for Auction 106 go to a U.S. Treasury account number different from the accounts used in previous FCC auctions. The beneficiary account number is specific to the upfront payments for Auction 106. Do not use a beneficiary account number from a previous auction. Wire transfer information is specified in the Making Upfront Payments by Wire Transfer section of the Auction 106 Procedures Public Notice.

80. Each applicant is responsible for ensuring timely submission of its upfront payment and for timely filing of an accurate and complete Form 159. To avoid untimely payments, an applicant should discuss arrangements and deadlines with its financial institution (including that financial institution's specific wire transfer requirements) several days before it plans to make the wire transfer, and well ahead of the due date, as well as allow sufficient time for the wire transfer to be initiated and completed prior to the deadline. The Commission repeatedly has cautioned auction participants about the importance of planning ahead to prepare for unforeseen last-minute difficulties in making payments by wire transfer. Each applicant is responsible for obtaining confirmation from its financial institution that its wire transfer to U.S. Treasury was successful and from Commission staff that its upfront payment was timely received and that it was deposited into the proper account. To receive confirmation from Commission staff, contact Scott Radcliffe of the Office of Managing Director's Revenue & Receivables Operations Group/Auctions at (202) 418–7518, or Theresa Meeks at (202) 418–2945.

81. Failure to deliver a sufficient upfront payment by the March 20, 2020 deadline will result in dismissal of the short-form application and disqualification from participation in the auction.

82. *Completing and Submitting FCC Form 159.* An accurate and complete Form 159 (February 2003 edition) must be sent to the FCC to accompany each upfront payment. At least one hour before placing the order for the wire transfer (but on the same business day), applicants must fax a completed Form 159 to the FCC at (202) 418–2843. On the fax cover sheet, write: Wire Transfer—Auction Payment for Auction 106. Alternatively, the completed form can be scanned and sent as an attachment to an email to *RROGWireFaxes@fcc.gov*.

83. *Upfront Payments and Bidding Eligibility.* In the *Auction 106 Comment Public Notice,* an upfront payment amount was proposed for each construction permit, taking into account various factors related to the efficiency of the auction process and the potential value of similar construction permits, and comment was sought on the proposed upfront payment amounts.

84. A commenter suggests that we reduce to zero the upfront payments for certain allotments. This comment fails to recognize that the refundable upfront payments not only establish each qualified bidder's bidding eligibility and ensure that the pace of bidding is managed appropriately, but the upfront payments also protect against frivolous or insincere bidding and provide the Commission with a source of funds from which to collect payments owed at the close of the bidding. For these reasons, this proposal was rejected and the upfront payment amounts specified for those allotments were retained. The upfront payment amounts proposed in the *Auction 106 Comment Public Notice* are unchanged from those proposed, and the specific upfront payment amounts and bidding units for each construction permit are set forth in Attachment A of the *Auction 106 Procedures Public Notice*.

85. An applicant must make an upfront payment sufficient to obtain bidding eligibility on the construction permits on which it will bid. It was

proposed in the *Auction 106 Comment Public Notice* that the amount of the upfront payment would determine a bidder's initial bidding eligibility, the maximum number of bidding units on which a bidder may place bids in any single round. Under that proposal, in order to bid on a particular construction permit, a qualified bidder must have selected the construction permit on its FCC Form 175 and must have a current eligibility level that meets or exceeds the number of bidding units assigned to that construction permit. At a minimum, therefore, an applicant's total upfront payment must be enough to establish eligibility to bid on at least one of the construction permits selected on its FCC Form 175, or else the applicant will not be qualified to participate in the auction. An applicant does not have to make an upfront payment to cover all construction permits the applicant selected on its FCC Form 175, but only enough to cover the maximum number of bidding units that are associated with construction permits on which the applicant wishes to place bids and hold provisionally winning bids in any given round. Provisionally winning bids are bids that would become final winning bids if the auction were to close after the given round. The total upfront payment does not affect the total dollar amount the bidder may bid on any given construction permit. No comments on this proposal were submitted, and it is adopted. Each applicant's upfront payment amount will determine that bidder's initial bidding eligibility.

86. In calculating its upfront payment amount, an applicant should determine the maximum number of bidding units on which it may wish to be active (bid on or hold provisionally winning bids on) in any single round, and submit an upfront payment amount covering that number of bidding units. To make this calculation, an applicant should add together the bidding units for all construction permits on which it seeks to be active in any given round. Applicants should check their calculations carefully, as there is no provision for increasing a bidder's eligibility after the upfront payment deadline.

87. An applicant that is a former defaulter must pay an upfront payment 50% greater than that required of an applicant that is not a former defaulter. Defaults and delinquencies of the applicant itself and its controlling interests are included. If an applicant is a former defaulter, it must calculate its upfront payment for all of its selected construction permits by multiplying the number of bidding units on which it wishes to be active by 1.5. To calculate the number of bidding units to assign to former defaulters, the Commission will divide the upfront payment received by 1.5 and round the result up to the nearest bidding unit.

88. If a former defaulter fails to submit a sufficient upfront payment to establish eligibility to bid on at least one of the construction permits selected in its FCC Form 175, the applicant will not be eligible to participate in bidding in the auction. That applicant will retain its status as an Auction 106 applicant and will remain subject to 47 CFR 1.2105(c), 73.5002(d), (e).

89. *Auction Registration.* All qualified bidders for Auction 106 are automatically registered for the auction. Registration materials will be distributed prior to the auction by overnight mail. The mailing will be sent only to the contact person at the contact address listed in the FCC Form 175 and will include the SecurID® tokens that will be required to place bids, the web address and instructions for accessing and logging in to the auction bidding system, an FCC assigned username (User ID) for each authorized bidder, and the Auction Bidder Line phone number.

90. Qualified bidders that do not receive this registration mailing will not be able to submit bids. Therefore, if this mailing is not received by the contact representative for a qualified bidder by noon on Wednesday, April 22, 2020, call the Auctions Hotline at (717) 338–2868. Receipt of this registration mailing is critical to participating in the auction, and each qualified bidder is responsible for ensuring it has received all of the registration materials.

91. If SecurID® tokens are lost or damaged, only an authorized bidder, the contact person, or the certifying official on the applicant's FCC Form 175 may request replacements. To request replacement of these items, call the Auction Bidder Line at the telephone number provided in the registration materials or the Auctions Hotline at (717) 338–2868.

92. *Remote Electronic Bidding via the FCC Auction Bidding System.* The Commission will conduct this auction remotely over the internet, and telephonic bidding will be available as well. There will be no on-site bidding during Auction 106. Only qualified bidders are permitted to bid. Each authorized bidder must have its own SecurID® token, which the Commission will provide at no charge. Each qualified bidder with one authorized bidder will be issued two SecurID® tokens, while qualified bidders with two or three authorized bidders will be issued three tokens. For security purposes, the SecurID® tokens, bidding system web address, FCC assigned username, and the telephonic bidding telephone number are only mailed to the contact person at the contact address listed on the FCC Form 175. Each SecurID® token is tailored to a specific auction. SecurID® tokens issued for other auctions or obtained from a source other than the FCC will not work for Auction 106.

93. The Commission makes no warranties whatsoever with respect to the FCC auction application system and the auction bidding system. In no event shall the Commission, or any of its officers, employees, or agents, be liable for any damages whatsoever (including, but not limited to, loss of business profits, business interruption, loss of business information, or any other loss) arising out of or relating to the existence, furnishing, functioning, or use of the FCC auction systems that are accessible to qualified bidders in connection with this auction. Moreover, no obligation or liability will arise out of the Commission's technical, programming, or other advice or service provided in connection with the FCC auction systems.

94. To the extent an issue arises with the auction bidding system itself, the Commission will take all appropriate measures to resolve such issues quickly and equitably. The Commission periodically performs scheduled maintenance of its IT systems which typically occur over the weekends. Every effort is made to minimize any downtime to auction-related systems, including the Commission's bidding system. However, there are occasions when auction-related systems may be temporarily unavailable.

95. Should an issue arise that is outside the auction bidding system or attributable to a bidder, including, but not limited to, a bidder's hardware, software, or internet access problem that prevents the bidder from submitting a bid prior to the end of a round, the Commission shall have no obligation to resolve or remedy such an issue on behalf of the bidder. Similarly, if an issue arises due to bidder error using the auction bidding system, the Commission shall have no obligation to resolve or remedy such an issue on behalf of the bidder. After the close of a bidding round, the results of bid processing will not be altered absent evidence of any failure in the auction bidding system.

96. *Mock Auction.* All qualified bidders will be eligible to participate in a mock auction on Friday, April 24, 2020. The mock auction will enable bidders to become familiar with the FCC

auction bidding system prior to the auction. Bidders are strongly encouraged to participate in the mock auction. Details will be announced by public notice.

97. *Fraud Alert.* Some unscrupulous entrepreneurs may attempt to use Auction 106 to deceive and defraud unsuspecting investors. Information about deceptive telemarketing investment schemes is available from the FCC, FTC, and SEC. Information for potential bidders and investors may be obtained from the following sources: (1) The FCC's Consumer Call Center at (888) 225–5322 or by visiting *www.fcc.gov/general/frauds-scams-and-alerts-guides;* (2) the FTC at (877) FTC–HELP ((877) 382–4357) or by visiting *www.consumer.ftc.gov/articles/0238-investment-risks*; or (3) the SEC at (202) 942–7040 or by visiting *www.sec.gov/investor*. Complaints about specific deceptive telemarketing investment schemes should be directed to the FTC, the SEC, or the National Fraud Information Center at (202) 835–0618.

98. *Environmental Review Requirements.* Permittees or licensees must comply with the Commission's rules for environmental review under the National Environmental Policy Act, the National Historic Preservation Act, and other federal environmental statutes. The construction of a broadcast facility is a federal action, and the permittee or licensee must comply with the Commission's environmental rules for each such facility. These environmental rules require, among other things, that the permittee or licensee consult with expert agencies having environmental responsibilities, including the U.S. Fish and Wildlife Service, the State Historic Preservation Office, the U.S. Army Corps of Engineers, and the Federal Emergency Management Agency (through the local authority with jurisdiction over floodplains). In assessing the effect of facility construction on historic properties, the permittee or licensee must follow the provisions of the FCC's Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process. The permittee or licensee must prepare environmental assessments for any facility that may have a significant impact in or on wilderness areas, wildlife preserves, threatened or endangered species, or designated critical habitats, historical or archaeological sites, Indian religious sites, floodplains, and surface features. In addition, the permittee or licensee must prepare environmental assessments for facilities that include high intensity white lights in residential neighborhoods or excessive radio frequency emission.

IV. Bidding

A. Auction Structure

99. *Simultaneous Multiple Round Auction.* In the *Auction 106 Comment Public Notice,* it was proposed to auction all construction permits listed in Attachment A of the *Auction 106 Procedures Public Notice* in a single auction using the Commission's standard simultaneous multiple-round auction format. This type of auction offers every construction permit for bid at the same time and consists of successive bidding rounds in which qualified bidders may place bids on individual construction permits. No comment was received for this proposal, and this proposal is adopted. Unless otherwise announced, bids will be accepted on all construction permits in each round of the auction until bidding stops on every construction permit.

100. *FCC Auction Bidding System.* The Commission will conduct this auction over the internet using the FCC auction bidding system. Qualified bidders are permitted to bid electronically via the internet or by telephone using the telephonic bidding option. For this reason, each applicant should indicate its bidding preference, electronic or telephonic, on its FCC Form 175. Telephonic bid assistants are required to use a script when entering bids placed by telephone. Telephonic bidders must allow sufficient time to bid by placing their calls well in advance of the close of a round. The length of a call to place a telephonic bid may vary; please allow a minimum of ten minutes. All such telephone calls are recorded.

101. An Auction 106 bidder's ability to bid on specific construction permits is determined by two factors: (1) The construction permits selected by that applicant in its FCC Form 175 and (2) the bidder's bidding eligibility measured in bidding units. The FCC auction bidding system will allow bidders to submit bids on only those construction permits the bidder selected on its FCC Form 175.

102. In order to access the bidding function of the FCC auction bidding system, bidders must be logged in during a bidding round using the passcode generated by the SecurID® token and a personal identification number (PIN) created by the bidder. Bidders are strongly encouraged to print a round summary for each round after they have completed all of their activity for that round.

103. *Round Structure.* The initial schedule of bidding rounds will be announced in the public notice listing the qualified bidders in the auction, which is released at least one week before bidding in the auction starts. Each bidding round is followed by the release of round results. Multiple bidding rounds may be conducted each day. Moreover, unless otherwise announced, bidding on all construction permits will be conducted on each business day until bidding has stopped on all construction permits.

104. Commission staff retain the discretion to change the bidding schedule in order to foster an auction pace that reasonably balances speed with the bidders' need to study round results and adjust their bidding strategies. Commission staff may change the amount of time for the bidding rounds, the amount of time between rounds, or the number of rounds per day, depending upon bidding activity and other factors, by prior announcement.

105. *Eligibility and Activity Rules.* Upfront payments will determine initial (maximum) bidding eligibility (as measured in bidding units) for Auction 106. The amount of the upfront payment submitted by a bidder determines initial bidding eligibility, the maximum number of bidding units on which a bidder may be active. Each construction permit is assigned a specific number of bidding units listed in Attachment A to the *Auction 106 Procedures Public Notice*. Bidding units assigned to each construction permit do not change as prices rise during the auction. Upfront payments are not attributed to specific construction permits. Rather, a bidder may place bids on any of the construction permits selected on its FCC Form 175 as long as the total number of bidding units associated with those construction permits does not exceed the bidder's current eligibility. Eligibility cannot be increased during the auction; it can only remain the same or decrease. In calculating its upfront payment amount, an applicant must determine the maximum number of bidding units it may wish to bid on or hold provisionally winning bids on in any single round, and submit an upfront payment amount covering that total number of bidding units. At a minimum, an applicant's upfront payment must cover the bidding units for at least one of the construction permits it selected on its FCC Form 175. The total upfront payment does not affect the total dollar amount a bidder may bid on any given construction permit.

106. An activity rule requires bidders to bid actively throughout the auction, rather than wait until late in the auction before participating. Bidders are required to be active on a specific percentage of their current bidding eligibility during each round of the auction. A bidder's activity level in a round is the sum of the bidding units associated with construction permits covered by the bidder's new bids in the current round and provisionally winning bids from the previous round. Provisionally winning bids are bids that would become final winning bids if the auction were to close after the given round.

107. The minimum required activity is expressed as a percentage of the bidder's current eligibility, and it increases by stage as the auction progresses. Failure to maintain the requisite activity level will result in the use of an activity rule waiver, if any remain, or a reduction in the bidder's eligibility, possibly curtaining or eliminating the bidder's ability to place additional bids in the auction.

108. To provide bidders with flexibility to pursue backup strategies if they so desire, a more flexible activity requirement is adopted than that proposed in the *Auction 106 Comment Public Notice* for this auction of well over 100 permits in which applicants are not limited in their permit selections and may seek to implement backup plans as price information is made available during bidding rounds. Initially two activity requirements are adopted: An 80% requirement for the beginning of the auction and a 95% requirement that will be used later in the auction.

109. *Auction Stages.* Auction 106 will be conducted in at least two stages as described below. A bidder desiring to maintain its current bidding eligibility will be required to be active on construction permits representing at least 80% of its current eligibility during each round of Stage One, and on at least 95% of its current bidding eligibility in Stage Two.

110. Stage One: During the first stage of the auction, a bidder desiring to maintain its current bidding eligibility will be required to be active on construction permits representing at least 80% of its current bidding eligibility in each bidding round. Failure to maintain the required activity level will result in the use of an activity rule waiver or, if the bidder has no activity rule waivers remaining, a reduction in the bidder's bidding eligibility in the next round. During Stage One, reduced eligibility for the next round will be calculated by multiplying the bidder's current round activity (the sum of bidding units of the bidder's provisionally winning bids and bids during the current round) by five-fourths (5/4).

111. Stage Two: During the second stage of the auction, a bidder desiring to maintain its current bidding eligibility is required to be active on 95% of its current bidding eligibility. Failure to maintain the required activity level will result in the use of an activity rule waiver or, if the bidder has no activity rule waivers remaining, a reduction in the bidder's bidding eligibility in the next round. During Stage Two, reduced eligibility for the next round will be calculated by multiplying the bidder's current round activity (the sum of bidding units of the bidder's provisionally winning bids and bids during the current round) by twenty-nineteenths (20/19).

Since activity requirements increase in Stage Two, bidders must carefully check their activity during the first round following a stage transition to ensure that they are meeting the increased activity requirement. This is especially critical for bidders that have provisionally winning bids and do not plan to submit new bids. In past auctions, some bidders have inadvertently lost bidding eligibility or used an activity rule waiver because they did not re-verify their activity status at stage transitions. Bidders may check their activity against the required activity level by logging into the FCC auction bidding system. Prior to any move from Stage One to Stage Two, bidders will be alerted during the auction by announcement in the auction bidding system.

112. *Stage Transitions.* The auction will advance from Stage One to Stage Two after Commission staff consider a variety of measures of auction activity, including, but not limited to, the percentages of construction permits (as measured in bidding units) on which there are new bids, the number of new bids, and the increase in revenue.

113. The auction will start in Stage One. The stage of the auction does not affect the auction stopping rules; the auction may conclude in Stage One. Commission staff will regulate the pace of the auction by announcement in the auction bidding system.

114. Commission staff retain the discretion to change the activity requirements during the auction as circumstances warrant, and also have other mechanisms to influence the speed of the auction. For example, there may be no transition to Stage Two if the auction is progressing satisfactorily under the Stage One activity requirement, or there may be a transition to Stage Two with an activity requirement that is higher or lower than 95%, or add an additional stage with a higher activity requirement. This determination will be based on a variety of measures of auction activity, including, but not limited to, the number of new bids and the percentages of construction permits (as measured in bidding units) on which there are new bids.

115. If Commission staff implement a stage with an activity requirement other than 80% or 95%, a bidder's reduced eligibility for the next round will be calculated by multiplying that bidder's current round activity by the reciprocal of the activity requirement. For example, if there is a 98% activity requirement, the bidder's current round activity would be multiplied by 50/49; if there is a 100 percent activity requirement, the bidder's current round activity would become its bidding eligibility (current round activity would be multiplied by 1/1).

116. *Activity Rule Waivers.* Each qualified bidder in the auction will be provided with three activity rule waivers, which are principally a mechanism for a bidder to avoid the loss of bidding eligibility in the event that exigent circumstances prevent it from bidding in a particular round. Use of an activity rule waiver preserves the bidders eligibility despite its activity in the current round being below the required minimum activity level. An activity rule waiver applies to an entire round of bidding, not to a particular construction permit. A bidder may use an activity rule waiver in any round of the auction as long as the bidder has not used all of its waivers.

117. The FCC auction bidding system will assume that a bidder that does not meet the activity requirement would prefer to use an activity rule waiver (if available) rather than lose bidding eligibility. Therefore, the system will automatically apply a waiver at the end of any bidding round in which a bidder's activity level is below the minimum required unless (1) the bidder has no activity rule waiver remaining or (2) the bidder overrides the automatic application of a waiver by reducing eligibility, therefore meeting the activity requirement. If a bidder has no waivers remaining and does not satisfy the required activity level, the bidder's current eligibility will be permanently reduced, possibly curtailing or eliminating its ability to place additional bids in the auction.

118. A bidder with insufficient activity may wish to reduce its bidding eligibility rather than use an activity

rule waiver. If so, the bidder must affirmatively override the automatic waiver mechanism during the bidding round by using the reduce eligibility function in the FCC auction bidding system. The bidder's eligibility would be permanently reduced to bring it into compliance with the activity rule. Reducing eligibility is an irreversible action; once eligibility has been reduced, a bidder cannot regain its lost bidding eligibility.

119. A bidder may apply an activity rule waiver proactively as a means to keep the auction open without placing a bid. If a bidder proactively applies an activity rule waiver during a bidding round in which no bids are placed, the auction will remain open and the bidder's eligibility will be preserved. An automatic waiver applied by the FCC auction bidding system in a round in which there is no new bid or a proactive waiver will not keep the auction open.

120. *Auction Stopping Rules.* For Auction 106, a simultaneous stopping rule approach was proposed, which means all construction permits remain available for bidding until bidding stops on every construction permit. Specifically, bidding will close on all construction permits after the first round in which no bidder submits any new bid or applies a proactive waiver.

121. Comment was sought on alternative versions of the simultaneous stopping rule for Auction 106: Option 1. The auction would close for all construction permits after the first round in which no bidder applies a proactive waiver or places any new bid on a construction permit on which it is not the provisionally winning bidder. Thus, absent any other bidding activity, a bidder placing a new bid on a construction permit for which it is the provisionally winning bidder would not keep the auction open under this modified stopping rule. Option 2. The auction would close for all construction permits after the first round in which no bidder applies a waiver or places any new bid on any construction permit that already has a provisionally winning bid. Thus, absent any other bidding activity, a bidder placing a new bid on an FCC-held construction permit (a construction permit that does not have a provisionally winning bid) would not keep the auction open under this modified stopping rule. Option 3. The auction would close using a modified version of the simultaneous stopping rule that combines Option 1 and Option 2. Option 4. The auction would close after a specified number of additional rounds (special stopping rule) to be announced in advance in the FCC auction bidding system. If this special stopping rule is invoked, bids will be accepted in the specified final round(s), after which the auction will close. Option 5. The auction would remain open even if no bidder places any new bids or applies a waiver. In this event, the effect will be the same as if a bidder had applied a waiver. Thus, the activity rule will apply as usual, and a bidder with insufficient activity will either lose bidding eligibility or use a waiver.

122. These proposed options will be exercised only in certain circumstances, for example, where the auction is proceeding unusually slowly or quickly, there is minimal overall bidding activity, or it appears likely that the auction will not close within a reasonable period of time or will close prematurely. Before exercising these options, Commission staff may attempt to change the pace of bidding in the auction. For example, the number of bidding rounds per day and/or the minimum acceptable bids may change. Commission staff retain the discretion to exercise any of these options with or without prior announcement during the auction.

123. *Auction Delay, Suspension, or Cancellation.* By public notice or by announcement through the FCC auction bidding system, Commission staff may delay, suspend, or cancel bidding in the auction in the event of natural disaster, technical obstacle, network interruption, administrative or weather necessity, evidence of an auction security breach or unlawful bidding activity, or for any other reason that affects the fair and efficient conduct of competitive bidding.

124. In such cases, Commission staff, in their sole discretion, may elect to resume the auction starting from the beginning of the current round or from some previous round, or cancel the auction in its entirety. This authority will be exercised solely at the discretion of Commission staff, and not as a substitute for situations in which bidders may wish to apply their activity rule waivers.

B. Bidding Procedures

125. *Bid Amounts.* In each round of Auction 106 a qualified bidder will be able to place a bid on a given construction permit in any of up to nine different amounts if a bidder has sufficient eligibility to place a bid on the particular construction permit. The FCC auction bidding system interface will list the nine acceptable bid amounts for each construction permit.

126. No comments were received on the proposal to use a minimum acceptable bid increment percentage of 10% to calculate the first of the acceptable bid amounts. This means that the minimum acceptable bid amount for a construction permit will be approximately 10% greater than the provisionally winning bid amount for the construction permit. No comments were received on the proposal to use an additional bid increment percentage of 5% to calculate the eight additional acceptable bid amounts. Therefore, the auction will begin with a minimum acceptable bid increment percentage of 10% and an additional bid increment percentage of 5%.

127. In Auction 106, the minimum acceptable bid amount for a construction permit will be equal to its minimum opening bid amount until there is a provisionally winning bid for the construction permit. After there is a provisionally winning bid for a construction permit, the minimum acceptable bid amount will be calculated by multiplying the provisionally winning bid amount by one plus the minimum acceptable bid percentage—*i.e.,* provisionally winning bid amount * 1.10, rounded.

128. In Auction 106, the FCC auction bidding system will calculate the eight additional bid amounts by multiplying the minimum acceptable bid amount by the additional bid increment percentage of 5%, and that result (rounded) is the additional increment amount. The first additional acceptable bid amount equals the minimum acceptable bid amount plus the additional increment amount. The second additional acceptable bid amount equals the minimum acceptable bid amount plus two times the additional increment amount; the third additional acceptable bid amount is the minimum acceptable bid amount plus three times the additional increment amount; etc. Because the additional bid increment percentage is 5%, the calculation of the additional increment amount is (minimum acceptable bid amount) * (0.05), rounded. The first additional acceptable bid amount equals (minimum acceptable bid amount) + (additional increment amount); the second additional acceptable bid amount equals (minimum acceptable bid amount) + (2*(additional increment amount)); the third additional acceptable bid amount equals (minimum acceptable bid amount) + (3*(additional increment amount)); etc.

129. The result of the calculation of a minimum acceptable bid increment and the result of the calculation of each additional bid increment is subject to a minimum of $100. Any results above $10,000 will be rounded to the nearest $1,000, results below $10,000 but above $1,000 will be rounded to the nearest

$100, while results below $1,000 will be rounded to the nearest $10.

130. Commission staff retain the discretion to change the minimum acceptable bid amounts, the minimum acceptable bid increment percentage, the additional bid increment percentage, and the number of acceptable bid amounts, with the discretion to do so on a construction permit-by-construction permit basis, as well as to retain the discretion to limit (a) the amount by which a minimum acceptable bid for a construction permit may increase compared with the corresponding provisionally winning bid, and (b) the amount by which an additional bid amount may increase compared with the immediately preceding acceptable bid amount. For example, Commission staff could set a $1,000 limit on increases in minimum acceptable bid amounts over provisionally winning bids. Thus, if calculating a minimum acceptable bid using the minimum acceptable bid increment percentage results in a minimum acceptable bid amount that is $1,200 higher than the provisionally winning bid on a construction permit, the minimum acceptable bid amount would instead be capped at $1,000 above the provisionally winning bid. If we exercise this discretion, we will alert bidders by announcement in the FCC auction bidding system during the auction.

131. *Provisionally Winning Bids.* In Auction 106, the FCC auction bidding system at the end of each bidding round will determine a provisionally winning bid for each construction permit based on the highest bid amount received for that permit. A provisionally winning bid will remain the provisionally winning bid until there is a higher bid on the same construction permit at the close of a subsequent round. Provisionally winning bids at the end of the auction become the winning bids. Provisionally winning bids count toward activity for purposes of the activity requirement.

132. A pseudo-random number generator will be used to select a single provisionally winning bid in the event that identical high bid amounts are submitted on a construction permit in a given round (*i.e.,* tied bids). The FCC auction bidding system will assign a pseudo-random number to each bid upon submission. The tied bid with the highest pseudo-random number wins the tiebreaker, and becomes the provisionally winning bid. The remaining bidders, as well as the provisionally winning bidder, can submit higher bids in subsequent rounds. However, if the auction were to close with no other bids being placed, the winning bidder would be the one that placed the provisionally winning bid. If the construction permit receives any bids in a subsequent round, the provisionally winning bid again will be determined by the highest bid amount received for the construction permit.

133. *Bid Removal and Bid Withdrawal.* Each qualified bidder has the option of removing any bids placed in a round provided that such bids are removed before the close of that bidding round. By removing a bid within a round, a bidder effectively unsubmits the bid. A bidder removing a bid placed in the same round is not subject to withdrawal payments. Removing a bid will affect a bidder's activity because a removed bid no longer counts toward bidding activity for the round. Once a round closes, a bidder may no longer remove a bid.

134. Bidders are prohibited from withdrawing any bid after close of the round in which that bid was placed. Bidders are cautioned to select bid amounts carefully because no bid withdrawals will be allowed, even if a bid was mistakenly or erroneously made.

135. *Bidding Results.* Bids placed during a round will not be made public until the conclusion of that round. After a round closes, Commission staff will compile reports of all bids placed, current provisionally winning bids, new minimum acceptable bid amounts for the following round, whether the construction permit is FCC-held, and bidder eligibility status (bidding eligibility and activity rule waiver), and post the reports for public access.

136. *Auction Announcements.* Commission staff will use auction announcements to report necessary information to bidders, such as schedule changes. All auction announcements will be available by clicking a link in the FCC auction bidding system.

V. Post-Auction Procedures

137. Shortly after bidding has closed, the Commission will issue a public notice declaring the auction closed, identifying the winning bidders, and establishing the deadlines for submitting down payments, final payments, and long-form applications (FCC Forms 2100, Schedule 301–FM).

138. *Down Payments.* As required by 47 CFR 1.2107(b), within ten business days after release of the auction closing public notice, each winning bidder must submit sufficient funds (in addition to its upfront payment) to bring its total amount of money on deposit with the Commission for Auction 106 to 20% of the net amount of its winning bid(s) (gross bid(s) less any applicable new entrant bidding credit(s)).

139. *Final Payments.* As required by section 1.2109(a), each winning bidder will be required to submit the balance of the net amount for each of its winning bids within ten business days after the applicable deadline for submitting down payments.

140. *Long-Form Applications.* Within 30 days following the close of bidding and notification to the winning bidders, unless a longer period is specified by public notice, winning bidders must electronically submit a properly completed long-form application (FCC Form 2100, Schedule 301–FM, Commercial FM Station Construction Permit Application), and required exhibits for each construction permit won through Auction 106. A winning bidder in a commercial broadcast spectrum auction is required to submit an application filing fee with its post-auction long-form application. Winning bidders claiming new entrant status must include an exhibit demonstrating their eligibility for the bidding credit. Further instructions on these and other filing requirements will be provided to winning bidders in the auction closing public notice.

141. *Default and Disqualification.* Any winning bidder that defaults or is disqualified after the close of the auction (*i.e.,* fails to remit the required down payment within the prescribed period of time, fails to submit a timely long-form application, fails to make a full and timely final payment, or is otherwise disqualified) is liable for a default payment as described in 47 CFR 1.2104(g)(2). This default payment consists of a deficiency payment, equal to the difference between the amount of the Auction 106 bidder's winning bid and the amount of the winning bid the next time a construction permit covering the same spectrum is won in an auction, plus an additional payment equal to a percentage of the defaulter's bid or of the subsequent winning bid, whichever is less. An additional payment for defaults in Auction 106 under 47 CFR 1.2104(g)(2) will be assessed at 20% of the applicable bid.

142. In the event of a default, the Commission has the discretion to re-auction the construction permit or offer it to the next highest bidder (in descending order) at its final bid amount. In addition, if a default or disqualification involves gross misconduct, misrepresentation, or bad faith by an applicant, the Commission may declare the applicant and its principals ineligible to bid in future auctions, and may take any other action that it deems necessary, including

institution of proceedings to revoke any existing authorizations held by the applicant.

143. *Refund of Remaining Upfront Payment Balance.* All refunds of upfront payment balances will be returned to the payer of record as identified on the FCC Form 159 unless the payer submits written authorization instructing otherwise. This written authorization must comply with the refund instructions provided in the *Auction 106 Procedures Public Notice*.

VI. Procedural Matters

144. *Paperwork Reduction Act.* The Office of Management and Budget (OMB) has approved the information collections in the Application to Participate in an FCC Auction, FCC Form 175. The *Auction 106 Procedures Public Notice* does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. Therefore, it does not contain any new or modified information burden for small business concerns with fewer than 25 employees pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198. See 44 U.S.C. 3506(c)(4).

145. *Congressional Review Act.* The Commission will submit the *Auction 106 Procedures Public Notice* to the Administrator of OMB's Office of Information and Regulatory Affairs for concurrence as to whether these procedures are major or non-major under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of the *Auction 106 Procedures Public Notice* in a report to Congress and the Government Accountability Office pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A).

146. *Supplemental Final Regulatory Flexibility Analysis.* As required by the Regulatory Flexibility Act of 1980, as amended (RFA), 5 U.S.C. 601–612, the Commission prepared Initial Regulatory Flexibility Analyses (IRFAs) in connection with the *Broadcast Competitive Bidding Notice of Proposed Rulemaking* (NPRM), and other Commission NPRMs (collectively *Competitive Bidding NPRMs*) pursuant to which Auction 106 will be conducted. Final Regulatory Flexibility Analyses (FRFAs) likewise were prepared in the *Broadcast Competitive Bidding Order* and other Commission orders (collectively *Competitive Bidding Orders*) pursuant to which Auction 106 will be conducted. In this proceeding, a Supplemental Initial Regulatory Flexibility Analysis (Supplemental IRFA) was incorporated in the *Auction 106 Comment Public Notice,* 84 FR 59605, Nov. 5, 2019. The Commission sought written public comment on the proposals in the *Auction 106 Comment Public Notice,* including comments on the Supplemental IRFA. This Supplemental Final Regulatory Flexibility Analysis (Supplemental FRFA) supplements the FRFAs in the *Competitive Bidding Orders* to reflect the actions taken in the *Auction 106 Procedures Public Notice* and conforms to the RFA.

147. *Need for, and Objectives of, the Public Notice.* The procedures for the conduct of Auction 106 as described in the *Auction 106 Procedures Public Notice* implement the Commission's competitive bidding rules, which have been adopted by the Commission in multiple notice-and-comment rulemaking proceedings. More specifically, the *Auction 106 Procedures Public Notice* provides an overview of the procedures, terms and conditions governing Auction 106 and the post-auction application and payment processes, as well as setting the minimum opening bid amount for each of the FM broadcast construction permits that are subject to being assigned by competitive bidding.

148. To promote the efficient and fair administration of the competitive bidding process for all Auction 106 participants, including small businesses, the *Auction 106 Procedures Public Notice* announces the following procedures: (1) Use of a simultaneous multiple-round auction format, consisting of sequential bidding rounds with a simultaneous procedure; (2) a specific upfront payment amount for each construction permit; (3) a specific minimum opening bid amount for each construction permit; (4) a specific number of bidding units for each construction permit; (5) a bidder's initial bidding eligibility will be based on the amount of that bidder's upfront payment; (6) a two-stage auction with an activity requirement in which a bidder is required to be active on 80% of its bidding eligibility in stage one and 95% of its bidding eligibility in stage two; (7) provision of three activity waivers for each qualified bidder to allow it to preserve bidding eligibility during the course of the auction; (8) use of minimum acceptable bid amounts and additional acceptable increments, along with the methodology for calculating such amounts; (9) a procedure for breaking ties if identical high bid amounts are submitted on one permit in a given round; (10) a prohibition on bid withdrawals; and (11) establishment of an additional default payment percentage of 20% of the applicable bid under 47 CFR 1.2104(g)(2) in the event that a winning bidder defaults or is disqualified after the auction.

149. *Summary of Significant Issues Raised by Public Comments in Response to the IRFA.* There were no comments filed that specifically addressed the procedures and policies proposed in the Supplemental IFRA.

150. *Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration.* Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comment filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed procedures as a result of those comments, 5 U.S.C. 604(a)(3). The Chief Counsel did not file any comments in response to the procedures that were proposed in the *Auction 106 Comment Public Notice*.

151. *Description and Estimate of the Number of Small Entities to Which the Procedures Will Apply.* The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the rules adopted herein. 5 U.S.C. 604(a)(3). The RFA generally defines the term small entity as having the same meaning as the terms small business, small organization, and small governmental jurisdiction. 5 U.S.C. 601(6). In addition, the term small business has the same meaning as the term small business concern under the Small Business Act. 5 U.S.C. 601(3). A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA, 15 U.S.C. 632(a)(1), (a)(2)(A).

152. The specific competitive bidding procedures and minimum opening bid amounts described in the *Auction 106 Procedures Public Notice* will affect all applicants participating in Auction 106. The number of entities that may apply to participate in Auction 106 is unknown. Based on the number of applicants in prior FM auctions, the estimate is that the number of applicants for Auction 106 may range from approximately 175 to 260. This estimate is based on the number of applicants who filed short-form applications to participate in previous auctions of FM construction permits held to date, an average of 1.98 short-form applications were filed per construction permit offered, with a median of 1.365 applications per permit. The actual number of applicants for Auction 106 could vary significantly

as any individual's or entity's decision to participate may be affected by a number of factors beyond the Commission's knowledge.

153. *Radio Stations.* This Economic Census category comprises establishments primarily engaged in broadcasting aural programs by radio to the public. Programming may originate in their own studio, from an affiliated network, or from external sources. The SBA has established a small business size standard for this category as firms having $41.5 million or less in annual receipts. Economic Census data for 2012 shows that 2,849 radio station firms operated during that year. Of that number, 2,806 firms operated with annual receipts of less than $25 million per year, 17 with annual receipts between $25 million and $49,999,999 and 26 with annual receipts of $50 million or more. Therefore, based on the SBA's size standard, the majority of such entities are small entities.

154. According to Commission staff review of the BIA/Kelsey, LLC's Media Access Pro Radio Database as of September 17, 2019, about 11,033 (or about 99.95%) of 11,039 commercial radio stations had revenues of $41.5 million or less and thus qualify as small entities under the SBA definition. The SBA size standard data does not enable us to make a meaningful estimate of the number of small entities who may participate in Auction 106.

155. Also, in assessing whether a business entity qualifies as small under the SBA definition, business control affiliations must be included. Our estimate therefore likely overstates the number of small entities that might be affected by this auction because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. Moreover, the definition of small business also requires that an entity not be dominant in its field of operation and that the entity be independently owned and operated. The estimate of small businesses to which Auction 106 competitive bidding rules may apply does not exclude any radio station from the definition of a small business on these bases and is therefore over-inclusive to that extent. Furthermore, it is not possible at this time to define or quantify the criteria that would establish whether a specific radio station is dominant in its field of operation. In addition, it is difficult to assess these criteria in the context of media entities and therefore these estimates of small businesses to which they apply may be over-inclusive to this extent.

156. It is not possible to accurately develop an estimate of how many of the entities in this auction would be small businesses based on the number of small entities that applied to participate in prior broadcast auctions because that information is not collected from applicants for broadcast auctions in which bidding credits are not based on an applicant's size (as is the case in auctions of licenses for wireless services).

157. According to the SBA, a radio station is a small business concern if it has annual revenue of $41.5 million or less. Based on Commission staff review of the BIA/Kelsey, LLC's Media Access Pro Radio Database, 6,739 (99.91%) of 6,745 FM radio stations fall at or under that revenue threshold. Accordingly, based on this data, it is estimated that the majority of Auction 106 applicants would likely meet the SBA's definition of a small business concern.

158. *Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities.* The Commission has designed the auction application process itself to minimize reporting and compliance requirements for applicants, including small business applicants. For all spectrum auctions, in the first part of the Commission's two-phased application process, parties desiring to participate in an auction file streamlined, short-form applications in which they certify under penalty of perjury as to their qualifications. Eligibility to participate in bidding is based on an applicant's short-form application and certifications, as well as its upfront payment. In the second phase of the auction application process, there are additional compliance requirements for winning bidders.

159. Auction 106 applicants, including small entities, will become qualified to bid in Auction 106 only if they comply with the following: (1) Submission of a short-form application that is timely and is found to be substantially complete, and (2) timely submission of a sufficient upfront payment for at least one of the construction permits that the applicant selected on its FCC Form 175, accompanied by a complete and accurate FCC Form 159.

160. In accordance with the terms of 47 CFR 1.2105(b)(2), an applicant whose application is found to contain deficiencies will have a limited opportunity to bring their application into compliance with the Commission's competitive bidding rules during a resubmission window. In addition, each Auction 106 applicant must maintain the accuracy of its previously filed short-form application electronically using the FCC auction application system.

161. In the second phase of the process, there are additional compliance requirements only applicable to winning bidders. As with other winning bidders, any small entity that is a winning bidder will be required to comply with the terms of the following rules, among others: (1) 47 CFR 1.2107(b) by submitting as a down payment within 10 business days of release of the auction closing public notice sufficient funds (in addition to its upfront payment) to bring its total amount of money on deposit with the Commission for Auction 106 to 20% of the net amount of its winning bids; and (2) 47 CFR 1.2109(a) by submitting within 10 business days after the down payment deadline the balance of the amount for each of its winning bids; and (3) 47 CFR 73.5005(a) by electronically filing a properly completed long-form application (FCC Form 2100, Schedule 301–FM, Commercial FM Station Construction Permit Application) and required exhibits for each construction permit won through Auction 106, within 30 days following release of a closing public notice for Auction 106, unless a longer period is specified by public notice.

162. Further, as required by 47 CFR 1.2105(c), reports concerning a prohibited communication must be filed with the Chief of the Auctions Division, as detailed in the *Auction 106 Procedures Public Notice.*

163. *Steps Taken to Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered.* The RFA requires an agency to describe any significant, specifically small business, 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 such small entities. See 5 U.S.C. 603(c)(1)–(4).

164. OEA and MB anticipate that the steps taken to make numerous resources available to small entities and other auction participants at no cost should minimize any economic impact of the auction processes and procedures on small entities and should result in both

operational and administrative cost savings for small entities and other auction participants. For example, prior to the beginning of bidding in this auction, the Commission will hold a mock auction to allow qualified bidders the opportunity to familiarize themselves with both the processes and systems that will be utilized in Auction 106. During the auction, participants will be able to access and participate in bidding via the internet using a web-based system, or telephonically, providing two cost effective methods of participation and avoiding the cost of travel for in-person participation. Further, small entities as well as other auction participants will be able to avail themselves of a telephone hotline for assistance with auction processes and procedures as well as a technical support telephone hotline to assist with issues such as access to or navigation within the electronic FCC Form 175 and use of the FCC's auction bidding system. In addition, all auction participants, including small business entities, will have access to various other sources of information and databases through the Commission that will aid in both their understanding and participation in the process. These resources, coupled with the description and communication of the bidding procedures before bidding begins in Auction 106, should ensure that the auction will be administered predictably, efficiently and fairly, thus providing certainty for small entities as well as other auction participants.

165. *Notice to SBA.* The Commission will send a copy of the *Auction 106 Procedures Public Notice,* including this Supplemental FRFA, to the Chief Counsel for Advocacy of the SBA.

Federal Communications Commission.

Gary Michaels,

Deputy Chief, Auctions Division, Office of Economics and Analytics.

[FR Doc. 2020–01654 Filed 1–28–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket Nos. 14–50, 09–182, 07–294, 04–256, 17–289; DA 19–1303; FRS 16410]

2010/2014 Quadrennial Regulatory Review; Rules and Policies To Promote New Entry and Ownership Diversity in the Broadcasting Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the broadcast ownership rules to reflect the mandate of the U.S. Court of Appeals for the Third Circuit, which vacated and remanded the Commission's 2018 *Incubator Order* and 2017 *Order on Reconsideration* in their entirety, and the definition of eligible entities adopted in the Commission's 2016 *Second Report and Order*. This document implements the Third Circuit's mandate and clarifies which rules are currently in effect.

DATES: Effective January 29, 2020.

FOR FURTHER INFORMATION CONTACT: Ty Bream, *Ty.Bream@fcc.gov,* or 202–418–0644.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Order,* DA 19–1303, in MB Docket Nos. 14–50, 09–182, 07–294, 04–256, 17–289, adopted and released on December 20, 2019. The complete text of this document is available electronically via the search function on the FCC's Electronic Document Management System (EDOCS) web page at *https://apps.fcc.gov/edocs_public/* (*https://apps.fcc.gov/edocs_public/*). The complete document is available for inspection and copying in the FCC Reference Information Center, 445 12th Street SW, Room CY–A257, Washington, DC 20554 (for hours of operation, see *https://www.fcc.gov/general/fcc-reference-information-center*). To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* (mail to: *fcc504@fcc.gov*) or call the FCC's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

1. In *Prometheus Radio Project* v. *FCC,* the United States Court of Appeals for the Third Circuit vacated and remanded the Commission's 2018 *Incubator Order* (83 FR 43773, Aug. 28, 2018) and its 2017 *Order on Reconsideration* (83 FR 755, Jan. 8, 2018) in their entirety, as well as the definition of eligible entities adopted in the Commission's 2016 *Second Report and Order* (81 FR 76262, Nov. 1, 2016). Pursuant to F. R. App. P. 41(b), the court issued its mandate on November 29, 2019, which vacated, as of that date, the rule changes adopted in the *Incubator Order* and *Order on Reconsideration* and the eligible entity definition as adopted in the *Second Report and Order*. With this Order, we amend our rules to reflect the court's mandate and clarify which rules are currently in effect. Nothing in this *Order* shall be construed to affect the right of the Commission or any other party to the *Prometheus* litigation to seek further review of the Third Circuit's decision in the U.S. Supreme Court, or to limit the Commission's discretion in the event that the Supreme Court were to take further action in that litigation. Consistent with the court's mandate, this Order repeals changes adopted in the *Incubator Order* and *Order on Reconsideration* and the eligible entity definition as adopted in the *Second Report and Order*. As a result of the court's decision and these revisions, the newspaper/broadcast cross-ownership rule, radio/television cross-ownership rule, local television ownership rule, local radio ownership rule, and television joint sales agreement attribution rule are reinstated as they existed prior to the *Order on Reconsideration*. For clarity, because the *Order on Reconsideration* is vacated in its entirety, the presumption under the local radio ownership rule that would apply a two-prong test for waiver requests involving existing parent markets with multiple embedded markets is repealed and unavailable to applicants. Note 5 to § 73.3555 is reinstated with a reference to the streamlined procedures adopted in March 2019 for reauthorizing television satellite stations when such stations are assigned or transferred. In addition, the eligible entity standard and its application to regulatory measures as set forth in the *Second Report and Order* are repealed. Apart from the portions of the order related to the now vacated eligible entity definition, the remainder of the *Second Report and Order* is in effect and provides additional guidance with respect to the reinstated rules. Finally, the regulatory measures adopted in the *Incubator Order* are similarly repealed and unavailable to applicants.

2. The Bureau finds that notice and comment are unnecessary for these rule amendments under 5 U.S.C. 553(b), because this ministerial order merely implements the mandate of the United States Court of Appeals for the Third Circuit, and the Commission lacks discretion to depart from this mandate. Because this Order is being adopted without notice and comment, the Regulatory Flexibility Act does not apply.

3. Accordingly, *it is ordered* that § 73.3555 of the Commission's rules, 47 CFR 73.3555, is amended as set forth in the Final Rules, effective upon publication in the **Federal Register**. While the effect of the court's mandate was to vacate certain rule changes and

restore prior rules, as described above, we now undertake by this Order the ministerial step of amending our rules to reflect the court's mandate. Because of the need during the current broadcast station license renewal cycle to alert prospective applicants to the current, applicable rules, there is ''good cause'' under 5 U.S.C. 553(d) to make the rules effective immediately upon publication in the **Federal Register**.

4. This action is taken pursuant to the authority contained in sections 1, 2(a), 4(i) and (j), 5(c), 257, 303, 307, 308, 309, 310, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152(a), 154(i), 154(j), 155(c), 257, 303, 307, 308, 309, 310, and 403, section 202(h) of the Telecommunications Act of 1996, and §§ 0.61 and 0.283 of the Commission's rules, 47 CFR 0.61, 0.283.

5. The Bureau has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs that these rules are non-major under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of this Order to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Radio, Television.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 part 73 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, 339.

■ 2. Amend § 73.3555 by:
■ a. Revising paragraph (b);
■ b. Adding paragraphs (c) and (d);
■ c. Revising Notes 2, 4 through 7, and 9 to the section; and
■ d. Adding Note 12 to the section.

The revisions and addition read as follows:

§ 73.3555 Multiple ownership.

* * * * *

(b) *Local television multiple ownership rule.* An entity may directly or indirectly own, operate, or control two television stations licensed in the same Designated Market Area (DMA) (as determined by Nielsen Media Research or any successor entity) if:

(1) The digital noise limited service contours of the stations (computed in accordance with § 73.622(e)) do not overlap; or

(i) At the time the application to acquire or construct the station(s) is filed, at least one of the stations is not ranked among the top four stations in the DMA, based on the most recent all-day (9 a.m.–midnight) audience share, as measured by Nielsen Media Research or by any comparable professional, accepted audience ratings service; and

(ii) At least 8 independently owned and operating, full-power commercial and noncommercial TV stations would remain post-merger in the DMA in which the communities of license of the TV stations in question are located. Count only those TV stations the digital noise limited service contours of which overlap with the digital noise limited service contour of at least one of the stations in the proposed combination. In areas where there is no DMA, count the TV stations present in an area that would be the functional equivalent of a TV market. Count only those TV stations digital noise limited service contours of which overlap with the digital noise limited service contour of at least one of the stations in the proposed combination.

(2) [Reserved]

(c) *Radio-television cross-ownership rule.* (1) The rule in this paragraph (c) is triggered when:

(i) The predicted or measured 1 mV/m contour of an existing or proposed FM station (computed in accordance with § 73.313) encompasses the entire community of license of an existing or proposed commonly owned TV broadcast station(s), or the principal community contour(s) of the TV broadcast station(s) (computed in accordance with § 73.625) encompasses the entire community of license of the FM station; or

(ii) The predicted or measured 2 mV/m groundwave contour of an existing or proposed AM station (computed in accordance with § 73.183 or § 73.186), encompasses the entire community of license of an existing or proposed commonly owned TV broadcast station(s), or the principal community contour(s) of the TV broadcast station(s) (computed in accordance with § 73.625) encompass(es) the entire community of license of the AM station.

(2) An entity may directly or indirectly own, operate, or control up to two commercial TV stations (if permitted by paragraph (b) of this section, the local television multiple ownership rule) and one commercial radio station situated as described in paragraph (c)(1) of this section. An entity may not exceed these numbers, except as follows:

(i) If at least 20 independently owned media voices would remain in the market post-merger, an entity can directly or indirectly own, operate, or control up to:

(A) Two commercial TV and six commercial radio stations (to the extent permitted by paragraph (a) of this section, the local radio multiple ownership rule); or

(B) One commercial TV and seven commercial radio stations (to the extent that an entity would be permitted to own two commercial TV and six commercial radio stations under paragraph (c)(2)(i)(A) of this section, and to the extent permitted by paragraph (a) of this section, the local radio multiple ownership rule).

(ii) If at least 10 independently owned media voices would remain in the market post-merger, an entity can directly or indirectly own, operate, or control up to two commercial TV and four commercial radio stations (to the extent permitted by paragraph (a) of this section, the local radio multiple ownership rule).

(3) To determine how many media voices would remain in the market, count the following:

(i) *TV stations.* Independently owned and operating full-power broadcast TV stations within the DMA of the TV station's (or stations') community (or communities) of license that have digital noise limited service contours (computed in accordance with § 73.622(e)) that overlap with the digital noise limited service contour(s) of the TV station(s) at issue;

(ii) *Radio stations.* (A)(*1*) Independently owned operating primary broadcast radio stations that are in the radio metro market (as defined by Arbitron or another nationally recognized audience rating service) of:

(*i*) The TV station's (or stations') community (or communities) of license; or

(*ii*) The radio station's (or stations') community (or communities) of license; and

(*2*) Independently owned out-of-market broadcast radio stations with a minimum share as reported by Arbitron or another nationally recognized audience rating service.

(B) When a proposed combination involves stations in different radio markets, the voice requirement in paragraphs (c)(2)(i) and (ii) of this section must be met in each market; the radio stations of different radio metro markets may not be counted together.

(C) In areas where there is no radio metro market, count the radio stations present in an area that would be the functional equivalent of a radio market.

(iii) *Newspapers.* Newspapers that are published at least four days a week within the TV station's DMA in the dominant language of the market and that have a circulation exceeding 5% of the households in the DMA; and

(iv) *One cable system.* If cable television is generally available to households in the DMA. Cable television counts as only one voice in the DMA, regardless of how many individual cable systems operate in the DMA.

(d) *Newspaper/broadcast cross-ownership rule.* (1) No party (including all parties under common control) may directly or indirectly own, operate, or control a daily newspaper and a full-power commercial broadcast station (AM, FM, or TV) if:

(i) The predicted or measured 2 mV/m groundwave contour of the AM station (computed in accordance with § 73.183 or § 73.186) encompasses the entire community in which the newspaper is published and, in areas designated as Nielsen Audio Metro markets, the AM station and the community of publication of the newspaper are located in the same Nielsen Audio Metro market;

(ii) The predicted or measured 1 mV/m contour of the FM station (computed in accordance with § 73.313) encompasses the entire community in which the newspaper is published and, in areas designated as Nielsen Audio Metro markets, the FM station and the community of publication of the newspaper are located in the same Nielsen Audio Metro market; or

(iii) The principal community contour of the TV station (computed in accordance with § 73.625) encompasses the entire community in which the newspaper is published; and the community of license of the TV station and the community of publication of the newspaper are located in the same DMA.

(2) The prohibition in paragraph (d)(1) of this section shall not apply upon a showing that either the newspaper or television station is failed or failing.

* * * * *

Note 2 to § 73.3555: In applying the provisions of this section, ownership and other interests in broadcast licensees, cable television systems and daily newspapers will be attributed to their holders and deemed cognizable pursuant to the following criteria:

a. Except as otherwise provided herein, partnership and direct ownership interests and any voting stock interest amounting to 5% or more of the outstanding voting stock of a corporate broadcast licensee, cable television system or daily newspaper will be cognizable;

b. Investment companies, as defined in 15 U.S.C. 80a–3, insurance companies and banks holding stock through their trust departments in trust accounts will be considered to have a cognizable interest only if they hold 20% or more of the outstanding voting stock of a corporate broadcast licensee, cable television system or daily newspaper, or if any of the officers or directors of the broadcast licensee, cable television system or daily newspaper are representatives of the investment company, insurance company or bank concerned. Holdings by a bank or insurance company will be aggregated if the bank or insurance company has any right to determine how the stock will be voted. Holdings by investment companies will be aggregated if under common management.

c. Attribution of ownership interests in a broadcast licensee, cable television system or daily newspaper that are held indirectly by any party through one or more intervening corporations will be determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain and application of the relevant attribution benchmark to the resulting product, except that wherever the ownership percentage for any link in the chain exceeds 50%, it shall not be included for purposes of this multiplication. For purposes of paragraph i. of this note, attribution of ownership interests in a broadcast licensee, cable television system or daily newspaper that are held indirectly by any party through one or more intervening organizations will be determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain and application of the relevant attribution benchmark to the resulting product, and the ownership percentage for any link in the chain that exceeds 50% shall be included for purposes of this multiplication. [For example, except for purposes of paragraph (i) of this note, if A owns 10% of company X, which owns 60% of company Y, which owns 25% of ''Licensee,'' then X's interest in ''Licensee'' would be 25% (the same as Y's interest because X's interest in Y exceeds 50%), and A's interest in ''Licensee'' would be 2.5% (0.1×0.25). Under the 5% attribution benchmark, X's interest in ''Licensee'' would be cognizable, while A's interest would not be cognizable. For purposes of paragraph i. of this note, X's interest in ''Licensee'' would be 15% (0.6×0.25) and A's interest in ''Licensee'' would be 1.5% ($0.1 \times 0.6 \times 0.25$). Neither interest would be attributed under paragraph i. of this note.]

d. Voting stock interests held in trust shall be attributed to any person who holds or shares the power to vote such stock, to any person who has the sole power to sell such stock, and to any person who has the right to revoke the trust at will or to replace the trustee at will. If the trustee has a familial, personal or extra-trust business relationship to the grantor or the beneficiary, the grantor or beneficiary, as appropriate, will be attributed with the stock interests held in trust. An otherwise qualified trust will be ineffective to insulate the grantor or beneficiary from attribution with the trust's assets unless all voting stock interests held by the grantor or beneficiary in the relevant broadcast licensee, cable television system or daily newspaper are subject to said trust.

e. Subject to paragraph i. of this note, holders of non-voting stock shall not be attributed an interest in the issuing entity. Subject to paragraph i. of this note, holders of debt and instruments such as warrants, convertible debentures, options or other non-voting interests with rights of conversion to voting interests shall not be attributed unless and until conversion is effected.

f. 1. A limited partnership interest shall be attributed to a limited partner unless that partner is not materially involved, directly or indirectly, in the management or operation of the media-related activities of the partnership and the licensee or system so certifies. An interest in a Limited Liability Company (''LLC'') or Registered Limited Liability Partnership (''RLLP'') shall be attributed to the interest holder unless that interest holder is not materially involved, directly or indirectly, in the management or operation of the media-related activities of the partnership and the licensee or system so certifies.

2. For a licensee or system that is a limited partnership to make the certification set forth in paragraph f. 1. of this note, it must verify that the partnership agreement or certificate of limited partnership, with respect to the particular limited partner exempt from attribution, establishes that the exempt limited partner has no material involvement, directly or indirectly, in the management or operation of the media activities of the partnership. For a licensee or system that is an LLC or RLLP to make the certification set forth in paragraph f. 1. of this note, it must verify that the organizational document,

with respect to the particular interest holder exempt from attribution, establishes that the exempt interest holder has no material involvement, directly or indirectly, in the management or operation of the media activities of the LLC or RLLP. The criteria which would assume adequate insulation for purposes of this certification are described in the Memorandum Opinion and Order in MM Docket No. 83–46, FCC 85–252 (released June 24, 1985), as modified on reconsideration in the Memorandum Opinion and Order in MM Docket No. 83–46, FCC 86–410 (released November 28, 1986). Irrespective of the terms of the certificate of limited partnership or partnership agreement, or other organizational document in the case of an LLC or RLLP, however, no such certification shall be made if the individual or entity making the certification has actual knowledge of any material involvement of the limited partners, or other interest holders in the case of an LLC or RLLP, in the management or operation of the media-related businesses of the partnership or LLC or RLLP.

3. In the case of an LLC or RLLP, the licensee or system seeking insulation shall certify, in addition, that the relevant state statute authorizing LLCs permits an LLC member to insulate itself as required by our criteria.

g. Officers and directors of a broadcast licensee, cable television system or daily newspaper are considered to have a cognizable interest in the entity with which they are so associated. If any such entity engages in businesses in addition to its primary business of broadcasting, cable television service or newspaper publication, it may request the Commission to waive attribution for any officer or director whose duties and responsibilities are wholly unrelated to its primary business. The officers and directors of a parent company of a broadcast licensee, cable television system or daily newspaper, with an attributable interest in any such subsidiary entity, shall be deemed to have a cognizable interest in the subsidiary unless the duties and responsibilities of the officer or director involved are wholly unrelated to the broadcast licensee, cable television system or daily newspaper subsidiary, and a statement properly documenting this fact is submitted to the Commission. [This statement may be included on the appropriate Ownership Report.] The officers and directors of a sister corporation of a broadcast licensee, cable television system or daily newspaper shall not be attributed with ownership of these entities by virtue of such status.

h. Discrete ownership interests will be aggregated in determining whether or not an interest is cognizable under this section. An individual or entity will be deemed to have a cognizable investment if:

1. The sum of the interests held by or through ''passive investors'' is equal to or exceeds 20 percent; or

2. The sum of the interests other than those held by or through ''passive investors'' is equal to or exceeds 5 percent; or

3. The sum of the interests computed under paragraph h. 1. of this note plus the sum of the interests computed under paragraph h. 2. of this note is equal to or exceeds 20 percent.

i.1. Notwithstanding paragraphs e. and f. of this Note, the holder of an equity or debt interest or interests in a broadcast licensee, cable television system, daily newspaper, or other media outlet subject to the broadcast multiple ownership or cross-ownership rules (''interest holder'') shall have that interest attributed if:

A. The equity (including all stockholdings, whether voting or nonvoting, common or preferred) and debt interest or interests, in the aggregate, exceed 33 percent of the total asset value, defined as the aggregate of all equity plus all debt, of that media outlet; and

B.(i) The interest holder also holds an interest in a broadcast licensee, cable television system, newspaper, or other media outlet operating in the same market that is subject to the broadcast multiple ownership or cross-ownership rules and is attributable under paragraphs of this note other than this paragraph i.; or

(ii) The interest holder supplies over fifteen percent of the total weekly broadcast programming hours of the station in which the interest is held. For purposes of applying this paragraph, the term, ''market,'' will be defined as it is defined under the specific multiple ownership rule or cross-ownership rule that is being applied, except that for television stations, the term ''market,'' will be defined by reference to the definition contained in the local television multiple ownership rule contained in paragraph (b) of this section.

2. Notwithstanding paragraph i.1. of this Note, the interest holder may exceed the 33 percent threshold therein without triggering attribution where holding such interest would enable an eligible entity to acquire a broadcast station, provided that:

i. The combined equity and debt of the interest holder in the eligible entity is less than 50 percent, or

ii. The total debt of the interest holder in the eligible entity does not exceed 80 percent of the asset value of the station being acquired by the eligible entity and the interest holder does not hold any equity interest, option, or promise to acquire an equity interest in the eligible entity or any related entity. For purposes of this paragraph i.2, an ''eligible entity'' shall include any entity that qualifies as a small business under the Small Business Administration's size standards for its industry grouping, as set forth in 13 CFR 121.201, at the time the transaction is approved by the FCC, and holds:

A. 30 percent or more of the stock or partnership interests and more than 50 percent of the voting power of the corporation or partnership that will own the media outlet; or

B. 15 percent or more of the stock or partnership interests and more than 50 percent of the voting power of the corporation or partnership that will own the media outlet, provided that no other person or entity owns or controls more than 25 percent of the outstanding stock or partnership interests; or

C. More than 50 percent of the voting power of the corporation that will own the media outlet if such corporation is a publicly traded company.

j. ''Time brokerage'' (also known as ''local marketing'') is the sale by a licensee of discrete blocks of time to a ''broker'' that supplies the programming to fill that time and sells the commercial spot announcements in it.

1. Where two radio stations are both located in the same market, as defined for purposes of the local radio ownership rule contained in paragraph (a) of this section, and a party (including all parties under common control) with a cognizable interest in one such station brokers more than 15 percent of the broadcast time per week of the other such station, that party shall be treated as if it has an interest in the brokered station subject to the limitations set forth in paragraphs (a), (c), and (d) of this section. This limitation shall apply regardless of the source of the brokered programming supplied by the party to the brokered station.

2. Where two television stations are both located in the same market, as defined in the local television ownership rule contained in paragraph (b) of this section, and a party (including all parties under common control) with a cognizable interest in one such station brokers more than 15 percent of the broadcast time per week of the other such station, that party shall

be treated as if it has an interest in the brokered station subject to the limitations set forth in paragraphs (b), (c), (d) and (e) of this section. This limitation shall apply regardless of the source of the brokered programming supplied by the party to the brokered station.

3. Every time brokerage agreement of the type described in this Note shall be undertaken only pursuant to a signed written agreement that shall contain a certification by the licensee or permittee of the brokered station verifying that it maintains ultimate control over the station's facilities including, specifically, control over station finances, personnel and programming, and by the brokering station that the agreement complies with the provisions of paragraphs (b), (c), and (d) of this section if the brokering station is a television station or with paragraphs (a), (c), and (d) of this section if the brokering station is a radio station.

k. ''Joint Sales Agreement'' is an agreement with a licensee of a ''brokered station'' that authorizes a ''broker'' to sell advertising time for the ''brokered station.''

1. Where two radio stations are both located in the same market, as defined for purposes of the local radio ownership rule contained in paragraph (a) of this section, and a party (including all parties under common control) with a cognizable interest in one such station sells more than 15 percent of the advertising time per week of the other such station, that party shall be treated as if it has an interest in the brokered station subject to the limitations set forth in paragraphs (a), (c), and (d) of this section.

2. Where two television stations are both located in the same market, as defined for purposes of the local television ownership rule contained in paragraph (b) of this section, and a party (including all parties under common control) with a cognizable interest in one such station sells more than 15 percent of the advertising time per week of the other such station, that party shall be treated as if it has an interest in the brokered station subject to the limitations set forth in paragraphs (b), (c), (d), and (e) of this section.

3. Every joint sales agreement of the type described in this Note shall be undertaken only pursuant to a signed written agreement that shall contain a certification by the licensee or permittee of the brokered station verifying that it maintains ultimate control over the station's facilities, including, specifically, control over station finances, personnel and programming, and by the brokering station that the agreement complies with the limitations set forth in paragraphs (b), (c), and (d) of this section if the brokering station is a television station or with paragraphs (a), (c), and (d) of this section if the brokering station is a radio station.

* * * * *

Note 4 to § 73.3555: Paragraphs (a) through (d) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities, and will not apply to applications for assignment of license or transfer of control filed in accordance with § 73.3540(f) or § 73.3541(b), or to applications for assignment of license or transfer of control to heirs or legatees by will or intestacy, or to FM or AM broadcast minor modification applications for intra-market community of license changes, if no new or increased concentration of ownership would be created among commonly owned, operated or controlled media properties. Paragraphs (a) through (d) of this section will apply to all applications for new stations, to all other applications for assignment or transfer, to all applications for major changes to existing stations, and to all other applications for minor changes to existing stations that seek a change in an FM or AM radio station's community of license or create new or increased concentration of ownership among commonly owned, operated or controlled media properties. Commonly owned, operated or controlled media properties that do not comply with paragraphs (a) through (d) of this section may not be assigned or transferred to a single person, group or entity, except as provided in this Note, the Report and Order in Docket No. 02–277, released July 2, 2003 (FCC 02–127), or the Second Report and Order in MB Docket No. 14–50, FCC 16–107 (released August 25, 2016).

Note 5 to § 73.3555: Paragraphs (b) through (e) of this section will not be applied to cases involving television stations that are ''satellite'' operations. Such cases will be considered in accordance with the analysis set forth in the Report and Order in MM Docket No. 87–8, FCC 91–182 (released July 8, 1991), as further explained by the Report and Order in MB Docket No. 18–63, FCC 19–17, (released March 12, 2019), in order to determine whether common ownership, operation, or control of the stations in question would be in the public interest. An authorized and operating ''satellite'' television station, the digital noise limited service contour of which overlaps that of a commonly owned, operated, or controlled ''non-satellite'' parent television broadcast station, or the principal community contour of which completely encompasses the community of publication of a commonly owned, operated, or controlled daily newspaper, or the community of license of a commonly owned, operated, or controlled AM or FM broadcast station, or the community of license of which is completely encompassed by the 2 mV/m contour of such AM broadcast station or the 1 mV/m contour of such FM broadcast station, may subsequently become a ''non-satellite'' station under the circumstances described in the aforementioned Report and Order in MM Docket No. 87–8. However, such commonly owned, operated, or controlled ''non-satellite'' television stations and AM or FM stations with the aforementioned community encompassment, may not be transferred or assigned to a single person, group, or entity except as provided in Note 4 of this section. Nor shall any application for assignment or transfer concerning such ''non-satellite'' stations be granted if the assignment or transfer would be to the same person, group or entity to which the commonly owned, operated, or controlled newspaper is proposed to be transferred, except as provided in Note 4 of this section.

Note 6 to § 73.3555: For purposes of this section a daily newspaper is one which is published four or more days per week, which is in the dominant language in the market, and which is circulated generally in the community of publication. A college newspaper is not considered as being circulated generally.

Note 7 to § 73.3555: The Commission will entertain applications to waive the restrictions in paragraph (b) and (c) of this section (the local television ownership rule and the radio/television cross-ownership rule) on a case-by-case basis. In each case, we will require a showing that the in-market buyer is the only entity ready, willing, and able to operate the station, that sale to an out-of-market applicant would result in an artificially depressed price, and that the waiver applicant does not already directly or indirectly own, operate, or control interest in two television stations within the relevant DMA. One way to satisfy these criteria would be to provide an affidavit from an independent broker affirming that active and serious efforts have been made to sell the permit, and that no reasonable offer from an entity outside the market has been received.

We will entertain waiver requests as follows:

1. If one of the broadcast stations involved is a ''failed'' station that has

not been in operation due to financial distress for at least four consecutive months immediately prior to the application, or is a debtor in an involuntary bankruptcy or insolvency proceeding at the time of the application.

2. For paragraph (b) of this section only, if one of the television stations involved is a ''failing'' station that has an all-day audience share of no more than four per cent; the station has had negative cash flow for three consecutive years immediately prior to the application; and consolidation of the two stations would result in tangible and verifiable public interest benefits that outweigh any harm to competition and diversity.

3. For paragraph (b) of this section only, if the combination will result in the construction of an unbuilt station. The permittee of the unbuilt station must demonstrate that it has made reasonable efforts to construct but has been unable to do so.

* * * * *

Note 9 to § 73.3555: Paragraph (a)(1) of this section will not apply to an application for an AM station license in the 1605–1705 kHz band where grant of such application will result in the overlap of the 5 mV/m groundwave contours of the proposed station and that of another AM station in the 535–1605 kHz band that is commonly owned, operated or controlled. Paragraphs (d)(1)(i) and (ii) of this section will not apply to an application for an AM station license in the 1605–1705 kHz band by an entity that owns, operates, controls or has a cognizable interest in AM radio stations in the 535–1605 kHz band.

* * * * *

Note 12 to § 73.3555: Parties seeking waiver of paragraph (d)(1) of this section, or an exception pursuant to paragraph (d)(2) of this section involving failed or failing properties, should refer to the Second Report and Order in MB Docket No. 14–50, FCC 16–107 (released August 25, 2016).

[FR Doc. 2020–00671 Filed 1–28–20; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 191, 192, and 195

[Docket No. PHMSA–2019–0225]

Pipeline Safety: Public Meeting on Implementing the Recently Published Gas Transmission and Hazardous Liquid Final Rules

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Announcement of public meeting and request for comments.

SUMMARY: This document announces a public meeting for Pipeline Safety officials to discuss with pipeline safety stakeholders the implementation of the gas transmission and the hazardous liquid pipeline final rules published in the **Federal Register** on October 1, 2019. PHMSA is making available for comment draft frequently asked questions (FAQs) and answers for both final rules that will be used to facilitate the implementation of the final rules. PHMSA will also discuss the benefits of pipeline operators developing an effective safety culture, including safety management systems.

DATES: The public meeting will be held on February 26–27, 2020, from 8:30 a.m. to 5 p.m., CT. Members of the public who wish to attend in person are asked to register no later than February 18, 2020. Comments on the draft FAQs should be submitted to Docket No. PHMSA–2019–0225 by February 11, 2020, so that we can effectively discuss public comments in the public meeting. However, the comment period will remain open until March 27, 2020, to allow for public participation following the conclusion of the meeting. Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, are asked to notify PHMSA by February 18, 2020. For additional information see the **ADDRESSES** section.

ADDRESSES: The meeting will be held at the Houston Marriott Sugar Land hotel at 16090 City Walk, Sugarland, Texas 77479. The meeting room location, agenda, and any additional information will be published at *https://primis.phmsa.dot.gov/meetings/MtgHome.mtg?mtg=146*.

The meeting will be web cast, and any documents presented will be available on the meeting website and posted on the E-Gov website: *http://www.regulations.gov* under docket number PHMSA–2019–0225 within 30 days following the meeting.

Public Participation: This meeting will be open to the public. Members of the public who wish to attend in person are asked to register at *https://primis.phmsa.dot.gov/meetings/MtgHome.mtg?mtg=146*. to facilitate entry and guarantee seating. Members of the public attending will be provided an opportunity to participate. Instructions on how to participate through webcast will be provided at the beginning of the meeting.

Services for Individuals with Disabilities: The public meeting will be physically accessible to people with disabilities. Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, are asked to notify Chris Hoidal, Senior Technical Advisor, Office of the Deputy Associate Administrator for Policy and Programs, at 303–807–8833 or by email at *chris.hoidal@dot.gov*.

Written comments: Persons who want to submit written comments may do so by submitting them to the public docket in the following ways:

E-Gov Website: http://www.regulations.gov. This site allows the public to enter comments on any **Federal Register** document issued by any agency.

Fax: 1–202–493–2251.

Mail: Docket Management Facility; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: Room W12–140 on the ground level of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Instructions: Identify the docket number PHMSA–2019–0225 at the beginning of your comments. Note that all comments received will be posted without change to *www.regulations.gov,* including any personal information provided. You should know that 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.). Therefore, you may want to review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000, (65 FR 19477) or view the Privacy Notice at *www.regulations.gov* before submitting any such comments.

Docket: For access to the docket or to read background documents or comments, go to *http://*

www.regulations.gov at any time or Room W12–140 on the ground level of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: ''Comments on PHMSA–2019–0225.'' The Docket Clerk will date stamp the postcard prior to returning it to you via the U.S. mail.

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 document 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 document, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 CFR 190.343, you may ask PHMSA to give confidential treatment to information you give to the agency by taking the following steps: (1) Mark each page of the original document submission containing CBI as ''Confidential''; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information you are submitting is CBI. Unless you are notified otherwise, PHMSA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this document. Submissions containing CBI should be sent to Chris Hoidal at DOT, PHMSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket for this matter.

Privacy Act Statement

DOT may solicit comments from the public regarding certain general notices. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: For information about the meeting, contact Chris Hoidal, Senior Technical Advisor, at *chris.hoidal@dot.gov*. For technical information, contact Chris Hoidal or Rodrick Seeley, Director, Southwest Regional Office, by email at *chris.hoidal@dot.gov* or *rodrick.m.seeley@dot.gov,* respectively.

SUPPLEMENTARY INFORMATION:

I. Meeting Details and Agenda

PHMSA is holding a public meeting to assist with the implementation process for the gas transmission final rule, 84 FR 52180, and hazardous liquid pipeline final rule, 84 FR 52260, that were published in the **Federal Register** on October 1, 2019. PHMSA will provide an overview of the regulations, key regulatory milestones, and regulatory expectations to demonstrate compliance.[1] PHMSA will also discuss the benefits of pipeline operators developing an effective safety culture, including safety management systems. PHMSA will solicit and discuss how operators may further control safety risks in operations by taking into account the operator's specific organizational structures and processes related to safety of operations, including compliance with new and existing regulations.

As part of the implementation process, PHMSA has developed draft FAQs for the new regulations. PHMSA subject matter experts on the two rules will lead a discussion on the FAQs and proposed answers. PHMSA will solicit additional FAQ topics on regulatory requirements from operators, regulators, and the public. The FAQs are intended to assist in the implementation of these final rules by providing clarification, guidance, information sources, and affirmation to operators as they strive to comply with new safety regulations. PHMSA has included the initial set of draft FAQs for the meeting in Docket No. PHMSA–2019–0225, and encourages the public to submit comments on the draft FAQs.

PHMSA intends for the public comments to help identify key areas where additional clarifying information is necessary for operators and the general public and to prioritize addressing those areas.

The final meeting agenda, presentations, clarifying statements, and FAQs will be published on a publicly available DOT website at *https://primis.phmsa.dot.gov/meetings/MtgHome.mtg?mtg=146*.

Issued in Washington, DC, on January 24, 2020, under authority delegated in 49 CFR 1.97.

Drue Pearce,

Deputy Administrator.

[FR Doc. 2020–01630 Filed 1–28–20; 8:45 am]

BILLING CODE 4910–60–P

[1] The American Gas Association, American Petroleum Institute, American Public Gas Association, and Interstate Natural Gas Association of America submitted a joint petition for reconsideration of the gas transmission final rule on October 31, 2019. A copy of the petition is available for review at *https://www.regulations.gov/document?D=PHMSA-2011-0023-0472*. The petition for reconsideration is currently under review by PHMSA; therefore, PHMSA does not intend to address the issues raised by the petition in the draft FAQs or at this meeting.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 140819687–5583–02]

RTID 0648–XS022

Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region; 2019–2020 Commercial Trip Limit Reduction for Spanish Mackerel in the Atlantic Southern Zone

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

ACTION: Temporary rule; trip limit reduction.

SUMMARY: NMFS reduces the commercial trip limit of Atlantic migratory group Spanish mackerel in the southern zone of the Atlantic exclusive economic zone (EEZ) to 500 lb (227 kg) in round or gutted weight per day. This commercial trip limit reduction is necessary to maximize the socioeconomic benefits of the fishery.

DATES: This temporary rule is effective from 6 a.m. eastern time on January 29, 2020, until 12:01 a.m. eastern time on March 1, 2020.

FOR FURTHER INFORMATION CONTACT: Mary Vara, NMFS Southeast Regional Office, telephone: 727–824–5305, or email: *mary.vara@noaa.gov*.

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish in the Atlantic includes king mackerel, Spanish mackerel, and cobia on the east coast of Florida, and is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622. All

weights described for the Atlantic migratory group of Spanish mackerel (Atlantic Spanish mackerel) apply as either round or gutted weight.

For management purposes, the commercial sector of Atlantic Spanish mackerel is divided into northern and southern zones. The southern zone consists of Federal waters off South Carolina, Georgia, and the east coast of Florida. The southern zone boundaries for Atlantic Spanish mackerel extend from the border of North Carolina and South Carolina (which is a line extending in a direction of 135°34′55″ from true north beginning at 33°51′07.9″ N lat. and 78°32′32.6″ W long. to the intersection point with the outward boundary of the EEZ) to the border of Miami-Dade and Monroe Counties, Florida (at 25°20′24″ N. lat).

The southern zone commercial quota for Atlantic Spanish mackerel is 2,667,330 lb (1,209,881 kg). Seasonally variable trip limits are based on an adjusted commercial quota of 2,417,330 lb (1,096,482 kg). The adjusted commercial quota is calculated to allow continued harvest in the southern zone at a set rate for the remainder of the current fishing year, through February 29, 2020, in accordance with regulations at 50 CFR 622.385(b)(2).

NMFS reduced the commercial trip limit for Atlantic Spanish mackerel in or from the southern zone to 1,500 lb (680 kg) on December 24, 2019 (84 FR 70904, December 26, 2019). That temporary rule is effective through end of the fishing year, or until the commercial trip limit is reduced to 500 lb (227 kg) when 100 percent of the adjusted quota is reached or is projected to be reached, whichever occurs first. NMFS has determined that 100 percent of the adjusted commercial quota for Atlantic Spanish mackerel has been reached and is reducing the commercial trip limit. Atlantic Spanish mackerel in or from the southern zone may not be possessed on board or landed from a vessel with a Federal commercial permit for Atlantic Spanish mackerel in amounts exceeding 500 lb (227 kg) per day (50 CFR 622.385(b)(1)(ii)(C)).

The commercial trip limit of 500 lb (227 kg) per day applies to Atlantic Spanish mackerel in or from the southern zone effective at 6 a.m. eastern time on January 29, 2020, until 12:01 a.m. eastern time on March 1, 2020, unless changed by subsequent notification in the **Federal Register**.

Classification

The Regional Administrator for the NMFS Southeast Region has determined this temporary rule is necessary for the conservation and management of Atlantic Spanish mackerel and is consistent with the FMP, the Magnuson-Stevens Act, and other applicable laws.

This action is taken under 50 CFR 622.385(b)(1)(ii)(C) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act, because the temporary rule is issued without opportunity for prior notice and opportunity for comment.

This action responds to the best scientific information available. The Assistant Administrator for NOAA Fisheries (AA) finds that the need to immediately reduce the trip limit for the commercial sector for Atlantic Spanish mackerel constitutes good cause to waive the requirements to provide prior notice and the opportunity for public comment pursuant to 5 U.S.C. 553(b)(B) as such procedures are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rules implementing the commercial quotas and trip limits have already been subject to notice and comment, and all that remains is to notify the public of the trip limit reduction.

Prior notice and opportunity for public comment is contrary to the public interest, because any delay in the trip limit reduction of the commercial harvest could result in the commercial quota being exceeded. There is a need to immediately implement this action to protect the Atlantic Spanish mackerel resource, because the capacity of the fishing fleet allows for rapid harvest of the commercial quota. Prior notice and opportunity for public comment would require additional time and could potentially result in a harvest well in excess of the established commercial quota.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in effectiveness of this action under 5 U.S.C. 553(d)(3).

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 24, 2020.

Karyl K. Brewster-Geisz,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2020–01536 Filed 1–24–20; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 180713633–9174–02; RTID 0648–XY073]

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands

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

ACTION: Temporary rule.

SUMMARY: NMFS is reallocating the projected unused amounts of the Community Development Quota (CDQ) pollock directed fishing allowance (DFA) from the Aleutian Islands subarea to the Bering Sea subarea. This action is necessary to provide opportunity for harvest of the 2020 total allowable catch of pollock, consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI).

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), January 29, 2020, until the effective date of the final 2020 and 2021 harvest specifications for BSAI groundfish, unless otherwise modified or superseded through publication of a notification in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone 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 (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.

In the Aleutian Islands subarea, the portion of the 2020 pollock total allowable catch (TAC) allocated to the CDQ DFA is 1,900 mt as established by the final 2019 and 2020 harvest specifications for groundfish in the BSAI (84 FR 9000, March 13, 2019), and as adjusted by an inseason adjustment (85 FR 19, January 2, 2020).

As of January 15, 2020, the Administrator, Alaska Region, NMFS, (Regional Administrator) has

determined that 1,900 mt of pollock CDQ DFA in the Aleutian Islands subarea will not be harvested. Therefore, in accordance with § 679.20(a)(5)(iii)(B)(*4*), NMFS reallocates 1,900 mt of pollock CDQ DFA from the Aleutian Islands subarea to the 2020 Bering Sea subarea. The 1,900 mt of pollock CDQ DFA is added to the 2020 Bering Sea CDQ DFA. The 2020 Bering Sea subarea pollock incidental catch allowance remains at 47,453 mt. As a result, the 2020 harvest specifications for pollock in the Aleutian Islands subarea included in the final 2019 and 2020 harvest specifications for groundfish in the BSAI (84 FR 9000, March 13, 2019) and as adjusted by an inseason adjustment (85 FR 19, January 2, 2020) are revised as follows: 0 mt to CDQ DFA. Furthermore, pursuant to § 679.20(a)(5), Table 5 of the final 2019 and 2020 harvest specifications for groundfish in the BSAI (84 FR 9000, March 13, 2019), as adjusted by the inseason adjustment (85 FR 19, January 2, 2020), is revised to make 2020 pollock allocations consistent with this reallocation. This reallocation results in an adjustment to the 2020 CDQ pollock allocation established at § 679.20(a)(5).

TABLE 5—FINAL 2020 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) [1]

[Amounts are in metric tons]

Area and sector	2020 Allocations	2020 A season [1]		2020 B season [1]
		A season DFA	SCA harvest limit [2]	B season DFA
Bering Sea subarea TAC [1]	1,426,900	n/a	n/a	n/a
CDQ DFA	144,400	64,980	40,432	79,420
ICA [1]	47,453	n/a	n/a	n/a
Total Bering Sea non-CDQ DFA	1,235,048	555,771	345,813	679,276
AFA Inshore	617,524	277,886	172,907	339,638
AFA Catcher/Processors [3]	494,019	222,309	138,325	271,710
Catch by C/Ps	452,027	203,412	n/a	248,615
Catch by CVs [3]	41,992	18,896	n/a	23,095
Unlisted C/P Limit [4]	2,470	1,112	n/a	1,359
AFA Motherships	123,505	55,577	34,581	67,928
Excessive Harvesting Limit [5]	216,133	n/a	n/a	n/a
Excessive Processing Limit [6]	370,514	n/a	n/a	n/a
Aleutian Islands subarea ABC	55,120	n/a	n/a	n/a
Aleutian Islands subarea TAC [1]	17,100	n/a	n/a	n/a
CDQ DFA	0	0	n/a	0
ICA	2,400	1,200	n/a	1,200
Aleut Corporation	14,700	14,700	n/a	0
Area harvest limit [7]	n/a	n/a	n/a	n/a
541	16,536	n/a	n/a	n/a
542	8,268	n/a	n/a	n/a
543	2,756	n/a	n/a	n/a
Bogoslof District ICA [8]	75	n/a	n/a	n/a

[1] Pursuant to § 679.20(a)(5)(i)(A), the Bering Sea subarea pollock TAC, after subtracting the CDQ DFA (10 percent) and the ICA (3.7 percent), is allocated as a DFA as follows: Inshore sector—50 percent, catcher/processor sector (C/P)—40 percent, and mothership sector—10 percent. In the Bering Sea subarea, 45 percent of the DFA is allocated to the A season (January 20–June 10) and 55 percent of the DFA is allocated to the B season (June 10–November 1). Pursuant to § 679.20(a)(5)(iii)(B)(*2*)(i) through (iii), the annual Aleutian Islands pollock TAC, after subtracting first for the CDQ DFA (10 percent) and second for the ICA (2,400 mt), is allocated to the Aleut Corporation for a pollock directed fishery. In the Aleutian Islands subarea, the A season is allocated up to 40 percent of the ABC for AI pollock.

[2] In the Bering Sea subarea, pursuant to § 679.20(a)(5)(i)(C), no more than 28 percent of each sector's annual DFA may be taken from the SCA before noon, April 1.

[3] Pursuant to § 679.20(a)(5)(i)(A)(*4*), 8.5 percent of the DFA allocated to listed C/Ps shall be available for harvest only by eligible catcher vessels with a C/P endorsement delivering to listed C/Ps, unless there is a C/P sector cooperative for the year.

[4] Pursuant to § 679.20(a)(5)(i)(A)(*4*)(*iii*), the AFA unlisted catcher/processors are limited to harvesting not more than 0.5 percent of the catcher/processors sector's allocation of pollock.

[5] Pursuant to § 679.20(a)(5)(i)(A)(*6*), NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the non-CDQ pollock DFAs.

[6] Pursuant to § 679.20(a)(5)(i)(A)(*7*), NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the non-CDQ pollock DFAs.

[7] Pursuant to § 679.20(a)(5)(iii)(B)(*6*), NMFS establishes harvest limits for pollock in the A season in Area 541 of no more than 30 percent, in Area 542 of no more than 15 percent, and in Area 543 of no more than 5 percent of the Aleutian Islands pollock ABC.

[8] Pursuant to § 679.22(a)(7)(B), the Bogoslof District is closed to directed fishing for pollock. The amounts specified are for incidental catch only and are not apportioned by season or sector.

Note: Seasonal or sector apportionments may not total precisely due to rounding.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the reallocation of Aleutian Islands pollock. Since the pollock fishery opens January 20, 2020, it is important to immediately inform the industry as to the Bering Sea subarea pollock CDQ DFA. Immediate notification is necessary to allow for the

orderly conduct and efficient operation of this fishery; allow the industry to plan for the fishing season and avoid potential disruption to the fishing fleet as well as processors; and provide opportunity to harvest increased seasonal pollock allocations while value is optimum. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of January 15, 2019.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 17, 2020.

Karyl K. Brewster-Geisz,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2020–01094 Filed 1–28–20; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 85, No. 19
Wednesday, January 29, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–1077; Product Identifier 2018–NE–40–AD]

RIN 2120–AA64

Airworthiness Directives; Superior Air Parts, Inc. (SAP) Engines and Lycoming Engines Reciprocating Engines With a Certain SAP Crankshaft Assembly

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all SAP Model IO–360-series and O–360-series reciprocating engines and certain Lycoming Engines (Lycoming) Model AEIO–360-, IO–360-, and O–360-series reciprocating engines with a certain SAP crankshaft assembly installed. This SAP crankshaft assembly is installed as original equipment on the affected SAP engines and as a replacement part under parts manufacturer approval (PMA) on the affected Lycoming engines. This proposed AD was prompted by three crankshaft assembly failures that resulted in the loss of engine power and immediate or emergency landings. This proposed AD would require the removal from service of all affected crankshaft assemblies. 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 March 16, 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.

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–2018–1077; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Justin Carter, Aerospace Engineer, Fort Worth ACO Branch, FAA, 10101 Hillwood Parkway, Fort Worth, TX, 76177; phone: 817–222–5146; fax: 817–222–5245; email: *justin.carter@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–2018–1077; Product Identifier 2018–NE–40–AD'' at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. The FAA will consider all comments received by the closing date and may amend this NPRM because of those comments.

Except for Confidential Business Information 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 Justin Carter, Aerospace Engineer, Fort Worth ACO Branch, FAA, 10101 Hillwood Parkway, Fort Worth, TX 76177. 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 learned of three SAP crankshaft assembly failures that took place on March 6, 2017, August 3, 2017, and October 31, 2018, that resulted in the loss of engine power and immediate or emergency landings. Since the FAA received these reports, the FAA determined that the crankshaft assembly failures resulted from the manufacturing process at SAP's crankshaft vendor during 2012 and 2014.

The crankshaft assembly is a non-life-limited part, which should not fail (crack or separate) through fatigue. Rather, the crankshaft assembly is inspected during overhaul and may be replaced, on-condition, due to wear beyond limits of the cam lobes and bearing surfaces.

The FAA's analysis of the process used to manufacture the failed assemblies identified that gaseous nitrocarburization resulted in excessive residual white layer forming on the assemblies. This white layer is brittle and can lead to spalling or fatigue cracking of the crankshaft assembly as a result of the normal mechanical loads during engine operation. The FAA's analysis concluded that all three SAP crankshaft assembly failures were the result of this fatigue cracking. This condition, if not addressed, could result

in failure of the engine, in-flight shutdown, and loss of the airplane.

These SAP crankshaft assemblies are installed as original equipment on SAP Model IO–360-series and O–360-series reciprocating engines and as a replacement part under PMA on certain Lycoming Model AEIO–360-, IO–360-, and O–360-series reciprocating engines.

The FAA considered alternatives that may be less burdensome than removing the crankshaft assembly from service, including not taking AD action and requiring periodic inspections of the crankshaft assembly. However, these options are not acceptable because taking no action does not correct this known unsafe condition and the crankshaft assembly cannot be inspected without destroying it. The FAA concluded that there is no acceptable safety alternative to the replacement of the crankshaft assembly.

FAA's Determination

The FAA is proposing this AD because it 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 the removal from service of all affected crankshaft assemblies.

Authority for This Rulemaking

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

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

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

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354, codified as amended at 5 U.S.C. 601–612) (RFA) establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration.'' Public Law 96–354, 2(b), Sept. 19, 1980. The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions. Agencies must perform a review to determine whether a rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA. This portion of the preamble serves as the Initial Regulatory Flexibility Analysis (IRFA).

Compliance cost of this proposed AD comes from the cost to remove and replace a crankshaft assembly. The FAA estimates that this proposed AD would affect 115 crankshaft assemblies installed on airplanes of U.S. registry. This cost estimate does not include 77 SAP crankshafts installed on experimental engines since these engines are not included in the applicability of this AD. Compliance cost per crankshaft assembly is identified below.

Labor cost = 61 hours per crankshaft assembly replacement × $85 Hourly Wage = $5,185.

Equipment costs per crankshaft assembly replacement = $9,636 (Source: Average of the two manufacturers).

$5,185 labor per crankshaft assembly + $9,636 equipment costs per crankshaft assembly replacement = $14,821 compliance cost per engine.

The total costs to U.S. operators is $1,704,415, or $119,309 in annualized costs. There are no additional costs after removing and replacing the crankshaft assembly.

Initial Regulatory Flexibility Analysis

Under Section 603(b) and (c) of the RFA, the initial analysis must address the following six areas:

(1) Description of reasons the agency is considering the action;

(2) Statement of the legal basis and objectives for the proposed rule;

(3) Description of the record keeping and other compliance requirements of the proposed rule;

(4) All federal rules that may duplicate, overlap, or conflict with the proposed rule;

(5) Description and an estimated number of small entities to which the proposed rule will apply; and

(6) Describe alternatives considered.

Reasons the Agency Is Considering the Action

This proposed AD was prompted by three crankshaft assembly failures that resulted in the loss of engine power and immediate or emergency landings. The FAA is proposing this AD to prevent failure of the crankshaft assembly by requiring the removal of all affected crankshaft assemblies from service. Failure of a crankshaft assembly, if not addressed, could result in failure of the engine, in-flight shutdown, and loss of the airplane.

Legal Basis and Objectives for the Proposed Rule

The FAA's legal basis for this proposed AD is discussed in detail under the ''Authority for this Rulemaking'' section.

Description and an Estimated Number of Small Entities to Which the Proposed Rule Would Apply

This proposed AD would apply to all SAP Model IO–360-series and O–360-series reciprocating engines and certain Lycoming Model AEIO–360-, IO–360-, and O–360-series reciprocating engines with a certain SAP crankshaft assembly installed. This SAP crankshaft assembly is installed as original equipment on the affected SAP engines and as a replacement part under PMA on the affected Lycoming engines. These engines are installed on airplanes performing various activities including, but not limited to, flight training, charter flights, and agriculture.

Under the RFA, the FAA must determine whether a proposed rule significantly affects a substantial number of small entities. The FAA uses the Small Business Administration (SBA) criteria for determining whether an affected entity is small. For aircraft/engine manufacturers, aviation operators, and any business using an aircraft, the SBA criterion is 1,500 or

fewer employees. The FAA estimates that this proposed AD would affect 115 crankshaft assemblies installed on airplanes of U.S. registry. The FAA does not have any information or data on whether these entities are small businesses according to the definition established by the SBA. The FAA requests comment and data that would allow us to more accurately assess the number of employees and sales revenues of the affected entities.

Record-Keeping and Other Compliance Requirements of the Proposed Rule

There are no record-keeping costs associated with this proposed rule.

Duplicative, Overlapping, or Conflicting Federal Rules

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

Alternatives to the Proposed AD

As part of the IRFA, the FAA is required to consider regulatory alternatives that may be less burdensome. The FAA considered the following alternatives:

Do nothing: This option is not acceptable because the risk of additional failures of these crankshaft assemblies constitutes a known unsafe condition.

Periodic inspections: This option is not possible as the crankshaft assembly cannot be inspected without destroying it.

There is no direct safety alternative to the replacement of the crankshaft assembly. The replacement addresses a safety issue aimed at preventing the failure of the crankshaft assembly.

Therefore, this proposed rulemaking may have a significant economic impact on a substantial number of small entities. The FAA invites public comments regarding this determination.

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, and

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

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):

Superior Air Parts, Inc.: Docket No. FAA–2018–1077; Product Identifier 2018–NE–40–AD.

(a) Comments Due Date

The FAA must receive comments by March 16, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the reciprocating engine models identified in paragraphs (c)(1) and (2) of this AD with a Superior Air Parts, Inc. (SAP) crankshaft assembly, part number (P/N) SL36500–A20 or P/N SL36500–A31, with serial numbers 82976–01; 82976–02; SP12–0003 through SP12–0089, inclusive; SP13–0034 through SP13–0150, inclusive; or SP14–0151 through SP14–0202, inclusive; installed.

(1) With SAP crankshaft assembly, P/N SL36500–A20, installed:

(i) SAP Model IO–360-series and O–360-series reciprocating engines.

(ii) Lycoming Engines (Lycoming) Model IO–360–B2F, IO–360–L2A, O–360, O–360–A2A, O–360–A2D, O–360–A2E, O–360–A2F, O–360–A2G, O–360–B2A, O–360–C2A, O–360–C2C, O–360–C2D, O–360–C2E, O–360–D2A, and O–360–D2B reciprocating engines.

(2) With SAP crankshaft assembly, P/N SL36500–A31, installed:

(i) SAP Model IO–360-series and O–360-series reciprocating engines.

(ii) Lycoming Model AEIO–360–H1A, IO–360–B1A, IO–360–B1B, IO–360–B1D, IO–360–B1E, IO–360–B1F, IO–360–M1A, O–360, O–360–A1A, O–360–A1C, O–360–A1D, O–360–A2A, O–360–C1A, O–360–C1G, O–360–C1C, O–360–C1E, and O–360–C1F reciprocating engines.

Note 1 to paragraph (c) of this AD: This SAP crankshaft assembly may be installed as a replacement part under parts manufacturer approval on the affected Lycoming engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 8520, Reciprocating Engine Power Section.

(e) Unsafe Condition

This AD was prompted by three crankshaft assembly failures that resulted in the loss of engine power and immediate or emergency landings. The FAA is issuing this AD to prevent failure of the crankshaft assembly. The unsafe condition, if not addressed, could result in failure of the engine, in-flight shutdown, and loss of the airplane.

(f) Compliance

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

(g) Required Action

Within 25 engine operating hours after the effective date of this AD, remove the crankshaft assembly from service.

(h) Special Flight Permit

A one-time special flight permit may be issued to fly the aircraft to a maintenance facility to perform the actions of this AD with the following limitations: No passengers, visual flight rules (VFR) day conditions only, and avoid areas of known turbulence.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Fort Worth ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (j) of this AD.

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

(j) Related Information

For more information about this AD, contact Justin Carter, Aerospace Engineer, Fort Worth ACO Branch, FAA, 10101 Hillwood Parkway, Fort Worth, TX, 76177; phone: 817–222–5146; fax: 817–222–5245; email: *justin.carter@faa.gov*.

Issued in Burlington, Massachusetts, on January 23, 2020.

Karen M. Grant,

Acting Manager, Engine and Propeller Standards Branch, Aircraft Certification Service.

[FR Doc. 2020–01414 Filed 1–28–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–1069; Airspace Docket No. 19–ANM–12]

RIN 2120–AA66

Proposed Amendment of Class E Airspace; Bryce Canyon, UT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class E airspace, designated as a surface area, at the Bryce Canyon Airport, Bryce Canyon, UT. The proposal would extend the surface area by adding a small amount of airspace to the northeast of the airport. Also, this action proposes to amend the Class E airspace by adding an area, designated as an extension to a surface area, to the southwest of the airport. Additionally, this action proposes to amend the Class E airspace extending upward from 700 feet above the surface by reducing the area to the east and southeast of the airport. Further, the actions proposes to remove Class E airspace extending upward from 1,200 feet above the surface. This airspace is wholly contained within Class E en route airspace and duplication is not necessary. Lastly, this action proposes an administrative update to the surface airspace's legal descriptions. These changes are necessary to accommodate airspace redesign for the safety and management of Instrument Flight Rules (IFR) operations at the airport.

DATES: Comments must be received on or before March 16, 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–2019–1069; Airspace Docket No. 19–ANM–12, 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 Bryce Canyon Airport, Bryce Canyon, UT, to ensure the safety and management of 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–2019–1069; Airspace Docket No. 19–ANM–12''. 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 Proposal 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 at Bryce Canyon Airport, Bryce Canyon, UT. This action proposes to amend the Class E airspace area, designated as a surface area, by adding a small amount of airspace to the northeast of the airport. The additional surface airspace is designed to contain IFR aircraft descending below 1,000 feet above the surface. The proposed surface area is described as follows: That airspace extending upward from the surface within a 4.2-mile radius of the

airport, and 1 mile each side of the 047° bearing, extending from the 4.2-mile radius to 5.4 miles northeast of the Bryce Canyon Airport.

Also, this action proposes to amend the Class E airspace by adding an area, designated as an extension to a surface area, to the southwest of the airport. This area is also designed to contain IFR aircraft descending below 1,000 feet above the surface and the proposed area is described as follows: That airspace extending upward from the surface within 1 mile each side of the 227° bearing, extending from the 4.2 mile radius to 7.8 miles southwest of the Bryce Canyon Airport.

Additionally, this action proposes to amend the Class E airspace extending upward from 700 feet above the surface. The proposal reduces the area to the east and southeast of the airport. This area is designed to contain IFR arrivals descending below 1,500 feet above the surface and IFR departures until they reach 1,200 feet above the surface. This proposed area is described as follows: That airspace extending upward from 700 feet above the surface within 8 miles north and 4.2 miles south of the 227° bearing from the airport, extending from the airport to 16 miles southwest of the airport, and within 8 miles north and 4.2 miles south of the 047° bearing from the airport, extending from the airport to 16 miles northeast of the Bryce Canyon Airport.

Further, the actions proposes to remove Class E airspace extending upward from 1,200 feet above the surface. This airspace is wholly contained within Class E en route airspace and duplication is not necessary.

Lastly, this action proposes an administrative update to the Class E surface airspace's legal descriptions. The surface airspace should be in effect full time. The following two sentences do not accurately reflect the time of use and should be removed. ''This Class E airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.''

Class E airspace designations are published in paragraphs 6002, 6004 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 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.

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 6002 Class E Airspace Areas Designated as a Surface Area.

* * * * *

ANM UT E2 Bryce Canyon, UT [Amended]

Bryce Canyon Airport, UT
(Lat. 37°42′23″ N, long. 112°08′45″ W)

That airspace extending upward from the surface within a 4.2-mile radius of the airport, and 1 mile each side of the 047° bearing extending from the 4.2-mile radius to 5.4 miles northeast of the Bryce Canyon Airport.

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

* * * * *

ANM UT E4 Bryce Canyon, UT [New]

Bryce Canyon Airport, UT
(Lat. 37°42′23″ N, long. 112°08′45″ W)

That airspace extending upward from the surface within 1 mile each side of the 227° bearing extending from the 4.2 mile radius to 7.8 miles southwest of the Bryce Canyon Airport.

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

* * * * *

ANM UT E5 Bryce Canyon, UT [Amended]

Bryce Canyon Airport, UT
(Lat. 37°42′23″ N, long. 112°08′45″ W)

That airspace extending upward from 700 feet above the surface within 8 miles north and 4.2 miles south of the 227° bearing from the airport, extending from the airport to 16 miles southwest of the airport, and within 8 miles north and 4.2 miles south of the 047° bearing from the airport, extending from the airport to 16 miles northeast of the Bryce Canyon Airport.

Issued in Seattle, Washington, on January 22, 2020.

Shawn M. Kozica,

Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2020–01475 Filed 1–28–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2019–0691]

RIN 1625–AA08

Special Local Regulations; Recurring Marine Events, Sector Charleston

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to revise existing regulations and

consolidate into one table special local regulations for recurring marine events at various locations within the geographic boundaries of the Seventh Coast Guard District Captain of the Port (COTP) Charleston Zone. Consolidating marine events into one table simplifies Coast Guard oversight and public notification of special local regulations within COTP Charleston Zone. The Coast Guard invites your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before February 28, 2020.

ADDRESSES: You may submit comments identified by docket number USCG–2019–0691 using the Federal eRulemaking Portal at *http://www.regulations.gov*. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email LT Chad Ray, Sector Charleston Waterways Management Division, U.S. Coast Guard; telephone 843–740–3184, email *Chad.L.Ray@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
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

Recurring race, swim, and other marine events within the Seventh Coast Guard District are currently listed in 33 CFR 100.701, Table to § 100.701. The process for amending the table (*e.g.,* adding or removing marine events) is lengthy and inefficient since it includes recurring marine events for seven different COTP zones within the Seventh District. To expedite and simplify the rule-making process for new marine events/special local regulations, COTP's resorted to creating individual rules rather than amending the Table to § 100.701.

This rule serves two purposes: (1) Create a table of recurring marine events/special local regulations occurring solely within the COTP Charleston Zone, and (2) consolidate into that table marine events/special local regulations previously established outside of Table to § 100.701. The proposed new table would facilitate management of and public access to information about marine events within the COTP Charleston Zone.

The Coast Guard proposes this rulemaking under authority in 46 U.S.C. 70041.

III. Discussion of Proposed Rule

This rule proposes to make the following changes:

1. Revise the contact information in § 100.701(d)(1) to read ''Captain of the Port Charleston, South Carolina: (843) 740–7050.'';
2. Delete the existing special local regulation for the ''Head of South'' event listed in Table § 100.701(f)(5) because it is no longer held;
3. Establish § 100.704 for Special Local Regulations; Marine Events Within COTP Zone Charleston;
4. Move the remaining list of existing marine events/special local regulations listed in Table to § 100.701(f) under COTP Zone Charleston; Special Local Regulations to proposed new § 100.704, Table to § 100.704;
5. Add new event, ''Cooper River Bridge Run'' to proposed new Table to § 100.704, Line 1;
6. Add new event, ''Myrtle Beach Triathlon'' to proposed new Table § 100.704, Line 3;
7. Add new event, ''North Charleston Fireworks'' to proposed new Table § 100.704, Line 5;
8. Add new event, ''Patriots Point Fireworks'' to proposed new Table § 100.704, Line 6;
9. Add new event, ''Beaufort Water Festival Air Show'' to proposed new Table § 100.704, Line 8;
10. Revise the dates for the existing event, ''Charleston Race Week'' listed in proposed new § 100.704, Line 2 to one week (Monday through Sunday) in April;
11. Revise the dates for the existing event, ''Low Country Splash'' listed in proposed new § 100.704, Line 4 to one Saturday or Sunday during the last two weeks of May or the first two weeks of June § 100.704;
12. Revise the dates for the existing event, ''Beaufort Water Festival'' listed in proposed new § 100.704, Line 7 to ten consecutive days (Friday through Sunday) in July;
13. Revise the dates for the existing event, ''Swim Around Charleston'' listed in proposed new § 100.704, Line 9 to one weekend day (Saturday or Sunday) during the last two weeks of September through the first two weeks of October;
14. Revise the dates for the existing event, ''Charleston Parade of Boats'' to one weekend day (Friday, Saturday, or Sunday) in December; and
15. Delete existing § 100.713, which contains a special local regulation for the Annual Harborwalk Boat Race; Sampit River, Georgetown, SC because it is no longer held.

The marine events listed in proposed new Table to § 100.704 are scheduled to occur over a particular weekend and month each year. Exact dates are intentionally omitted since calendar dates for a specific weekend change from year to year. Once dates for a marine event are known, the Coast Guard will notify the public of its intent to enforce the special local regulation through various means including a Notice of Enforcement published in the **Federal Register**, Local Notice to Mariners, and Broadcast Notice to Mariners.

IV. Regulatory Analyses

We developed this proposed 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 NPRM has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, the NPRM 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 size, location, and duration of the special local regulations. These areas are limited in size and duration, and usually do not affect high vessel traffic areas. Moreover, the Coast Guard would provide advance notice of the regulated areas to the local maritime community Local Notice to Mariners, Broadcast to Mariners via VHF–FM marine channel 16, and the rule would allow vessels to seek permission to enter the regulated area.

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 certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section IV.A above, this proposed rule would not have a significant economic impact on any vessel owner or operator.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

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 proposed 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 contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

This proposed rule would 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 proposed 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 proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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 proposed rule has implications for federalism or Indian tribes, please contact 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 proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination 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 proposed rule involves the establishment of special local regulations for recurring marine events within the COTP Charleston Zone. Normally such actions are categorically excluded from further review under paragraphs L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated in **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact 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.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov*. If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, see DHS's Correspondence System of Records notice (84 FR 48645, September 26, 2018).

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at *http://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 100

Harbors, Marine Safety, Navigation (water), Reporting and Record keeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR parts 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

§ 100.701 [Amended]

■ 2. In § 100.701, Table to § 100.701 remove the following text:

"(f) COTP Zone Charleston; Special Local Regulations			
1. 2nd and 3rd weekend of April	Charleston Race Week	Sperry Top-Sider	Charleston Harbor and Atlantic Ocean, South Carolina, All waters encompassed within an 800 yard radius of position 32°46′39″ N, 79°55′10″ W, All waters encompassed within a 900 yard radius of position 32°45′48″ N, 79°54′46″ W, All waters encompassed within a 900 yard radius of position 32°45′44″ N, 79°53′32″ W.
2. 1st week of May	Low Country Splash	Logan Rutledge	Wando River, Cooper River, Charleston Harbor, South Carolina, including the waters of the Wando River, Cooper River, and Charleston Harbor from Daniel Island Pier, in approximate position 32°51′20″ N, 079°54′06″ W, south along the coast of Daniel Island, across the Wando River to Hobcaw Yacht Club, in approximate position 32°49′20″ N, 079°53′49″ W, south along the coast of Mt. Pleasant, South Carolina, to Charleston Harbor Resort Marina, in approximate position 32°47′20″ N, 079°54′39″ W, and extending out 150 yards from shore.
3. 2nd week of June	Beaufort Water Festival	City of Beaufort	Atlantic Intracoastal Waterway, Bucksport, South Carolina; All waters of the Atlantic Intracoastal Waterway encompassed within the following points; starting at point 1 in position 33°39′11.5″ N, 079°05′36.8″ W; thence west to point 2 in position 33°39′12.2″ N, 079°05′47.8″ W; thence south to point 3 in position 33°38′39.5″ N, 079°05′37.4″ W; thence east to point 4 in position 33°38′42.3″ N, 79°05′30.6″ W; thence north back to origin.
4. 3rd week of September	Swim Around Charleston	Kathleen Wilson	Wando River, main shipping channel of Charleston Harbor, Ashley River, Charleston, South Carolina; A moving zone around all waters within a 75-yard radius around Swim Around Charleston participant vessels that are officially associated with the swim. The Swim Around Charleston swimming race consists of a 10-mile course that starts at Remley's Point on the Wando River in approximate position 32°48′49″ N, 79°54′27″ W, crosses the main shipping channel of Charleston Harbor, and finishes at the General William B. Westmoreland Bridge on the Ashley River in approximate position 32°50′14″ N, 80°01′23″ W.
5. 2nd week of November	Head of the South	Augusta Rowing Club	Upper Savannah River mile marker 199 to mile marker 196, Georgia.
6. 2nd week December	Charleston Harbor Christmas Parade of Boats.	City of Charleston	Charleston harbor, South Carolina, from Anchorage A through Bennis Reach, Horse Reach, Hog Island Reach, Town Creek Lower Reach, Ashley River, and finishing at City Marina."

■ 3. Add § 100.704 to read as follows:

§ 100.704 Special Local Regulations; Marine Events Within the Captain of the Port Charleston.

The following regulations apply to the marine events listed in Table 1 of this section. These regulations will be effective annually for the duration listed in Table 1. The Coast Guard will notify the maritime community of exact dates and times each regulation will be in effect and the nature of each event (*e.g.* location, number of participants, type of vessels involved, etc.) through a Notice of Enforcement published in the **Federal Register**, Local Notice to Mariners, and Broadcast Notice to Mariners.

(a) *Definitions.* The following definitions apply to this section:

(1) *Designated Representative.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, others operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port (COTP) Charleston in the enforcement of the regulated areas.

(2) *Spectators.* All persons and vessels not registered with the event sponsor as participants.

(b) *Event Patrol.* The Coast Guard may assign an event patrol, as described in § 100.40 of this part, to each regulated event listed in the table. Additionally, a Patrol Commander may be assigned to oversee the patrol. The event patrol and Patrol Commander may be contacted on VHF Channel 16.

(c) *Special Local Regulations.*

(1) The COTP Charleston or designated representative may control the movement of all vessels in the regulated area. When hailed or signaled by an official patrol vessel, a vessel in these areas shall immediately comply with the directions given. Failure to do so may result in removal from the area, citation for failure to comply, or both.

(2) The COTP Charleston or designated representative may terminate the event, or the operation of any vessel participating in the event, at any time it is deemed necessary for the protection of life or property.

(3) Only event sponsor designated participants and official patrol vessels are allowed to enter the regulated area, unless otherwise authorized by the COTP Charleston or designated representative.

(4) Spectators may request permission from the COTP Charleston or designated representative to enter, transit, remain within, or anchor in the regulated area. If permission is granted, spectators must abide by the directions of the COTP Charleston or a designated representative.

(d) *Delays or termination.* The COTP Charleston or designated representative may delay or terminate any event in this subpart at any time to ensure safety of life or property. Such action may be justified as a result of weather, traffic density, spectator operation, or participant behavior.

TABLE TO § 100.704—SPECIAL LOCAL REGULATIONS; MARINE EVENTS WITHIN THE CAPTAIN OF THE PORT CHARLESTON

[Datum NAD 1983]

Date/time	Event/sponsor	Location	Regulated area
1. The First Saturday in April; Time (Approximate): 7 a.m. to 10 a.m.	Cooper River Bridge Run; Sponsor: The Cooper River Bridge Run Executive Committee.	Charleston, SC and Mt. Pleasant, SC.	Location: The following is a safety or security zone. All waters of the Cooper River, and Town Creek Reaches encompassed within the following points: beginning at 32°48′32″ N, 079° 56′08″ W, thence east to 32° 48′20″ N, 079°54′20″ W, thence south to 32°47′20″ N, 079°54′29″ W, thence west to 32°47′20″ N, 079°55′28″ W, thence north to origin..
2. One week (Monday through Sunday) in April; Time (Approximate): 8 a.m. to 5 p.m. each day.	Charleston Race Week; Sponsor: Charleston Race Week LLC.	Charleston, SC	Location: There are five race areas: (1) Race Area #1. All waters of the Charleston Harbor encompassed within a 700 yard radius of position 32°46′10″ N, 079°55′15″ W. (2) Race Area #2. All waters of the Charleston Harbor encompassed within a 700 yard radius of position 32°46′02″ N, 079°54′15″ W. (3) Race Area #3. All waters of the Charleston Harbor encompassed within a 700 yard radius of position 32°45′55″ N, 079°53′39″ W. (4) Race Area #4. All waters of the Charleston Harbor encompassed within a 600 yard radius of position 32°47′40″ N, 079°55′10″ W. (5) Race Area #5. All waters of the Charleston Harbor and Entrance Channel encompassed within a 500 yard radius of position 32°45′34″ N, 79°52′09″ W continuing to Charleston Entrance Channel Buoys Green 11 (LLN 2395.5) and Red 12 (LLN 2400).
3. One Saturday or Sunday in April; Time (Approximate): 7:30 a.m. to 9:30 a.m.	Myrtle Beach Triathlon; Sponsor: GO Race Productions.	Myrtle Beach, SC	Location: The following is a safety zone: Certain waters of the Atlantic Intracoastal Waterway within the following two points of position and the North shore: 33°45′03″ N, 78°50′47″ W to 33°45′18″ N, 78°50′14″ W, located in Myrtle Beach, South Carolina.
4. One Saturday or Sunday during the last two weeks of May or the first two weeks of June; Time (Approximate): 6 a.m. to 11 a.m.	Low Country Splash; Sponsor: Logan Rutledge Children's Foundation.	Charleston, SC and Mt. Pleasant, SC.	Location: All waters within a moving safety zone, beginning at Daniel Island Pier in approximate position 32°51′20″ N, 079°54′06“ W, south along the coast of Daniel Island, across the Wando River to Hobcaw Yacht Club, in approximate position 32°49′20″ N, 079°53′49″ W, south along the coast of Mt. Pleasant, S.C., to Charleston Harbor Resort Marina, in approximate position 32°47′20″ N, 079°54′39″ W.
5. One night during the first week of July; Time (Approximate): 8 p.m. to 10 p.m.	North Charleston Fireworks; Sponsor: City of North Charleston.	North Charleston, SC	Location: The following is a safety zone. All waters within a 500-yard radius of the barge, from which fireworks will be launched on the bank of the Cooper River at River Front Park in North Charleston, South Carolina.
6. One night during the first week of July; Time (Approximate): 8 p.m. to 10 p.m.	Patriots Point Fireworks; Sponsor: USS Yorktown Foundation Patriot's Naval Museum.	Mt. Pleasant, SC	Location: The following is a safety zone: All waters within a 500-yard radius of the barge, from which fireworks will be launched on the bank of the Cooper River at Patriots Point in Charleston, SC.
7. Ten consecutive days (Friday through the next Sunday) in July; Time (Approximate): 8 a.m. to 5 p.m. each day.	Beaufort Water Festival; Sponsor: Beaufort Water Festival.	Beaufort, SC	Location: All waters 200 yards from seawall at Waterfront Park extending from Lady's Island Bridge to Spanish Point in Beaufort, SC.
8. One Saturday or Sunday in July; Time (Approximate): 12 p.m. to 5 p.m.	Beaufort Water Festival Air Show; Sponsor: Beaufort Water Festival.	Beaufort, SC	Location: The following is a safety zone: A portion Beaufort River near Riverfront Park in Beaufort, SC. The zone is 700 feet wide by 2600 feet in length on waters of the Beaufort River encompassed within the following points: (1) 32° 25′ 47″ N/080° 40′ 44″ W, (2) 32° 25′ 41″ N/080° 40′ 14″ W, (3) 32° 25′ 35″ N/080° 40′ 16″ W, (4) 32° 25′ 40″ N/080° 40′ 46″ W,

TABLE TO § 100.704—SPECIAL LOCAL REGULATIONS; MARINE EVENTS WITHIN THE CAPTAIN OF THE PORT CHARLESTON—Continued

[Datum NAD 1983]

Date/time	Event/sponsor	Location	Regulated area
9. One Saturday or Sunday during the last two weeks of September or the first two weeks of October; Time (Approximate): 7:30 a.m. to 2 p.m.	Swim Around Charleston; Sponsor: Kathleen Wilson..	Charleston, SC	Location: The following is a moving safety zone. All waters 50 yards in front of the lead safety vessel preceding the first race participants, 50 yards behind the safety vessel trailing the last race participants, and at all times extends 100 yards on either side of safety vessels. The Swim Around Charleston swimming race consists of a 12 mile course that starts at Remley's Point on the Wando River in approximate position 32°48′49″, 79°54′27″, crosses the main shipping channel under the main span of the Ravenel Bridge, and finishes at the I–526 bridge and boat landing on the Ashley River in approximate position 32°50′14″ N, 80°01′23″ W.
10. One Friday, Saturday or Sunday in December; Time (Approximate): 4 p.m. to 9 p.m.	Charleston Parade of Boats; Sponsor: City of Charleston, SC Office of Cultural Affairs.	Charleston, SC	Location: Charleston harbor, South Carolina, from Anchorage A through Shutes Folly, Horse Reach, Hog Island Reach, Town Creek Lower Reach, Ashley River, and finishing at City Marina.

§ 100.713 [Removed]

■ 4. Remove § 100.713.

Dated: January 17, 2020.

J.W. Reed,

Captain, U.S. Coast Guard, Captain of the Port, Charleston.

[FR Doc. 2020–01147 Filed 1–28–20; 8:45 am]

BILLING CODE 9110–04–P

LIBRARY OF CONGRESS

Copyright Royalty Board

37 CFR Chapter III

[Docket No. 19–CRB–0014–RM]

Notice of Inquiry Regarding Categorization of Claims for Cable or Satellite Royalty Funds and Treatment of Ineligible Claims; Extension of Comment Period

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Notice of inquiry; extension of comment period.

SUMMARY: The Copyright Royalty Judges extend the comment period regarding the notice of inquiry regarding categorization of claims for cable or satellite royalty funds and treatment of royalties associated with invalid claims from January 29, 2020, to March 15, 2020.

DATES: The comment period for the notice of inquiry (84 FR 71852) is extended. Comments are due on or before March 16, 2020.

ADDRESSES: You may submit comments and proposals, identified by docket number 19–CRB–0014–RM, by any of the following methods:

CRB's electronic filing application: Submit comments and proposals online in eCRB at *https://app.crb.gov/*.

U.S. mail: Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024–0977; or

Overnight service (only USPS Express Mail is acceptable): Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024–0977; or

Commercial courier: Address package to: Copyright Royalty Board, Library of Congress, James Madison Memorial Building, LM–403, 101 Independence Avenue SE, Washington, DC 20559–6000. Deliver to: Congressional Courier Acceptance Site, 2nd Street NE and D Street NE, Washington, DC; or

Hand delivery: Library of Congress, James Madison Memorial Building, LM–401, 101 Independence Avenue SE, Washington, DC 20559–6000.

Instructions: Unless submitting online, commenters must submit an original, two paper copies, and an electronic version on a CD. All submissions must include a reference to the CRB and this docket number. All submissions will be posted without change to eCRB at *https://app.crb.gov/* including any personal information provided.

Docket: For access to the docket to read submitted background documents or comments, go to eCRB, the Copyright Royalty Board's electronic filing and case management system, at *https://app.crb.gov/,* and search for docket number 19–CRB–0014–RM.

FOR FURTHER INFORMATION CONTACT: Anita Blaine, CRB Program Specialist, by telephone at (202) 707–7658 or email at *crb@loc.gov*.

SUPPLEMENTARY INFORMATION: On January 16, 2020, MPA-Represented Program Suppliers, Joint Sports Claimants, and Settling Devotional Claimants filed a motion with the Copyright Royalty Judges (Judges) requesting an extension of the comment period for the notice of inquiry, 84 FR 71852 (Dec. 30, 2019), in order to prepare comments that include any relevant factual evidence and economic analyses. On the same day, the Judges granted the motion extending the deadline as requested to March 16, 2020.

Dated: January 24, 2020.

Jesse M. Feder,

Chief Copyright Royalty Judge.

[FR Doc. 2020–01544 Filed 1–28–20; 8:45 am]

BILLING CODE 1410–72–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 91

[Docket No. FWS–HQ–MB–2019–0105; FXMB12330900000//201//FF09M13200]

RIN 1018–BE20

Revision of Federal Migratory Bird Hunting and Conservation Stamp (Duck Stamp) Contest Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose revising regulations governing the annual Migratory Bird Hunting and Conservation Stamp Contest (also known as the Federal Duck Stamp

Contest (Contest)). Our proposed amendments would specify a permanent theme and the mandatory inclusion of an appropriate hunting element beginning with the 2020 Contest, make a permanent change to the qualifications of the judging panel, and remove references to the 2018 Contest.

DATES: We will accept comments that we receive on or before March 16, 2020. Please note that if you are using the Federal eRulemaking Portal (see **ADDRESSES**, below), the deadline for submitting an electronic comment is 11:59 p.m. Eastern Time on the closing date.

ADDRESSES: You may submit comments by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments on Docket No. FWS–HQ–MB–2019–0105.
- *U.S. Mail or Hand-Delivery:* Public Comments Processing, Attn: FWS–HQ–MB–2019–0105; U.S. Fish and Wildlife Service; 5275 Leesburg Pike, MS: JAO/1N; Falls Church, VA 22041.

We will not accept emailed or faxed comments. We will post all comments on *https://www.regulations.gov*. This generally means that your entire submission—including any personal identifying information—will be posted on the website. See the Public Comments Procedures and Public Availability of Comments, below, for more information.

FOR FURTHER INFORMATION CONTACT: Suzanne Fellows at: Federal Duck Stamp Office, U.S. Fish and Wildlife Service, Department of the Interior, MS:MB, 5275 Leesburg Pike, Falls Church, VA 22041; (703) 358–2145; *suzanne_fellows@fws.gov*.

SUPPLEMENTARY INFORMATION:

Background

History of the Federal Migratory Bird Hunting and Conservation Stamp (Duck Stamp) Program

On March 16, 1934, Congress passed, and President Franklin D. Roosevelt signed, the Migratory Bird Hunting Stamp Act. Popularly known as the Duck Stamp Act, it required all waterfowl hunters 16 years or older to buy a stamp annually. The revenue generated was originally earmarked for the Department of Agriculture, but 5 years later was transferred to the Department of the Interior and the Service.

In the years since its enactment, the Federal Duck Stamp Program has become one of the most popular and successful conservation programs ever initiated. Today, some 1.5 million stamps are sold each year, and as of 2018, Federal Duck Stamps have generated more than $1 billion for the conservation of more than 6 million acres of waterfowl habitat in the United States. Numerous other birds, mammals, fish, reptiles, and amphibians have similarly prospered because of habitat protection made possible by the program. An estimated one-third of the Nation's endangered and threatened species find food or shelter in refuges conserved by Duck Stamp funds. Moreover, healthy wetlands help dissipate storms, purify water supplies, store flood water, and nourish fish hatchlings important for sport and commercial fishermen.

History of the Duck Stamp Contest

The first Federal Duck Stamp was designed at President Roosevelt's request by Jay N. ''Ding'' Darling, a nationally known political cartoonist for the *Des Moines Register* and a noted hunter and wildlife conservationist. In subsequent years, noted wildlife artists were asked to submit designs for the stamp. The first Federal Duck Stamp Contest was opened in 1949 to any U.S. artist who wished to enter; 65 artists submitted a total of 88 design entries. Since then, the Contest has attracted large numbers of entrants, and it remains the only art competition of its kind sponsored by the U.S. Government. The Secretary of the Interior appoints a panel of noted art, waterfowl, and philatelic authorities to select each year's winning design. Winners receive no compensation for the work, except a pane of their stamps, but winners may sell prints of their designs, which are sought by hunters, conservationists, and art collectors.

Throughout the history of the Federal Duck Stamp, there has been an effort to increase its messaging capabilities. For example, in 1959, the theme of the Contest was ''Retrievers Save Game,'' and artists were required to produce a design which illustrated this theme. The resulting 1959–1960 stamp, the ''King Buck,'' featuring a black Labrador Retriever and a mallard, is arguably among the most identifiable Federal Duck Stamps. With the 1998–1999 stamp, the pressure-sensitive adhesive dollar-bill sized carrier was introduced. This gave stamp designers more area to work with to produce both visual and verbal messages. Additional opportunities exist for messages on the back of the carrier as well as on the appreciation certificates that are available to customers interested in the Duck Stamp Program.

As the only ones required to purchase a Federal Duck Stamp, waterfowl hunters have been the primary supporters of the Federal Duck Stamp program and have enabled the purchase of wetland habitats that support both hunted and nonhunted species, assist in flood control and water purification, and provide communities with an economic stimulus. To address Executive Order 13443 (Facilitation of Hunting Heritage and Wildlife Conservation; 72 FR 46537, August 20, 2007) and Secretarial Order 3356 (Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories; September 15, 2017), it was determined that the theme of the 2019–2020 Federal Duck Stamp would be ''celebrating our waterfowl hunting heritage.'' To accomplish this, the 2018 Contest regulations required the mandatory inclusion of ''appropriate hunting-related accessories and/or scenes.'' An image of a drake wood duck with an old decoy was chosen as the winner of the 2018 Federal Duck Stamp Contest, and that image appears on the 2019–2020 Federal Duck Stamp. Text and special stamp products were developed to highlight the theme and to provide visual and verbal recognition to the contributions waterfowl hunters make to habitat conservation. By celebrating our waterfowl hunting heritage and showing hunters in a positive light as active wildlife conservationists on the 2019–2020 stamp, we celebrate their contributions to providing public lands and robust wildlife populations.

Proposed Changes to the Regulations at 50 CFR Part 91

The regulations governing the Contest are at 50 CFR part 91. On March 21, 2018, we published a final rule (83 FR 12275) that revised the regulations at 50 CFR part 91 governing the annual Federal Duck Stamp Contest. Of specific interest to this proposal, we set forth the 2018 Contest regulations regarding the theme, the mandatory elements, and an additional requirement for judges which we stated we would remove at a later date. In this proposed rule, we propose to specify a permanent ''celebrating our waterfowl hunting heritage'' theme and the mandatory inclusion of an appropriate hunting element beginning with the 2020 Contest, make a permanent change to the qualifications of the judging panel, and remove references to the 2018 Contest.

Removing Language Specific to 2018 Contest and Instituting a Permanent Theme and Mandatory Hunting Element Requirement

Currently, § 91.14 explains that a live portrayal of any bird(s) of the five or fewer identified eligible waterfowl species must be the dominant feature of the design, but that the design may depict other appropriate elements, such as hunting dogs, as long as an eligible waterfowl species is in the foreground and clearly the focus of attention. In the March 21, 2018, final rule, we added § 91.14(b) with additional requirements specified for the 2018 Contest only. In this proposed rule, we propose to make it a permanent requirement that Contest entries must include one or more elements that reflect the theme ''celebrating our waterfowl hunting heritage.''

Section 91.21(b) outlines the qualification of the judging panel. In the March 21, 2018, final rule, we added § 91.21(b)(2) with additional requirements specified for the 2018 Contest only. In this proposed rule, we propose to revise § 91.21(b) to remove reference to the 2018 Contest and make it a permanent requirement that all selected contest judges have an understanding and appreciation of the waterfowl hunting heritage and be able to recognize waterfowl hunting accessories.

Finally, § 91.23 sets forth the scoring criteria for the contest. In the March 21, 2018, final rule, we added § 91.23(b) with an additional scoring criterion specified for the 2018 Contest only. In this proposed rule, we propose to revise § 91.23 to remove reference to the 2018 Contest and specify that entries will also be judged on how well they illustrate the theme of ''celebrating our waterfowl hunting heritage.''

Public Comments Procedures

To ensure that any final action resulting from this proposed rule will be as accurate and as effective as possible, we request that you send relevant information for our consideration. We will accept public comments we receive on or before the date listed above in **DATES**. We are striving to ensure that any final rule resulting from this proposed rule would be in effect with sufficient time for artists to prepare submissions by the June opening of the 2020 Contest. The comments that will be most useful are those that you support by quantitative information or studies and those that include citations to, and analyses of, the applicable laws and regulations. Please make your comments as specific as possible and explain the basis for them. In addition, please include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

You must submit your comments and materials concerning this proposed rule by one of the methods listed above in **ADDRESSES**. We will not accept comments sent by email or fax or to an address not listed in **ADDRESSES**. If you submit a comment via *http://www.regulations.gov,* your entire comment—including any personal identifying information, such as your address, telephone number, or email address—will be posted on the website. Please note that comments submitted to this website are not immediately viewable. When you submit a comment, the system receives it immediately. However, the comment will not be publically viewable until we post it, which might not occur until several days after submission.

If you mail or hand-carry a hardcopy comment directly to us that includes personal information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. To ensure that the electronic docket for this rulemaking is complete and all comments we receive are publicly available, we will post all hardcopy comments on *http://www.regulations.gov*.

In addition, comments and materials we receive, as well as supporting documentation used in preparing this proposed rule, will be available for public inspection in two ways:

(1) You can view them on *http://www.regulations.gov*. In the Search box, enter FWS–HQ–MB–2019–0105, which is the docket number for this rulemaking. Then, in the Search panel on the left side of the screen, select the type of documents you want to view under the Document Type heading.

(2) You can make an appointment, during normal business hours, to view the comments and materials in person by contacting the person listed above under **FOR FURTHER INFORMATION CONTACT**.

Public Availability of Comments

As stated above in more detail, before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publically 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.

Required Determinations

National Environmental Policy Act

This proposed rule is categorically excluded. It reflects an administrative modification of procedures and the impacts are limited to administrative effects (516 DM 8.5(a)(3)). A detailed statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) is therefore not required.

Endangered Species Act (ESA) Consideration

Of the species on our List of Eligible Species, only two species are currently listed as endangered or threatened under section 4 of the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*). No legal complications arise from the dual listing, as the two lists are developed under separate authorities and for different purposes. Because this proposed rule is strictly administrative in nature, it has no effect on endangered or threatened species. Thus, it does not require consultation under section 7 of the ESA.

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. OIRA has determined that this proposed rule is not significant.

Executive Order (E.O.) 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the Nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996), whenever a Federal agency is required to publish a notice of

rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.,* small businesses, small organizations, and small government jurisdictions) (5 U.S.C. 601 *et seq.*). However, no regulatory flexibility analysis is required if the head of an agency certifies that the rule would not have a significant economic impact on a substantial number of small entities. Thus, for a regulatory flexibility analysis to be required, impacts must exceed a threshold for ''significant impact'' and a threshold for a ''substantial number of small entities.'' See 5 U.S.C. 605(b). SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule would not have a significant economic impact on a substantial number of small entities. The changes we propose are intended primarily to clarify the requirements for the Contest. These changes would affect individuals, not businesses or other small entities as defined in the Regulatory Flexibility Act. Currently, stamp sales average approximately 1.5 million each year. Active waterfowl hunters, the only people required to purchase an annual stamp, number approximately 1.1 million each year. Stamps are also purchased by stamp and wildlife art collectors, bird watchers, and other conservationists, and a current stamp can be used for access at any of the national wildlife refuges that have an entry fee. Many hunters also purchase multiple stamps for different purposes. We are currently unable to quantify numbers of stamps purchased by each user group; we do not anticipate being able to attribute any increase or decrease in sales due to the proposed changes. In recent years, we have received an average of 200 entries per year to our annual contest. We received approximately 190 Contest entries in 2019; in the 2018 Contest, we had approximately 150 eligible entries under the temporary mandatory hunting theme rule. We do not believe that the number of entries in 2020 or beyond will fall below 150 entries.

We therefore certify that, if adopted, this proposed rule would not have a significant economic effect on a substantial number of small entities as defined under the Regulatory Flexibility Act. A Regulatory Flexibility Analysis is not required. Accordingly, a Small Entity Compliance Guide is not required.

Clarity of This Rule

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(a) Be logically organized;

(b) Use the active voice to address readers directly;

(c) Use clear language rather than jargon;

(d) Be divided into short sections and sentences; and

(e) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rulemaking, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rulemaking is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This proposed rule:

a. Would not have an annual effect on the economy of $100 million or more.

b. Would not cause a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions.

c. Would not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Paperwork Reduction Act of 1995 (PRA)

This rule does not contain any new collections of information that require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). OMB has previously approved the information collection requirements associated with the Federal Migratory Bird Hunting and Conservation Stamp (Duck Stamp) Contest and assigned OMB Control Number 1018–0172. You may view the information collection request(s) at *http://www.reginfo.gov/public/do/PRAMain.* 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.

Unfunded Mandates Reform Act

This proposed rule would not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. The rulemaking does not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Civil Justice Reform

In accordance with E.O. 12988, the Office of the Solicitor has determined that this proposed rule does not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Takings

In accordance with E.O. 12630, this proposed rule does not have significant takings implications. A takings implication assessment is not required.

Energy Supply, Distribution, or Use

On May 18, 2001, the President issued Executive Order 13211 on regulations that significantly affect energy supply, distribution, or use. This proposed rule would revise the current regulations at 50 CFR part 91 that govern the Federal Duck Stamp Contest. This rule would not significantly affect energy supplies, distribution, or use. Therefore, this action is a not a significant energy action and no Statement of Energy Effects is required.

Government-to-Government Relationship With Tribes

Under the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), and 512 DM 2, we have evaluated possible effects on federally recognized Indian Tribes and have determined that there are no effects. Individual tribal members must meet the same regulatory requirements as other individuals who enter the Federal Duck Stamp Contest.

Federalism

These proposed revisions to part 91 do not contain significant Federalism implications. A federalism summary impact statement under Executive Order 13132 is not required.

Executive Order 13771

This rule is not an Executive Order (E.O.) 13771 (82 FR 9339, February 3, 2017) regulatory action because this rule is not significant under E.O. 12866.

List of Subjects in 50 CFR Part 91

Hunting, Wildlife.

Proposed Regulation Promulgation

Accordingly, we propose to amend part 91, subchapter G of chapter I, title 50 of the Code of Federal Regulations as follows:

PART 91—MIGRATORY BIRD HUNTING AND CONSERVATION STAMP CONTEST

■ 1. The authority citation for part 91 continues to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 718j; 31 U.S.C. 9701.

■ 2. Revise § 91.14(b) to read as follows:

§ 91.14 Restrictions on subject matter for entry.

* * * * *

(b) *Mandatory waterfowl hunting components.* In addition to the restrictions set forth in paragraph (a) of this section, designs will also be required to include appropriate waterfowl hunting-related accessories or elements celebrating the Federal Duck Stamp's long-standing connection as part of our Nation's waterfowl hunting heritage and the contributions to conservation made by waterfowl hunters. Designs may include, but are not limited to, hunting dogs, hunting scenes, hunting equipment, waterfowl decoys, managed waterfowl areas as the background of habitat scenes, or other designs that represent our waterfowl hunting heritage. The design chosen will clearly meet the theme of ''celebrating our waterfowl hunting heritage.''

■ 3. Revise § 91.21(b) to read as follows:

§ 91.21 Selection and qualification of contest judges.

* * * * *

(b) *Qualifications.* The panel of five judges will be made up of individuals, all of whom have one or more of the following prerequisites: Recognized art credentials, knowledge of the anatomical makeup and the natural habitat of the eligible waterfowl species, an understanding of the wildlife sporting world in which the Duck Stamp is used, an awareness of philately and the role the Duck Stamp plays in stamp collecting, demonstrated support for the conservation of waterfowl and wetlands through active involvement in the conservation community, an understanding and appreciation of waterfowl hunting heritage, and the ability to recognize waterfowl hunting accessories.

* * * * *

■ 4. Revise § 91.23 to read as follows:

§ 91.23 Scoring criteria for contest.

Entries will be judged on the basis of anatomical accuracy, artistic composition, suitability for reduction in the production of a stamp, and how well they illustrate the theme of ''celebrating our waterfowl hunting heritage.''

Dated: January 6, 2020.

Rob Wallace,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2020–01497 Filed 1–28–20; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 200121–0026]

RIN 0648–BJ38

Fisheries of the Northeastern United States; Implementing Permitting and Reporting for Private Recreational Tilefish Vessels

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement permitting and reporting measures for private recreational tilefish vessels that were approved in Amendment 6 to the Tilefish Fishery Management Plan. These measures are being implemented after the other management measures in Amendment 6 because of additional time needed for development. The intended effect of this action is to notify private recreation tilefish vessels of the proposed changes and to solicit public comment on these measures.

DATES: Comments must be received on or before February 28, 2020.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2020–005, by either of the following methods:

• *Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2020-005,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Michael Pentony, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope: ''Comments on Permitting and Reporting for Private Recreational Tilefish Anglers.''

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are part of the public record and will generally be posted to *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, *etc.*), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Copies of Amendment 6, and of the Environmental Assessment (EA), are available from the Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, DE 19901. The EA and Regulatory Impact Review are also accessible via the internet at: *http://www.mafmc.org/actions/blueline-tilefish.*

FOR FURTHER INFORMATION CONTACT: Laura Hansen, Fishery Management Specialist, 978–281–9225.

SUPPLEMENTARY INFORMATION:

Background

On November 15, 2017, we announced our approval of all the measures proposed by the Mid-Atlantic Fishery Management Council in the Amendment 6 to the Tilefish Fishery Management Plan (FMP) final rule (82 FR 52851). The final rule implemented most, but not all, of the measures in the amendment. The amendment implemented management measures and quotas for the previously unregulated blueline tilefish fishery in the Mid-Atlantic region and additional information and analysis on these measures are provided in the EA (see **ADDRESSES**). We also approved, but did not implement, Mid-Atlantic Council recommended measures to better characterize and monitor the recreational fisheries for both blueline tilefish and golden tilefish. Angler intercepts for these species are rare events and are poorly captured by the Marine Recreational Information Program (MRIP). Amendment 6 measures included a new Federal permit for private recreational fishing vessels to target or retain blueline or golden tilefish, as well as mandatory reporting requirements for these vessels. These measures required additional

time for development, prior to implementation.

Proposed Permitting and Reporting Requirements

We are proposing regulations to require private recreational vessels to obtain a Federal vessel permit to fish for or a retain golden or blueline tilefish in the Mid-Atlantic, which are permitting and reporting requirements recommended by the Council and approved as part of Amendment 6.

This action does not impact the regulations for party/charter vessels and will apply to anglers using a personal vessel, to fish for and/or obtain blueline and golden tilefish. Retained fish may only be kept for personal consumption and may not be sold or bartered. We would issue this permit through an online application on the Greater Atlantic Regional Fisheries Office (GARFO) website. GARFO would issue and renew private recreational tilefish permits annually. Private recreational tilefish vessels would also be required to submit vessel trip reports (VTRs) for any trip targeting tilefish through any NMFS-approved electronic reporting system. There are several platforms to submit electronic reports including SAFIS eTrips, SAFIS eTrips Online, and Fish Online. Fish Online is the simplest system and is the preferred method to submit reports. Users can create an account by calling (978) 281–9188 or emailing the GARFO Helpdesk at *nmfs.gar.helpdesk@noaa.gov*. Fish Online can be accessed via a computer, phone, and/or tablet, and we intend to conduct outreach and education to minimize burden and confusion with filling out the VTRs. Private recreational vessels targeting tilefish may keep a paper log to keep records while out at sea, to be submitted electronically within 24 hours of returning to port. The 24-hour submission requirement is proposed to coincide with the requirement for Highly Migratory Species permit holders because we expect there to be some overlap between the two groups. We would like comments on the suitability of the proposed timeframe for submission of the VTRs.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the Tilefish FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

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

This proposed rule is not an Executive Order 13771 regulatory action, because this rule is not significant under Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that the measures approved in Amendment 6 to the Tilefish FMP, would not have a significant economic impact on a substantial number of small entities. Private recreational anglers are not considered small entities. As a result, an initial regulatory flexibility analysis is not required for this action and none has been prepared.

This proposed rule contains two revisions to existing collection-of-information requirements subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). NMFS has submitted these requirements to OMB for approval under control number 0648–0202 and 0648–0212.

The public reporting burden for initial private recreational tilefish permit applications is estimated to average 45 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Public reporting burden for private recreational tilefish vessel trip reports is estimated to average five minutes per response. Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule may be submitted to Greater Atlantic Regional Fisheries Office and by email to *OIRA_Submission@omb.eop.gov,* or fax to (202) 395–7285.

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: January 22, 2020.

Samuel D. Rauch III,

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

For the reasons set out 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. In § 648.4, add paragraphs (a)(12)(iii) and (c)(2)(i)(A) through (B) to read as follows:

§ 648.4 Vessel permits.

(a) * * *

(12) * * *

(iii) *Private recreational vessel permits.* Any private recreational vessel must have been issued, under this part, a Federal recreational tilefish vessel permit to fish for, possess, or land either golden tilefish or blueline tilefish in the Tilefish Management Unit. Such vessel must observe the recreational possession limits as specified at § 648.296 and the prohibition on sale.

* * * * *

(c) * * *

(2) * * *

(i) * * *

(A) An application for a private recreational tilefish permit issued under this section, in addition to the information specified in paragraph (c)(1) of this section, also must contain at least the following information, and any other information required by the Regional Administrator: Vessel name, owner name or name of the owner's authorized representative, mailing address, and telephone number; USCG documentation number and a copy of the vessel's current USCG documentation or, for a vessel not required to be documented under title 46 U.S.C., the vessel's state registration number and a copy of the current state registration.

(B) [Reserved]

* * * * *

■ 3. Amend § 648.7 by:

■ a. Revising paragraphs (b)(1)(i) and (iii) and;

■ b. Adding paragraphs (b)(1)(iv) and (f)(2)(iv).

The revisions and additions read as follows:

§ 648.7 Recordkeeping and reporting requirements.

* * * * *

(b) * * *

(1) * * *

(i) *General.* Except for vessel owners or operators fishing under a surfclam or ocean quahog permit, or fishing under a private recreational tilefish permit, the owner or operator of any vessel issued a valid permit or eligible to renew a limited access permit under this part must:

(A) Maintain on board the vessel, and submit, an accurate fishing log report for each fishing trip, regardless of species fished for or taken, on forms supplied by or approved by the Regional Administrator.

(B) If authorized in writing by the Regional Administrator, a vessel owner or operator may submit reports electronically, for example by using a VMS or other media.

(C) At least the following information and any other information required by the Regional Administrator must be provided:

(*1*) Vessel name;

(*2*) USCG documentation number (or state registration number, if undocumented);

(*3*) Permit number;

(*4*) Date/time sailed;

(*5*) Date/time landed;

(*6*) Trip type;

(*7*) Number of crew;

(*8*) Number of anglers (if a charter or party boat);

(*9*) Gear fished;

(*10*) Quantity and size of gear;

(*11*) Mesh/ring size;

(*12*) Chart area fished;

(*13*) Average depth;

(*14*) Latitude/longitude (or loran station and bearings);

(*15*) Total hauls per area fished;

(*16*) Average tow time duration;

(*17*) 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,

(*18*) 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;

(*19*) Dealer permit number;

(*20*) Dealer name;

(*21*) Date sold, port and state landed; and

(*22*) Vessel operator's name, signature, and operator's permit number (if applicable).

(ii) * * *

(iii) *Charter/Party vessel permit owners and operators.* The owner or operator of any fishing vessel that holds a Federal charter/party (for-hire) permit to fish for Atlantic bluefish, black sea bass, scup, summer flounder, tilefish, Atlantic mackerel, squid, and/or butterfish, when on a trip carrying passengers for hire, must submit the required Vessel Trip Report by electronic means. This report must be submitted through a software application approved by NMFS and must contain all applicable information outlined in paragraph (b)(1)(i)(C) of this section.

(iv) *Private tilefish recreational vessel owners and operators.* The owner or operator of any fishing vessel that holds a Federal private recreational tilefish permit, must report for each recreational trip fishing for or retaining blueline or golden tilefish in the Tilefish Management Unit. The required Vessel Trip Report must be submitted by electronic means. This report must be submitted through a NMFS approved electronic reporting system within 24 hours of the trip returning to port. The vessel operator may keep paper records while onboard and upload the data after landing. The report must contain the following information:

(A) Vessel name;

(B) USCG documentation number (or state registration number, if undocumented);

(C) Permit number;

(D) Date/time sailed;

(E) Date/time landed;

(F) Trip type;

(G) Number of anglers;

(H) Species

(I) Gear fished;

(J) Quantity and size of gear;

(K) Soak time

(L) Depth

(M) Chart Area

(N) Latitude/longitude where fishing occurred;

(O) Count of individual golden and blueline tilefish landed or discarded; and

(P) Port and state landed

* * * * *

(f) * * *

(2) * * *

(iv) Private recreational tilefish electronic log reports, required by paragraph (b)(1)(iv) of this section, must be submitted within 24 hours after entering port at the conclusion of a trip.

* * * * *

■ 4. In § 648.8 add paragraph (f) to read as follows:

§ 648.8 Vessel identification.

* * * * *

(f) *Private Recreational Tilefish Vessels.* Vessels issued only a Federal private recreational tilefish permit are not subject to the requirements of § 648.8, but must comply with any other applicable state or Federal vessel identification requirements.

■ 5. In § 648.11 revise paragraph (a) to read as follows:

§ 648.11 At-sea sea sampler/observer coverage.

(a) The Regional Administrator may request any vessel holding a permit for Atlantic sea scallops, NE multispecies, monkfish, skates, Atlantic mackerel, squid, butterfish, scup, black sea bass, bluefish, spiny dogfish, Atlantic herring, tilefish, Atlantic surfclam, ocean quahog, or Atlantic deep-sea red crab; or a moratorium permit for summer flounder; to carry a NMFS-certified fisheries observer. A vessel holding a permit for Atlantic sea scallops is subject to the additional requirements specific in paragraph (g) of this section. Also, any vessel or vessel owner/operator that fishes for, catches or lands hagfish, or intends to fish for, catch, or land hagfish in or from the exclusive economic zone must carry a NMFS-certified fisheries observer when requested by the Regional Administrator in accordance with the requirements of this section. The requirements of this section do not apply to vessels with only a Federal private recreational tilefish permit.

* * * * *

■ 6. In § 648.14 add paragraph (u)(1)(iii)(C) and revise paragraph (u)(2)(i)(C) to read as follows:

§ 648.14 Prohibitions.

* * * * *

(u) * * *

(1) * * *

(iii) * * *

(C) Operate a private recreational vessel to fish for, retain, and/or possess blueline or golden tilefish, in the Tilefish Management Unit, without a valid tilefish private recreational permit as required in § 648.4(a)(12)(iii).

(2) * * *

(i) * * *

(C) The tilefish were harvested in or from the Tilefish Management Unit by a vessel with a Federal private recreational tilefish permit or a Federal charter/party tilefish permit.

* * * * *

■ 7. In 648.296 revise paragraphs (a)(1) and (b)(1) to read as follows:

§ 648.296 Tilefish recreational possession limits and gear restrictions.

(a) * * *

(1) The recreational tilefish possession limit for charter/party and private recreational anglers is eight golden tilefish per angler per trip. Any vessel engaged in recreational fishing for golden tilefish may not retain golden tilefish, unless issued a valid Federal charter/party permit, pursuant to

648.4(a)(12)(ii), or a valid Federal private recreational tilefish permit issued pursuant to 648.4(a)(12)(iv).

* * * * *

(b) * * *

(1) *Private recreational vessels.* Anglers fishing onboard a vessel issued a Federal private recreational tilefish permit pursuant to 648.4(a)(12)(iv), may land up to three blueline tilefish per person per trip.

* * * * *

[FR Doc. 2020–01429 Filed 1–28–20; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 85, No. 19

Wednesday, January 29, 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

Submission for OMB Review; Comment Request

January 24, 2020.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on 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.

Comments regarding this information collection received by February 28, 2020 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW, Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food Safety and Inspection Service

Title: Permit to Obtain Specimens of Condemned or Other Inedible Materials from Official Establishments.

OMB Control Number: 0583–New.

Summary of Collection: The Food Safety and Inspection Service (FSIS) has been delegated the authority to exercise the functions of the Secretary as provided in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, et. seq.), the Poultry Products Inspection Act 3et. seq.). These statutes mandate that FSIS protect the public by ensuring that meat, poultry, and egg products are wholesome, not adulterated, and properly labeled and packaged.

Need and Use of the Information: FSIS requires any person desiring specimens of condemned or other inedible materials, including embryos and specimens of animal parasites, to file a written application on the FSIS Form 6700–2, ''Application and permit to Obtain Specimens from Official Establishments. The applicant must indicate the purpose for the specimens and arrange with and receive permission from the official establishment to obtain the specimens.

Description of Respondents: Business or other for-profit.

Number of Respondents: 1,642.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 274.

Food Safety and Inspection Service

Title: Permit to Transport Undenatured Inedible Meat Products.

OMB Control Number: 0583–New.

Summary of Collection: The Food Safety and Inspection Service (FSIS) has been delegated the authority to exercise the functions of the Secretary as provided in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, et. seq.). These statutes mandate that FSIS protect the public by ensuring that meat products are wholesome, not adulterated, and properly labeled and packaged. Under the regulations at 9 CFR 325.11(e), official establishments are to apply in writing to their District Office to obtain a permit for the transport of undenatured inedible meat products in commerce.

Need and Use of the Information: Official establishments write letters to their District Office that include their name, address of the applicant, a description of the type of business operations, and the purpose.

Description of Respondents: Business or other for-profit.

Number of Respondents: 150.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 87.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2020–01529 Filed 1–28–20; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Forest Service

Ketchikan Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Ketchikan Resource Advisory Committee (RAC) will meet in Ketchikan, Alaska. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. RAC information can be found at the following website: *https://www.fs.usda.gov/main/pts.*

DATES: The meeting will be held on February 6, 2020, at 6:00 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Southeast Alaska Discovery Center, 50 Main Street, Ketchikan, Alaska 99901. A conference line is set up for those who would like to listen in by telephone. For the conference call number, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Ketchikan Misty Fjords Ranger District. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Penny L. Richardson, RAC Coordinator, by phone at 907–228–4105 or via email at *penny.richardson@usda.gov*. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Update members on past RAC projects, and
2. Propose new RAC projects.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by January 31, 2020, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Penny L. Richardson, RAC Coordinator, Ketchikan Misty Fjords Ranger District, 3031 Tongass Avenue, Ketchikan, Alaska 99901; by email to *penny.richardson@usda.gov,* or via facsimile to 907–225–8738.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accomodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: January 24, 2020.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2020–01554 Filed 1–28–20; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, U.S. Department of Commerce.

ACTION: Notice and opportunity for public comment.

SUMMARY: The Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of the firms contributed importantly to the total or partial separation of the firms' workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

SUPPLEMENTARY INFORMATION:

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[11/27/2019 through 1/23/2020]

Firm name	Firm address	Date accepted for investigation	Product(s)
Silicon Carbide Products, Inc	361 Daniel Zenker Drive, Horseheads, NY 14845.	1/6/2020	The firm manufactures high-strength ceramic parts.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice. These petitions are received pursuant to section 251 of the Trade Act of 1974, as amended.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Irette Patterson,

Program Analyst.

[FR Doc. 2020–01528 Filed 1–28–20; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Industry and Security.

Title: Licensing Responsibilities and Enforcement.

Form Number(s): N/A.

OMB Control Number: 0694–0122.

Type of Review: Regular submission.

Estimated Total Annual Burden Hours: 97,456.

Estimated Number of Respondents: 2,224,151.

Estimated Time per Response: 5 seconds to 2 hours.

Needs and Uses: This collection of information involves ten miscellaneous activities described in Sections 744.15(b), part 744 Supplement No. 7, paragraph (d), § 748.4 and part 758 of the EAR that are associated with the export of items controlled by the Department of Commerce. Most of these activities do not involve submission of documents to the BIS but instead involve exchange of documents among parties in the export transaction to ensure that each party understands its obligations under U.S. law. Others

involve writing certain export control statements on shipping documents or reporting unforeseen changes in shipping and disposition of exported commodities. These activities are needed by the Office of Export Enforcement and the U.S. Customs Service to document export transactions, enforce the EAR and protect the National Security of the United States

Affected Public: Business or other for-profit organizations.

Frequency: On Occasion.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at *reginfo.gov—http://www.reginfo.gov/public/*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov*.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2020–01571 Filed 1–28–20; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–560–829]

Uncoated Paper From Indonesia: Final Results of Countervailing Duty Administrative Review; 2018

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of uncoated paper from Indonesia during the period of review (POR) January 1 through December 31, 2018.

DATES: Applicable January 29, 2020.

FOR FURTHER INFORMATION CONTACT: William Miller, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3906.

SUPPLEMENTARY INFORMATION:

Background

The review covers PT Anugerah Kertas Utama, PT Riau Andalan Kertas, APRIL Fine Paper Macao Offshore Limited, PT Asia Pacific Rayon, PT Sateri Viscose International, A P Fine Paper Trading (Hong Kong) Limited, and APRIL International Enterprise Pte. Ltd. (collectively, APRIL).[1]

On November 8, 2019, Commerce published the preliminary results of this administrative review in the **Federal Register**.[2] Although we invited interested parties to comment on the *Preliminary Results,*[3] we received no comments. Accordingly, no decision memorandum accompanies this **Federal Register** notice.[4]

Scope of the Order

The merchandise under review includes uncoated paper in sheet form; weighing at least 40 grams per square meter but not more than 150 grams per square meter; that either is a white paper with a GE brightness level[5] of 85 or higher or is a colored paper; whether or not surface-decorated, printed (except as described below), embossed, perforated, or punched; irrespective of the smoothness of the surface; and irrespective of dimensions (Certain Uncoated Paper). Certain Uncoated Paper includes (a) uncoated free sheet paper that meets this scope definition; (b) uncoated ground wood paper produced from bleached chemi-thermo-mechanical pulp (BCTMP) that meets this scope definition; and (c) any other uncoated paper that meets this scope definition regardless of the type of pulp used to produce the paper.

Specifically excluded from the scope are: (1) Paper printed with final content of printed text or graphics and (2) lined paper products, typically school supplies, composed of paper that incorporates straight horizontal and/or vertical lines that would make the paper unsuitable for copying or printing purposes. For purposes of this scope definition, paper shall be considered ''printed with final content'' where at least one side of the sheet has printed text and/or graphics that cover at least five percent of the surface area of the entire sheet.

On September 1, 2017, Commerce determined that that imports of uncoated paper with a GE brightness of 83 +/− 1% (83 Bright paper), otherwise meeting the description of in-scope merchandise, constitute merchandise ''altered in form or appearance in minor respects'' from in-scope merchandise that are subject to this order.[6]

Imports of the subject merchandise are provided for under Harmonized Tariff Schedule of the United States (HTSUS) categories 4802.56.1000, 4802.56.2000, 4802.56.3000, 4802.56.4000, 4802.56.6000, 4802.56.7020, 4802.56.7040, 4802.57.1000, 4802.57.2000, 4802.57.3000, and 4802.57.4000. Some imports of subject merchandise may also be classified under 4802.62.1000, 4802.62.2000, 4802.62.3000, 4802.62.5000, 4802.62.6020, 4802.62.6040, 4802.69.1000, 4802.69.2000, 4802.69.3000, 4811.90.8050 and 4811.90.9080. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

Final Results of the Review

We determine the following net countervailable subsidy rate for the period January 1, 2018 through December 31, 2018:

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[1] *See Certain Uncoated Paper from Indonesia: Preliminary Results of Countervailing Duty Administrative Review; 2018,* 84 FR 60378 (November 8, 2019) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM) at 1.

[2] *See Preliminary Results,* 84 FR at 60378.

[3] *Id.* at 60379.

[4] For further details of the issues addressed in this proceeding, *see Preliminary Results* and PDM.

[5] One of the key measurements of any grade of paper is brightness. Generally speaking, the brighter the paper the better the contrast between the paper and the ink. Brightness is measured using a GE Reflectance Scale, which measures the reflection of light off a grade of paper. One is the lowest reflection, or what would be given to a totally black grade, and 100 is the brightest measured grade. ''Colored paper'' as used in this scope definition means a paper with a hue other than white that reflects one of the primary colors of magenta, yellow, and cyan (red, yellow, and blue) or a combination of such primary colors.

[6] *See Certain Uncoated Paper from Australia, Brazil, the People's Republic of China, Indonesia, and Portugal: Affirmative Final Determination of Circumvention of the Antidumping and Countervailing Duty Orders,* 82 FR 41610 (September 1, 2017).

Company	Net subsidy rate *ad valorem* (percent)
PT Anugerah Kertas Utama, PT Riau Andalan Kertas, APRIL Fine Paper Macao Offshore Limited, PT Asia Pacific Rayon, PT Sateri Viscose International, A P Fine Paper Trading (Hong Kong) Limited, and APRIL International Enterprise Pte. Ltd. (collectively, APRIL)	104.00

Assessment Rates

Consistent with section 751(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.212(b)(2), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries. Commerce intends to issue appropriate assessment instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

Pursuant to section 751(a)(2)(C) of the Act, Commerce also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amount indicated above for APRIL on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. For all non-reviewed firms, we will instruct CBP to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification Regarding Administrative Protective Order (APO)

This notice serves as the only reminder to parties subject to 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/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

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: January 22, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2020–01561 Filed 1–28–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–016, C–570–017]

Notice of Initiation and Preliminary Results of Changed Circumstances Reviews: Certain Passenger Vehicle and Light Truck Tires From the People's Republic of China

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: In response to a request for changed circumstances reviews (CCRs), the Department of Commerce (Commerce) is initiating CCRs of the antidumping duty (AD) and countervailing duty (CVD) orders on certain passenger vehicle and light truck tires (passenger tires) from the People's Republic of China (China). We have preliminarily determined that: Sailun Group Co., Ltd. (Sailun Group) is the successor-in-interest to Sailun Jinyu Group Co., Ltd. (Sailun Jinyu); Sailun (Dongying) Tire Co., Ltd. (Sailun Dongying) is the successor-in-interest to Shandong Jinyu Industrial Co., Ltd. (Shandong Jinyu); and Sailun Group (Hong Kong) Co., Ltd. (Sailun HK) is the successor-in-interest to Sailun Jinyu Group (Hong Kong) Co., Ltd. (Sailun Jinyu HK). As a result, these entities should be accorded the same treatment previously accorded to this company group. Interested parties are invited to comment on these preliminary results.

DATES: Applicable January 29, 2020.

FOR FURTHER INFORMATION CONTACT: Toni Page at (202) 482–1398 (AD) or Andrew Huston at (202) 482–4261 (CVD), Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On August 10, 2015, Commerce published in the **Federal Register** the AD and CVD *Orders* on passenger tires from China.[1] During the AD investigation of this proceeding, Commerce selected Sailun Jinyu as a mandatory respondent and found that Sailun Jinyu, Shandong Jinyu, Sailun Jinyu HK, as well as several other companies were part of the Sailun Jinyu Group and treated them as a single entity for purposes of calculating the AD margin.[2] In the companion CVD case, the Sailun Group has never been selected as a mandatory respondent in any of the proceedings and has received the all-others CVD subsidy rate in the investigation and subsequent administrative reviews.[3]

On October 25, 2019, Sailun Jinyu requested that Commerce conduct expedited CCRs of the *Orders* to determine that Sailun Group is the successor-in-interest to Sailun Jinyu, Sailun Dongying is the successor-in-interest to Shandong Jinyu, and Sailun HK is the successor-in-interest to Sailun Jinyu HK.[4] Commerce continued to treat the Sailun Jinyu Group as a single entity through subsequent AD administrative reviews.[5] In its requests, Sailun Jinyu addressed the factors Commerce analyzes with respect to successor-in-interest determinations in the AD and CVD context, and provided documentation in support.[6] Commerce received no comments from interested parties on Sailun Jinyu's CCR requests. On December 6, 2019, Commerce extended the deadline to determine whether to initiate the CCR by 45 days, until January 23, 2020[7] in accordance with 19 CFR 351.302(b). On December 10, 2019, Commerce requested additional information from Sailun

[1] *See Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Amended Final Affirmative Antidumping Duty Determination and Antidumping Duty Order; and Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order,* 80 FR 47902 (August 10, 2015) (*Orders*).

[2] *See* Sailun Jinyu's Letter, ''Sailun Request for a Changed Circumstances Review in Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China, Case No. A–570–016,'' dated October 25, 2019 (AD CCR Request).

[3] *See* Sailun Jinyu's Letter, ''Sailun Request for a Changed Circumstances Review in Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China, Case No. C–570–017,'' dated October 25, 2019 (CVD CCR Request).

[4] *See* AD CCR Request; and CVD CCR Request.

[5] *See* AD CCR Request at 5.

[6] *See* AD CCR Request; and CVD CCR Request.

[7] *See* Memorandum, ''Initiation of Changed Circumstances Reviews: Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China,'' dated December 6, 2019.

Jinyu,[8] and Sailun Jinyu responded to this request on December 20, 2019.[9]

Scope of the Orders

The scope of these orders is passenger vehicle and light truck tires. Passenger vehicle and light truck tires are new pneumatic tires, of rubber, with a passenger vehicle or light truck size designation. Tires covered by this order may be tube-type, tubeless, radial, or non-radial, and they may be intended for sale to original equipment manufacturers or the replacement market.

Subject tires have, at the time of importation, the symbol ''DOT'' on the sidewall, certifying that the tire conforms to applicable motor vehicle safety standards. Subject tires may also have the following prefixes or suffix in their tire size designation, which also appears on the sidewall of the tire:

Prefix designations:

P–Identifies a tire intended primarily for service on passenger cars

LT–Identifies a tire intended primarily for service on light trucks

Suffix letter designations:

LT–Identifies light truck tires for service on trucks, buses, trailers, and multipurpose passenger vehicles used in nominal highway service.

All tires with a ''P'' or ''LT'' prefix, and all tires with an ''LT'' suffix in their sidewall markings are covered by this investigation regardless of their intended use. In addition, all tires that lack a ''P'' or ''LT'' prefix or suffix in their sidewall markings, as well as all tires that include any other prefix or suffix in their sidewall markings, are included in the scope, regardless of their intended use, as long as the tire is of a size that is among the numerical size designations listed in the passenger car section or light truck section of the Tire and Rim Association Year Book, as updated annually, unless the tire falls within one of the specific exclusions set out below.

Passenger vehicle and light truck tires, whether or not attached to wheels or rims, are included in the scope. However, if a subject tire is imported attached to a wheel or rim, only the tire is covered by the scope.

Specifically excluded from the scope are the following types of tires:

(1) Racing car tires; such tires do not bear the symbol ''DOT'' on the sidewall and may be marked with ''ZR'' in size designation;

(2) new pneumatic tires, of rubber, of a size that is not listed in the passenger car section or light truck section of the Tire and Rim Association Year Book;

(3) pneumatic tires, of rubber, that are not new, including recycled and retreaded tires;

(4) non-pneumatic tires, such as solid rubber tires;

(5) tires designed and marketed exclusively as temporary use spare tires for passenger vehicles which, in addition, exhibit each of the following physical characteristics:

(a) The size designation and load index combination molded on the tire's sidewall are listed in Table PCT–1B (''T'' Type Spare Tires for Temporary Use on Passenger Vehicles) of the Tire and Rim Association Year Book,

(b) the designation ''T'' is molded into the tire's sidewall as part of the size designation, and,

(c) the tire's speed rating is molded on the sidewall, indicating the rated speed in MPH or a letter rating as listed by Tire and Rim Association Year Book, and the rated speed is 81 MPH or a ''M'' rating;

(6) tires designed and marketed exclusively for specialty tire (ST) use which, in addition, exhibit each of the following conditions:

(a) The size designation molded on the tire's sidewall is listed in the ST sections of the Tire and Rim Association Year Book,

(b) the designation ''ST'' is molded into the tire's sidewall as part of the size designation,

(c) the tire incorporates a warning, prominently molded on the sidewall, that the tire is ''For Trailer Service Only'' or ''For Trailer Use Only'',

(d) the load index molded on the tire's sidewall meets or exceeds those load indexes listed in the Tire and Rim Association Year Book for the relevant ST tire size, and

(e) either

(i) the tire's speed rating is molded on the sidewall, indicating the rated speed in MPH or a letter rating as listed by Tire and Rim Association Year Book, and the rated speed does not exceed 81 MPH or an ''M'' rating; or

(ii) the tire's speed rating molded on the sidewall is 87 MPH or an ''N'' rating, and in either case the tire's maximum pressure and maximum load limit are molded on the sidewall and either

(1) both exceed the maximum pressure and maximum load limit for any tire of the same size designation in either the passenger car or light truck section of the Tire and Rim Association Year Book; or

(2) if the maximum cold inflation pressure molded on the tire is less than any cold inflation pressure listed for that size designation in either the passenger car or light truck section of the Tire and Rim Association Year Book, the maximum load limit molded on the tire is higher than the maximum load limit listed at that cold inflation pressure for that size designation in either the passenger car or light truck section of the Tire and Rim Association Year Book;

(7) tires designed and marketed exclusively for off-road use and which, in addition, exhibit each of the following physical characteristics:

(a) The size designation and load index combination molded on the tire's sidewall are listed in the off-the-road, agricultural, industrial or ATV section of the Tire and Rim Association Year Book,

(b) in addition to any size designation markings, the tire incorporates a warning, prominently molded on the sidewall, that the tire is ''Not For Highway Service'' or ''Not for Highway Use'',

(c) the tire's speed rating is molded on the sidewall, indicating the rated speed in MPH or a letter rating as listed by the Tire and Rim Association Year Book, and the rated speed does not exceed 55 MPH or a ''G'' rating, and

(d) the tire features a recognizable off-road tread design.

The products covered by this order are currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4011.10.10.10, 4011.10.10.20, 4011.10.10.30, 4011.10.10.40, 4011.10.10.50, 4011.10.10.60, 4011.10.10.70, 4011.10.50.00, 4011.20.10.05, and 4011.20.50.10. Tires meeting the scope description may also enter under the following HTSUS subheadings: 4011.99.45.10, 4011.99.45.50, 4011.99.85.10, 4011.99.85.50, 8708.70.45.45, 8708.70.45.60, 8708.70.60.30, 8708.70.60.45, and 8708.70.60.60. While HTSUS subheadings are provided for convenience and for customs purposes, the written description of the subject merchandise is dispositive.

Initiation of Changed Circumstances Reviews

Pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216, Commerce will conduct a CCR upon a request from an interested party for a review of an AD or CVD order which shows changed

[8] *See* Commerce's Letter, ''Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China Changed Circumstances Review Request Questionnaire,'' dated December 10, 2019.

[9] *See* Sailun Jinyu's Letter, ''Sailun Questionnaire Response in the CVD Changed Circumstances Review of Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China, Case No. C–570–017,'' dated December 20, 2019 (Sailun Jinyu CCR Response).

circumstances sufficient to warrant a review of the orders. The information submitted by Sailun Jinyu supporting its claim that Sailun Group is the successor-in-interest to Sailun Jinyu, Sailun Dongying is the successor-in-interest to Shandong Jinyu, and Sailun HK is the successor-in-interest to Sailun Jinyu HK demonstrates both good cause and changed circumstances sufficient to initiate these reviews.[10]

Sailun Jinyu argues that Commerce's practice is to grant expedited successor-in-interest status to new companies when the evidence confirms that the company has merely changed its name.[11] Sailun Jinyu notes that in the *Aspirin from China* CCR, Commerce stated that the company under review demonstrated sufficient good cause in accordance with 19 CFR 351.216(c) because the company had only undergone a change in name.[12] The information submitted by Sailun Jinyu demonstrates that its and its entities' requests are based solely on changes to their respective company names. Specifically, Sailun Jinyu provided a company announcement explaining how it and its affiliates changed their company names as part of a re-branding strategy.[13]

Therefore, in accordance with the above-referenced regulation, Commerce is initiating CCRs to determine whether Sailun Group is the successor-in-interest to Sailun Jinyu, Sailun Dongying is the successor-in-interest to Shandong Jinyu, and Sailun HK is the successor-in-interest to Sailun Jinyu HK.

Preliminary Results

When it concludes that expedited action is warranted, Commerce may publish the notice of initiation and preliminary results of a CCR concurrently.[14] Commerce has combined the notice of initiation and preliminary results in successor-in-interest CCRs when sufficient documentation has been provided supporting the request to make a preliminary determination.[15] In this instance, because we have on the record information to support the request for AD and CVD preliminary determinations, we find that expedited action is warranted, and we are combining the notice of initiation and the notice of preliminary results, in accordance with 19 CFR 351.221(c)(3)(ii).

AD Methodology

In a CCR, Commerce generally considers a company to be the successor to another company for AD cash deposit purposes if the operations of the successor are not materially dissimilar from those of its predecessor.[16] In making an AD CCR determination, Commerce examines a number of factors including, but not limited to, changes in: (1) Management; (2) production; (3) suppliers; and (4) customer base.[17] While none of these factors is dispositive, Commerce will generally consider one company to be the successor to another if its resulting operation is essentially the same as that of its predecessor.[18] Thus, if the evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the prior company, Commerce will assign the new company the cash deposit rate of its predecessor.[19] In its CCR submission, Sailun Jinyu provided evidence demonstrating that the successor companies' operations are not materially dissimilar from those of the predecessors. Specifically, all three of the new Sailun Group entities will be managed and operated by the same management teams as those of their predecessors.[20] Further, there is no change in the Sailun Jinyu Group's production facilities as a result the name changes.[21] Finally, there have been no significant changes to the companies' suppliers or customer base.[22] Based on the foregoing, we preliminarily determine that Sailun Group is the successor-in-interest to Sailun Jinyu, Sailun Dongying is the successor-in-interest to Shandong Jinyu, and Sailun HK is the successor-in-interest to Sailun Jinyu HK. As such, these entities are entitled to the Sailun Jinyu Group's AD cash deposit rate with respect to entries of subject merchandise.

CVD Methodology

As a general rule, in a CVD CCR, Commerce will make an affirmative CVD successorship finding (*i.e.,* that the respondent company is the same subsidized entity for CVD cash deposit purposes as the predecessor company) where there is no evidence of significant changes in the respondent's: (1) Operations; (2) ownership; and (3) corporate and legal structure during the relevant period (*i.e.,* the ''look-back window'') that could have affected the nature and extent of the respondent's subsidy levels.[23] Where Commerce makes an affirmative CVD successorship finding, the successor's merchandise will be entitled to enter under the predecessor's cash deposit rate.[24] Here, we find no evidence of significant changes between Sailun Jinyu, Shandong Jinyu, and Sailun Jinyu HK, and the successor in interest companies, respectively, Sailun Group, Sailun Dongying and Sailun HK's operations, ownership, or their corporate or legal structure that could have had an impact on Sailun Group, Sailun Dongying, and Sailun HK's subsidy levels.[25] Specifically, all record information with respect to Sailun Group, Sailun Dongying, and Sailun HK's trading operations,[26] shareholders, and corporate and legal structures[27] demonstrates that these companies are the same subsidized entities as their

[10] *See* 19 CFR 351.216.

[11] *See* AD CCR Request at 3; and CVD CCR Request at 3 (citing *Bulk Aspirin from the People's Republic of China; Initiation of Changed Circumstances Antidumping Duty Administrative Review,* 67 FR 39344 (June 7, 2002) (*Aspirin from China* CCR).

[12] *See* AD CCR Request at 3; and CVD CCR Request at 3.

[13] *See* AD CCR Request at 6 and Exhibit 2; *see also* CVD CCR Request at 5 and Exhibit 1.

[14] *See* 19 CFR 351.221(c)(3)(ii).

[15] *See, e.g., Multilayered Wood Flooring from the People's Republic of China: Initiation and Preliminary Results of Antidumping and Countervailing Duty Changed Circumstances Reviews,* 82 FR 9561 (February 7, 2017), unchanged in *Multilayered Wood Flooring from the People's Republic of China: Final Results of Changed Circumstances Reviews,* 82 FR 14691 (March 22, 2017) (*Wood Flooring from China 2017 CCR*).

[16] *Id.*

[17] *See Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Multilayered Wood Flooring from the People's Republic of China,* 79 FR 48117, 48118 (August 15, 2014), unchanged in *Multilayered Wood Flooring from the People's Republic of China: Final Results of Changed Circumstances Review,* 79 FR 58740 (September 30, 2014).

[18] *Id.*

[19] *See, e.g., Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China,* 81 FR 76561 (November 3, 2016), unchanged in *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Final Results of Changed Circumstances Review,* 81 FR 91909 (December 19, 2016).

[20] *See* AD CCR Request at 9, 10, 12 and Exhibits 3c, 4c, and 5b.

[21] *Id.* at 9 and Exhibits 3d and 4d.

[22] *Id.* at 10 and Exhibits 3e, 3f, 4e, 4f, 5c, and 5d.

[23] *See Certain Pasta from Turkey: Preliminary Results of Countervailing Duty Changed Circumstances Review,* 74 FR 47225 (September 15, 2009). Here, the relevant period, or ''look-back window,'' is December 31, 2018 (end of the period of review associated with the most recent opportunity to request an administrative review) through October 25, 2019 (date of the CVD CCR request).

[24] *See Wood Flooring from China 2017 CCR.*

[25] *See* CVD CCR Request; and Sailun Jinyu CCR Response.

[26] *See* CVD CCR Request at Exhibits 2e, 2f, 3e, 3f, 4c and 4d; and Sailun Jinyu CCR Response at 3.

[27] *See* CVD CCR Request at Exhibits 2a, 2b, 2c, 2d, 3a, 3b, 3c, 4a, 4b and 4c; and Sailun Jinyu CCR Response at 4.

predecessors.[28] Accordingly, we preliminarily determine that Sailun Group, Sailun Dongying, and Sailun HK are the successors-in-interest to Sailun Jinyu, Shandong Jinyu, and Sailun Jinyu HK, respectively, and, as such, that it they are entitled to Sailun Jinyu, Shandong Jinyu, and Sailun Jinyu HK's CVD cash deposit rate with respect to entries of subject merchandise.

Should our final results remain the same as these preliminary results, we will instruct U.S. Customs and Border Protection to assign entries of subject merchandise exported by Sailun Group, Sailun Dongying, and Sailun HK the AD and CVD cash deposit rates applicable to Sailun Jinyu, Shandong Jinyu, and Sailun Jinyu HK, effective the date of publication of the final results.

Public Comment

Any interested party may request a hearing within 14 days of publication of this notice, in accordance with 19 CFR 351.310(c). Interested parties may submit case briefs and/or written comments no later than 14 days after the date of publication of this notice.[29] Rebuttal briefs and rebuttals to written comments, which must be limited to issues raised in such briefs or comments, may be filed not later than 7 days after the case briefs.[30] Any hearing, if requested, will normally be held two days after rebuttal briefs/comments are due, in accordance with 19 CFR 351.310(d)(1). Parties who submit case briefs or rebuttal briefs in these CCRs are requested to submit with each argument (1) a statement of the issue, and (2) a brief summary of the argument with an electronic version included. Consistent with 19 CFR 351.216(e), we will issue the final results of these CCRs no later than 270 days after the date on which these reviews were initiated or within 45 days of publication of these preliminary results if all parties agree to our preliminary findings.

Notification to Interested Parties

We are issuing and publishing this initiation and preliminary results notice in accordance with sections 751(b)(1) and 777(i)(1) of the Act, and 19 CFR 351.216 and 351.221(c)(3).

[28] *See* CVD CCR Request at Exhibit 1.

[29] Commerce is exercising its discretion under 19 CFR 351.309(c)(1)(ii) to alter the time limit for the filing of case briefs.

[30] Commerce is exercising its discretion under 19 CFR 351.309(d)(1) to alter the time limit for the filing of rebuttal briefs.

Dated: January 22, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2020–01560 Filed 1–28–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 181019964–9283–01]

RIN 0648–XG584

Request for Public Comment Regarding Proposed Waiver and Regulations Governing the Taking of Marine Mammals

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

ACTION: Notice; request for comments.

SUMMARY: NMFS has proposed to grant a waiver of the Marine Mammal Protection Act's moratorium on the take of marine mammals to allow the Makah Indian Tribe to take a limited number of Eastern North Pacific gray whales. A formal hearing took place on November 14–21, 2019 before Administrative Law Judge George J. Jordan in the Henry M. Jackson Federal Building, 915 Second Avenue, Seattle, WA 98174. NMFS now requests public comment on the proposed waiver and proposed regulations.

DATES: Comments must be submitted in writing by March 16, 2020.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2019–0037, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2019-0037,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Attn: Steve Stone, NMFS West Coast Region, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232–1274. Include the identifier ''NOAA–NMFS–2019–0037'' in the 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 NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Michael Milstein, NMFS West Coast Region, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232–1274; 503–231–6268.

SUPPLEMENTARY INFORMATION: On February 14, 2005, NMFS received a request from the Makah Indian Tribe for a waiver of the MMPA moratorium on the take of marine mammals to allow for take of ENP gray whales (*Eschrichtius robustus*). The Tribe requested that NMFS authorize a tribal hunt for ENP gray whales in the coastal portion of the Tribe's usual and accustomed fishing area for ceremonial and subsistence purposes and the making and sale of handicrafts. The MMPA imposes a general moratorium on the taking of marine mammals but authorizes the Secretary of Commerce to waive the moratorium and issue regulations governing the take if certain statutory criteria are met.

On April 5, 2019, NMFS published a Notice of Hearing and the associated proposed regulations in the **Federal Register** (84 FR 13639 and 84 FR 13604). Pursuant to an interagency agreement, a Coast Guard Administrative Law Judge was assigned to conduct the formal hearing and issue a recommended decision in this matter under the procedures set forth at 50 CFR part 228.

On November 14, 2019, Judge George J. Jordan commenced the hearing in this matter, which took place over six days. The hearing was publicly conducted and reported verbatim by an official reporter. All filings associated with the hearing, including a full transcript of the hearing, are available for public viewing and inspection at *https://www.uscg.mil/Resources/Administrative-Law-Judges/Decisions/ALJ-Decisions-2016/NOAA-Formal-Rulemaking-Makah-Tribe/*. Information pertaining to this hearing is also available at the NMFS West Coast Region website: *https://www.fisheries.noaa.gov/action/formal-rulemaking-proposed-mmpa-waiver-and-hunt-regulations-governing-gray-whale-hunts-makah*.

The regulations governing this proceeding permit any interested person to file written comments on the proposed regulations and waiver, including proposed findings and

conclusions and written arguments of briefs. These filings must be based upon the record and cite where practicable the relevant page or pages of the transcript. 50 CFR 228.19(b).

After the expiration of the comment period, the presiding officer will make a written decision based on the record and transmit it to the Assistant Administrator. There will then be another opportunity for public comment before the Assistant Administrator issues a final decision on the proposed waiver and regulations. 50 CFR 228.20.

(Authority: 16 U.S.C. 1371 *et seq.*)

Dated: January 24, 2020.

Barry A. Thom,

Regional Administrator, West Coast Region, National Marine Fisheries Service.

[FR Doc. 2020–01572 Filed 1–28–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 200123–0028]

RTID 0648–XR079

Endangered and Threatened Species; Determination on the Designation of Critical Habitat for Chambered Nautilus

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

ACTION: Notice.

SUMMARY: We, NMFS, have determined that a designation of critical habitat for the chambered nautilus (*Nautilus pompilius*) is not prudent at this time. Based on a comprehensive review of the best scientific data available, we find that there are no areas that meet the definition of critical habitat for the species; the species primarily occurs outside the jurisdiction of the United States, and areas within the jurisdiction of the United States provide no more than negligible conservation value, if any. Given the above circumstances, we have determined that a designation of critical habitat for this species is not prudent.

DATES: This finding is made on January 29, 2020.

ADDRESSES: Electronic copies of the determination and the list of references are available from the NMFS Office of Protected Resources website at *https://www.fisheries.noaa.gov/species/chambered-nautilus.*

FOR FURTHER INFORMATION CONTACT: Maggie Miller, NMFS, Office of Protected Resources, (301) 427–8403.

SUPPLEMENTARY INFORMATION:

Background

On September 28, 2018, we published a final rule to list the chambered nautilus (*Nautilus pompilius*) as a threatened species under the Endangered Species Act (ESA) (83 FR 48976). Section 4(b)(6)(C) of the ESA requires the Secretary of Commerce (Secretary) to designate critical habitat concurrently with making a determination to list a species as threatened or endangered unless it is not determinable at that time, in which case the Secretary may extend the deadline for this designation by 1 year. At the time of listing, we concluded that critical habitat was not determinable because sufficient information was not available to: (1) Identify the physical and biological features essential to conservation of the species, particularly given the uncertainty regarding habitat features necessary to support important life history needs and the irregularity and unpredictability of chambered nautiluses within areas they are known to occur; (2) determine the specific geographical areas that contain the physical and biological features essential to conservation of the species; and (3) assess the impacts of the designation. In our final rule to list the chambered nautilus as threatened, we requested relevant information from the public on features and areas under U.S. jurisdiction that may meet the definition of critical habitat for the chambered nautilus but did not receive any responses to that solicitation. Subsequently, we continued to research, review, and compile the best available scientific data for use in the identification of critical habitat for the chambered nautilus. However, as discussed below, based on these data we find that: (1) There are no identifiable physical or biological features that are essential to the conservation of the chambered nautilus within areas under U.S. jurisdiction and that may require special management measures or protections, or unoccupied areas under U.S. jurisdiction that are essential to the conservation of the species; and (2) the areas where the species occurs within the jurisdiction of the United States provide no more than negligible, if any, conservation value.

This finding describes the biology, distribution, and habitat use of the chambered nautilus and information and analyses to support the above determinations.

Chambered Nautilus Biology and Status

The following discussion of the life history and status of the chambered nautilus is based on the best scientific data available, including the *Endangered Species Act Status Review Report: Chambered Nautilus (Nautilus pompilius)* (Miller 2018).

The chambered nautilus (*Nautilus pompilius*) is an externally-shelled cephalopod with a distinctive coiled calcium-carbonate shell that is divided into chambers. The shell can range in color from white to orange, and even purple, with unique color patterns (Barord 2015). Its distinctive coiled shell is what makes the chambered nautilus a highly sought after commodity in international trade (Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) 2016). The body of the chambered nautilus is housed in the largest chamber within the shell, and when the animal is attacked, it can seal itself into this chamber, closing the opening with a large, fleshy hood (Jereb 2005). The chambered nautilus also has up to 90 tentacles, without suckers, which they use to dig in substrate, scavenge for food (Barord 2015), and to grab on to reef surfaces for rest (CITES 2016).

The chambered nautilus is found in tropical, coastal reef, deep-water habitats of the Indo-Pacific. It is generally found in association with steep-sloped forereefs with sandy, silty, or muddy-bottomed substrates. Physiologically, the chambered nautilus cannot tolerate temperatures above approximately 25° C or depths exceeding around 750–800 meters (m) (Ward *et al.* 1980; Carlson 2010) and is, therefore, found in depths ranging from around 100 m to 500 m (CITES 2016). They can travel distances of up to 6 kilometers (km) in a day facilitated by currents (Dunstan *et al.* 2011c). However, at the depths where these animals are generally active (>200 m), currents are weak and movements are primarily accomplished through self-propulsion, with observed *N. pompilius* distances of up to 3.2 km per day and maximum speeds of up to 1.18 km/hour for short periods of time (less than 6 hours) (Dunstan *et al.* 2011a). Given their slow speeds, and reliance on passive transport (like ocean currents) for any chance of a successful long-distance migration, nautiluses are rarely found in the open ocean or even mid-water due to risk of predation (Bonacum *et al.* 2011).

Chambered nautiluses are described as deep-sea scavenging generalists and opportunistic predators, using their

tentacles to dig in the substrate and feed on a variety of organisms, including fish, crustaceans, echinoids, nematodes, cephalopods, other marine invertebrates, and detrital matter (Saunders and Ward 2010; Barord 2015). The chambered nautilus also has an acute sense of olfaction and can easily smell odors (such as prey) in turbulent waters from significant distances (of up to 10 m) (Basil *et al.* 2000).

The general life history characteristics of the chambered nautilus are that of a rare, long-lived (at least 20 years), late-maturing (10–17 years), and slow-growing marine invertebrate species, with likely low reproductive output. Circumferential growth rate for the chambered nautilus is estimated to range from 0.053 mm/day to 0.23 mm/day and slows as the animal approaches maturity (Dunstan *et al.* 2010; Dunstan *et al.* 2011b). However, average size at maturity of *N. pompilius* appears to vary among regions.

Very little is known regarding nautilus reproduction in the wild. Observations of captive animals suggest that nautiluses reproduce sexually and have multiple reproductive cycles over the course of their lifetime. Based on data from captive *N. belauensis* and *N. macromphalus* individuals, female nautiluses may lay up to 10 to 20 eggs per year, which hatch after a lengthy embryonic period of around 10 to 12 months (Uchiyama and Tanabe 1999; Barord and Basil 2014; Carlson 2014). There is no larval phase, with juveniles hatching at sizes of 22 to 23 millimeters (mm) in diameter, and potentially migrating to deeper and cooler waters (Barord and Basil 2014). However, live hatchlings rarely have been observed in the wild.

As discussed in the proposed rule (82 FR 48948, October 23, 2017) and final rule (83 FR 48976, September 28, 2018) to list the chambered nautilus, the most significant threat to the species is overutilization through commercial harvest to meet the demand for the international nautilus shell trade. Chambered nautiluses are specifically targeted for their shells, which have a distinctive coiled interior, and are sold as souvenirs to tourists and shell collectors and also used in jewelry and home décor items (where either the whole shell is sold as a decorative object or parts are used to create shell-inlay designs). Based on the available trade data, nautilus commodities are in high demand and nautilus products are globally traded, likely in the hundreds of thousands annually.

Fisheries for nautiluses tend to follow a boom-bust cycle, with serial exploitation of nautilus populations leading to reductions of 70 to 97 percent in population abundances and even extirpations of local chambered nautilus populations from waters comprising roughly three-quarters of the species' known range. The evidence of new *N. pompilius* fishing sites being established to supply both the legal and illegal trade, and poorly enforced domestic regulatory measures, coupled with the species' demographic risks (including small and isolated populations, low productivity, habitat specificity, and physiological limitations that restrict large-scale migration), significantly increase the species' vulnerability to depletion and make it likely to become an endangered species within the foreseeable future throughout its range.

Criteria for Critical Habitat Identification and Designation

Critical habitat is defined by section 3 of the ESA as: (i) The specific areas within the geographical area occupied by the species, at the time it is listed, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed upon a determination by the Secretary that such areas are essential for the conservation of the species. Our regulations at 50 CFR 424.12(a)(1) provide circumstances where the Secretary may determine that a designation would not be prudent. These include if: (1) The species is threatened by taking or other human activity and identification of critical habitat can be expected to increase the degree of such threat to the species; (2) the present or threatened destruction, modification, or curtailment of a species' habitat or range is not a threat to the species, or threats to the species' habitat stem solely from causes that cannot be addressed through management actions resulting from consultations under section 7(a)(2) of the Act; (3) areas within the jurisdiction of the United States provide no more than negligible conservation value, if any, for a species occurring primarily outside the jurisdiction of the United States; (4) no areas meet the definition of critical habitat; or (5) the Secretary otherwise determines that designation of critical habitat would not be prudent based on the best scientific data available. We have determined that two of the circumstances noted above apply to the chambered nautilus: (1) There are no areas that meet the definition of critical habitat; and (2) the species occurs primarily outside of U.S. jurisdiction in the Indo-Pacific, and the area where it is found within U.S. waters (*i.e.,* American Samoa) provides no more than negligible conservation value for the species, if any. An explanation of these determinations follows.

No Areas Meet the Definition of Critical Habitat

Critical habitat under the ESA consists of specific areas upon which are found those physical or biological features essential to the conservation of the species and that may require special management considerations or protection. The ESA does not specifically define physical or biological features. However, court decisions and joint NMFS–U.S. Fish and Wildlife Service regulations at 50 CFR 424.02 provide guidance on how physical or biological features are expressed. Specifically, these regulations state that the physical and biological features are those that occur in specific areas and that are essential to support the life-history needs of the species, including but not limited to, water characteristics, soil type, geological features, sites, prey, vegetation, symbiotic species, or other features. A feature may be a single habitat characteristic, or a more complex combination of habitat characteristics. Features may include habitat characteristics that support ephemeral or dynamic habitat conditions. Features may also be expressed in terms relating to principles of conservation biology, such as patch size, distribution distances, and connectivity (50 CFR 424.02). Furthermore, section 3 of the ESA (16 U.S.C. 1532(3)) defines the terms ''conserve,'' ''conserving,'' and ''conservation'' to mean to use and the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this chapter are no longer necessary. For the chambered nautilus, we consider conservation to include the use of all methods and procedures necessary to bring the chambered nautilus to the point at which factors related to population ecology and vital rates indicate that the species is recovered in accordance with the definition of recovery in 50 CFR 402.02. Important factors related to population ecology and vital rates include population size and trends, range, distribution, age structure, gender ratios, age-specific survival, age-specific reproduction, and lifetime reproductive success.

As stated above, very little is known about the biology and ecology of

chambered nautiluses. They are found in deep-water habitats of the Indo-Pacific, occurring on steep coral reef drop-offs of fringing reefs, barrier reefs, and atolls (Dunstan *et al.* 2011c; CITES 2016). Their habitat is constrained by depth (with shell implosion around 800 m) and temperature (<25 °C). However, the features of the habitat, and the vertical distribution of the species, vary depending on the type of geological structure. For example, in Osprey Reef, an oceanic seamount in Australia, nautilus catch rate was highest below a steep rocky reef wall, along a gradually sloping silty substrate at 300–450 m depths (Dunstan *et al.* 2011b). Trapping studies conducted in Fiji showed highest catch rates below the steep barrier reef wall, around 300 m depths, on muddy substrate (Dunstan *et al.* 2011c). In Tanon Strait, Philippines, constant catch rates were observed on a shallower muddy-silty bottom slope from 61–320 m depths, that connected a wide intertidal flat with a gently sloping floor comprised of dark gray silt (at 400–500 m depths) (Haven 1977).

In general, many of the locations where nautiluses have been found (including Fiji, Philippines, Australia, and American Samoa) tend to share similar depth profiles—step drop-offs on the fore-reef slope that reach bottom depths within around 2 km (Dunstan *et al.* 2011c). However, while some of these locations contain large, extensive fore reef slopes adjacent to sources of land-based vegetation that create nutrient-rich mud and silt substrates on the slopes (*e.g.,* Philippines, Indonesia), others may have much smaller (*e.g.,* American Samoa) and/or steeper fore reef slopes that lack organic-rich benthic muds (*e.g.,* Osprey Reef) (Ward *et al.* 2016). Underwater footage of nautiluses from Baited Remote Underwater Video Systems (BRUVS) also reveal a range of habitat types, from rocky, reef slopes to expansive sandy sea floors with few to no rocks or other distinguishing features (Barord 2015). Overall, the general habitat features of areas where nautiluses occur vary greatly by location and depends, in part, on the type of geologic structure that serves as the basis for the habitat—ranging from small, isolated seamounts to larger islands with steep reef drop-offs, wide outer barrier reefs, and gently sloping deep channels and straits (Dunstan *et al.* 2011c). However, not all areas that contain the above features (*e.g.,* reefs with step drop-offs, steep slopes, and silty or muddy bottoms) are habitat to nautiluses (CITES 2016). In fact, the distribution of chambered nautiluses is sporadic and unpredictable throughout their range and also within their immediate area of occupancy (CITES 2016). Given our current limited understanding of nautilus habitat needs and requirements, the available information only provides a general description of habitat types where nautiluses occur and does not allow us to identify any potential features that are essential to the conservation of the species.

In terms of supporting important life history functions, the available information does not indicate any physical or biological features that are essential for the reproduction or growth of the species. Neither mating nor egg laying has been observed in the wild for *N. pompilius*. Recently, Barord *et al.* (2019) documented potential mating behavior in *N. belauensis* in Palau based on observations of mating from previous laboratory and aquarium studies. Captured on video using BRUVS, the authors observed that mating tends to be a secondary behavior to the primary activity of feeding on the bait source (Barord *et al.* 2019). While the authors acknowledge that these behaviors may not have occurred without the attraction of the BRUVS, they also suggest that similar types of events (*e.g.,* occurrences of large, decaying prey items on the sea floor) may likely be what attracts nautiluses to common locations to feed and potentially mate (Barord *et al.* 2019). No physical or biological features of the habitat, apart from the artificially-placed bait, were identified as supporting this mating or foraging behavior. Furthermore, there have been no observations of egg laying in wild nautilus populations (Dunstan *et al.* 2011b). As such, habitat features, such as substrate requirements for egg deposition by nautiluses, or habitat conditions necessary for successful egg development or hatching in the wild, are presently unknown.

In terms of juvenile habitat and habitat necessary to support growth, nautilus trapping and telemetry studies have shown no difference in vertical movement behavior or depth distribution within a particular location between immature, sub-adult, or adult individuals, indicating that there is likely no partitioning of habitat between juveniles and adults of the species (Dunstan *et al.* 2011c). While nautilus depth distribution does vary between locations (based on where catch rates are highest), Dunstan *et al.* (2011c) hypothesizes that this is likely driven by where the silty or muddy optimal feeding substrate can be found within that location for the nautilus. As mentioned previously, nautiluses are scavengers and, thus, are opportunistic feeders that forage on decaying prey items that have fallen to the sea bottom. While these prey items may be more easily accessible and locatable on sandy or muddy bottoms, the available information does not indicate that the presence of these types of substrate are essential for foraging purposes. Nor are there any specific habitat characteristics that appear to be intimately tied with feeding behavior. Also, as is typical of a scavenger, there does not appear to be a specific prey species that is required to be present in the nautilus habitat for successful foraging to occur. As such, we are unable to identify any particular physical or biological features of areas that serve as juvenile habitat or facilitate successful foraging and growth.

Additionally, the general habitat characteristics described above are based on areas where nautiluses have been lured through baited traps (*e.g.,* BRUVS). As such, the available information may not provide a complete picture of the habitat used by the chambered nautilus as we do not have a thorough understanding of where they go when they are not being lured by the scent of prey. As Barord (2015) remarks, further research is required in order to identify the preferred habitat type and species of prey of the nautilus, as well as to determine habitat features that may be associated with optimal foraging locations, egg deposition sites, or predator protection for the species. At this time, the available data do not indicate any physical or biological features of nautilus habitat that are essential for the conservation of the species, and, therefore, we cannot identify any areas that meet the definition of critical habitat.

Species Occurs Primarily Outside U.S. Jurisdiction, and Areas Within U.S. Jurisdiction Provide No More Than Negligible Conservation Value, if Any

The known range of the chambered nautilus includes waters off Australia, Fiji, India, Indonesia, Malaysia, Papua New Guinea, Philippines, Solomon Islands, Vanuatu, and American Samoa, and it may also potentially occur in waters off China, Myanmar, Western Samoa, Thailand, and Vietnam (CITES 2016). Hence, the waters of American Samoa comprise only a very small portion of the known range of the chambered nautilus, which falls predominantly outside of U.S. jurisdiction.

Additionally, there is no information to suggest that the waters of American Samoa provide any more than negligible conservation value to the species. The species was not even known to occur in these waters until researchers

discovered them in 1986 (Saunders *et al.* 1989). Prior to this, Saunders *et al.* (1989) report that there was no local knowledge of the living animal or its shells in American Samoa, and no word for ''nautilus'' in Samoan. The absence of drift shells and local awareness of the species suggests the population that occurs in these waters is likely very small. Barord *et al.* (2014) later confirmed this through use of BRUVS, photographing 22 nautiluses over 4 days, and estimating a population abundance at Taema Bank (American Samoa; 14°19′19.57″ S, 170°38′57.78″ W) of 0.16 individuals/km^2. The authors used average speed of the nautilus multiplied by video length to determine maximum distance traveled and calculate sampling area. The authors also note that the population measure may, in fact, be an overestimate, given the nautiluses' acute sense of olfaction and ability to locate food across significant distances as well as their depth-limited habitat (Barord *et al.* 2014). This population is significantly smaller than other non-fished populations elsewhere throughout the species' range that have higher estimated population abundances, including Osprey Reef, Australia (13.6–77.4 individuals/km^2; Dunstan *et al.* 2011a, Barord *et al.* 2014), the Great Barrier Reef, Australia (0.34–67 individuals/km^2; Combosch *et al.* 2017, Barord *et al.* 2014) and Beqa Passage, Fiji (0.21 individuals/km^2; Barord *et al.* 2014). Additionally, Combosch *et al.* (2017) estimated rather large effective population sizes for nautiluses in the Indo-Pacific population (4.5×10^6 specimens; 3.2×10^6 for the Philippines subpopulation) and in the Coral Sea (7.2×10^6 for the Great Barrier Reef and 5.7×10^6 for Papua New Guinea) compared to the South Pacific, with the American Samoan population, together with the Fiji population, at 0.41×10^6 specimens.

Within American Samoan waters, the species has only been captured from one location, Taema Bank. This area appears to comprise the easternmost extent of the range of the species. However, it is likely to contribute only negligible conservation value. As noted above, the available data do not indicate any physical or biological features or areas that are essential for the conservation of the species. Taema Bank makes up only a very small fraction of the entire range of the species and is located at the fringe of the species' distribution range. It contains habitat for a likely genetically and reproductively-isolated population of chambered nautilus (Saunders 2010; Bonacum *et al.* 2011; Ward *et al.* 2016; Combosch *et al.* 2017). Given its isolation, both in terms of spatial structure and reproduction, the existence of this population may protect the species from total extinction (to an extent). However, the area, itself, is not considered essential for the conservation of the species. As stated previously, we consider conservation to include the use of all methods and procedures necessary to bring the chambered nautilus to the point at which factors related to population ecology and vital rates indicate that the species is recovered in accordance with the definition of recovery in 50 CFR 402.02. The value of conserving this very limited habitat would be negligible as this population of *N. pompilius* would be unable to help colonize other areas in the event of catastrophic events or extirpations. There are no data to indicate that this habitat provides any connectivity to other potentially important habitat areas for the chambered nautilus. In fact, deep, largely unpassable waters for the chambered nautilus separate Taema Bank from Fiji and Vanuatu, the next closest locations where nautiluses are known to occur in the South Pacific. As such, it is unlikely that this habitat would provide much conservation value for other populations of nautiluses (outside of American Samoan waters) as they would be unable to easily access it.

Additionally, there are no data to suggest that the American Samoan population is biologically significant to the taxon as a whole. As stated before, this population is likely reproductively isolated. There are no data to suggest this population is acting as part of any source-sink population dynamics and thus affecting the species' abundance or broader distribution. There is also no evidence to indicate the population exhibits unique adaptations that could protect against changes in environmental conditions, with the exception of shell size and shell coloration (Ward *et al.* 2016), the importance of which is unknown at this point. Furthermore, Combosch *et al.* (2017) suggests this population may not even be *N. pompilius* but a new species of nautilus, which would preclude this area from designation.

In summary, based on the above information, we find that the species occurs primarily outside of U.S. jurisdiction, and the habitat at Taemea Bank, in American Samoan waters, is not essential for the recovery of the species. In fact, a designation of critical habitat at Taema Bank would provide no more than negligible conservation value for the species because there are no data to suggest the habitat within American Samoa would provide any more than a negligible impact in bringing the chambered nautilus to the point at which factors related to population ecology and vital rates would indicate that the species is recovered throughout its range.

Unoccupied Areas

Section 3(5)(A)(ii) of the ESA defines critical habitat to include specific areas outside the geographical area occupied by a threatened or endangered species at the time it is listed, if the areas are determined by the Secretary to be essential for the conservation of the species. Regulations at 50 CFR 424.12(b)(2) specify that we will designate as critical habitat specific areas outside the geographical area presently occupied by a species only upon a determination that such areas are essential for the conservation of the species. For an unoccupied area to be considered essential, we must determine that there is a reasonable certainty both that the area will contribute to the conservation of the species and that the area contains one or more of those physical or biological features essential to the conservation of the species. Our regulations at 50 CFR 424.12(g) also state that critical habitat will not be designated within foreign countries or in other areas outside of U.S. jurisdiction.

Because we are unable to identify any physical or biological features of nautilus habitat that are essential to the conservation of the species, we cannot identify any unoccupied habitat that contains such features. Furthermore, due to the limited understanding of habitat use by the chambered nautilus, we cannot identify any unoccupied areas that have a reasonable certainty of contributing to the conservation of the species or are essential to the conservation of the species.

Critical Habitat Determination

Given the best available information and the above analysis of this information, we find that there are no identifiable occupied areas under the jurisdiction of the United States that contain physical or biological features that are essential to the conservation of the species or unoccupied areas that are essential to the conservation of the species. Therefore, we conclude that there are no specific areas within the chambered nautilus' range and under U.S. jurisdiction that meet the definition of critical habitat. Additionally, we have determined that the chambered nautilus occurs primarily outside the jurisdiction of the United States, and the areas within the jurisdiction of the United States provide no more than negligible

conservation value, if any. Based on the above circumstances, per 50 CFR 424.12(a)(1), we conclude that a designation of critical habitat is not prudent.

Although we have made this ''not prudent'' determination, the areas occupied by chambered nautiluses under U.S. jurisdiction will continue to be subject to conservation actions implemented under section 7(a)(1) of the ESA, as well as consultation pursuant to section 7(a)(2) of the ESA for Federal activities that may affect the chambered nautilus, as determined on the basis of the best available information at the time of the action. Through the consultation process, we will continue to assess effects of Federal actions on the species and its habitat.

Additionally, we remain committed to promoting the recovery of the chambered nautilus through both domestic and international efforts. As noted in the proposed and final rules (82 FR 48948, October 23, 2017; 83 FR 48976, September 28, 2018, respectively), the most significant threat to the chambered nautilus is overutilization through commercial harvest to meet the demand for the international nautilus shell trade. The international nautilus shell trade has led to the serial depletion and extirpation of local nautilus populations and has been largely unregulated, particularly in Indonesia, Philippines, and China, despite some prohibitions. However, in October 2016, the member nations to CITES, including the United States, agreed to add all nautilus species to Appendix II of CITES (effective January 2017). This listing means increased protection for the chambered nautilus and other nautilus species, but still allows legal and sustainable trade. Export of nautilus products now requires CITES permits or re-export certificates that ensure the products were legally acquired and that the Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species in the wild.

We continue to evaluate the effectiveness of the CITES Appendix II listing of the chambered nautilus to determine whether there is a need for additional protective measures for the species. For example, we have preliminarily reviewed the information in the CITES Trade Database (*https://trade.cites.org/*) for the years since the nautilus listing went into effect. The CITES trade database shows that the United States imported 11,322 nautilus shells from the Philippines and 372 jewelry products containing nautilus shells from various countries (Mexico, Indonesia, and the Philippines) in 2017. In 2018, there were no reported imports of nautilus products into the United States and only trade in pre-convention specimens occurred. We will continue to monitor the CITES trade database as we evaluate the effectiveness of the CITES Appendix II listing.

Additionally, the CITES Review of Significant Trade (defined in Resolution Conf. 12.8 (Rev. CoP13)) was designed to identify species that may be subject to unsustainable levels of international trade, and to identify problems and solutions concerning effective implementation of the Convention. As of October 2019, the chambered nautilus has not been identified by CITES as a species that may be subject to unsustainable levels of international trade (*http://sigtrade.unep-wcmc.org/*).

We will continue to work towards the conservation and recovery of the chambered nautilus, both on a domestic and global level, including with our international partners. Specifically, we will work with the U.S. Fish and Wildlife Service to continue to monitor the CITES import and export requirements; evaluate CITES implementation for sustainable trade in the chambered nautilus; and monitor the status of the species to ensure that the chambered nautilus is conserved and can eventually be delisted from the ESA.

References

A complete list of all references cited herein is available upon request (see **FOR FURTHER INFORMATION CONTACT**).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: January 23, 2020.

Samuel D. Rauch III,

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

[FR Doc. 2020–01532 Filed 1–28–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XR089]

Marine Mammals; File No. 23640

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Wall to Wall Productions, Edgecumbe Hall, Richmond Hill, Bristol, BS8 1AT, United Kingdom (Responsible Party: James Hemming) has applied in due form for a permit to conduct commercial or educational photography on marine mammals.

DATES: Written, telefaxed, or email comments must be received on or before February 28, 2020.

ADDRESSES: These documents are available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov*. Please include the File No. 23460 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Shasta McClenahan or Carrie Hubard, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*) and the regulations governing the taking of marine mammals (50 CFR part 216).

The applicant proposes to film marine mammals in California and Oregon to obtain footage for a wildlife documentary on parental behavior including courtship, mating, birthing, and weaning. Up to 1,200 harbor seals (*Phoca vitulina*), 400 California sea lions (*Zalophus californianus*), 20 Northern elephant seals (*Mirounga angustirostris*), 20 Steller sea lions (*Eumetopias jubatus;* Eastern distinct population segment), 15 gray whales (*Eschrichtius robustus*), 75 long-beaked (*Delphinus capensis*) or short-beaked common dolphins (*D. delphis*), and 25 bottlenose dolphins (*Tursiops truncatus*) may be filmed from land, vessels, unmanned aircraft systems, or underwater divers. The permit would expire on March 31, 2021.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the

activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: January 24, 2020.

Julia Marie Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2020–01583 Filed 1–28–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Technical Information Service

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Technical Information Service (NTIS), Commerce.

Title: Limited Access Death Master File Certification Form (Certification Form).

OMB Control Number: 0692–0013.

Form Number(s): NTIS FM161.

Type of Request: Renewal of a currently approved information collection.

Number of Respondents: NTIS expects to receive approximately 250 applications and renewals for certification every year for access to the Limited Access Death Master File.

Average Hours per Response: 2.5 hours.

Burden Hours: 625 (250 × 2.5 hours = 625 hours).

Needs and Uses: NTIS issued a final rule establishing a program through which persons may become eligible to obtain access to Death Master File (DMF) information about an individual within three years of that individual's death. The final rule was promulgated under Section 203 of the Bipartisan Budget Act of 2013, Public Law 113–67 (Act). The Act prohibits the Secretary of Commerce (Secretary) from disclosing DMF information during the three-year period following an individual's death (Limited Access DMF), unless the person requesting the information has been certified to access the Limited Access DMF pursuant to certain criteria in a program that the Secretary establishes. The Secretary delegated the authority to carry out Section 203 to the Director of NTIS.

The final rule requires that a Person seeking access to the Limited Access DMF establish a legitimate fraud prevention interest or legitimate business purpose pursuant to a law, governmental rule, regulation, or fiduciary duty. The Certification Application Form collects information that NTIS will use to evaluate whether the respondent qualifies to receive the Limited Access Death Master File under the rule.

Affected Public: Members of the public seeking certification or renewal of certification for access to the Limited Access Death Master File under the final rule for the ''Certification Program for Access to the Death Master File.''

Frequency: Once a year.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2020–01527 Filed 1–28–20; 8:45 am]

BILLING CODE 3510–13–P

ELECTION ASSISTANCE COMMISSION

Technical Guidelines Development Committee; Meeting

AGENCY: U.S. Election Assistance Commission.

ACTION: Notice of conference call meeting.

DATES: Friday, February 7, 2020, 1:00–3:00 p.m. (EDT).

ADDRESSES: EAC Technical Guidelines Development Committee Conference Call.

To listen and monitor the event as an attendee:

1. Go to: *https://zoom.us/j/407367407?pwd=c0RKTTRkeWMvSEE5SWRXUWYzTG1rdz09.*

2. Enter Meeting ID: 407 367 407, Password: 252233.

One tap mobile:

+16699006833,,407367407# US (San Jose)

+19292056099,,407367407# US (New York)

Dial by your location:

+1 669 900 6833 US (San Jose)

+1 929 205 6099 US (New York)

888 788 0099 U.S. Toll-free

877 853 5247 U.S. Toll-free

Meeting ID: 407 367 407.

Find your local number: https://zoom.us/u/abFOYE5rh. For assistance: Contact the host, Steve Uyak at *suyak@eac.gov.*

Purpose: In accordance with the Federal Advisory Committee Act (FACA), Public Law 92–463, as amended (5 U.S.C. Appendix 2), the U.S. Election Assistance Commission (EAC) Technical Guidelines Development Committee will conduct a conference call to discuss Voluntary Voting System Guidelines and Usability Requirements.

Agenda: The Technical Guidelines Development Committee (TGDC) will discuss the Voluntary Voting System Guidelines 2.0 (VVSG 2.0) Technical Requirements and goals for 2020, and will vote on recommending the requirements to the EAC's Acting Executive Director.

Draft VVSG Requirements can be found at the TWiki page link: *https://collaborate.nist.gov/voting/bin/view/Voting/VVSG20DraftRequirements.* The most current version of the draft VVSG 2.0 Requirements is clearly marked at the top of the page to ensure the latest version is the topic of discussion at the time of the meetings. As stated in the disclaimer (and in each document), the Requirements are in a draft state and are not yet ready for final posting in their current form. These are provided ''as is'' for facilitating our on-going discussions, but do not yet represent an official or final version.

FOR FURTHER INFORMATION CONTACT: Jerome Lovato, Telephone: (301) 563–3919.

SUPPLEMENTARY INFORMATION: Members of the public may submit relevant written statements to the Technical Guidelines Development Committee with respect to the meeting no later than 10:00 a.m. EDT on Wednesday, February 5, 2020. Statements may be sent via email to *facaboards@eac.gov,* via standard mail addressed to the U.S. Election Assistance Commission, 1335 East West Highway, Suite 4300, Silver Spring, MD 20910, or by fax at 301–734–3108.

This conference call will be open to the public.

Nichelle S. Williams,

Director of Research, U.S. Election Assistance Commission.

[FR Doc. 2020–01553 Filed 1–28–20; 8:45 am]

BILLING CODE 6820–KF–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OA–2019–0296; FRL–10003–09–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Procedures for Implementing the National Environmental Policy Act and Assessing the Environmental Effects Abroad of EPA Actions (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Procedures for Implementing the National Environmental Policy Act and Assessing the Environmental Effects Abroad of EPA Actions (EPA ICR Number 2243.09, OMB Control Number 2020–0033) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through January 31, 2020. Public comments were previously requested via the **Federal Register** on September 24, 2019 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. 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.

DATES: Additional comments may be submitted on or before February 28, 2020.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OA–2019–0296, to (1) EPA online using *www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov*. Address comments to OMB Desk Officer for EPA.

The EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Candi Schaedle, NEPA Compliance Division, Office of Federal Activities, Mail Code 2203A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–564–6121; fax number: 202–564–0070; email address: *schaedle.candi@epa.gov*.

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets*.

Abstract: The National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321–4347 establishes a national policy for the environment. The Council on Environmental Quality (CEQ) oversees the NEPA implementation. CEQ's Regulations at 40 CFR parts 1500 through 1508 set the standard for NEPA compliance. They also require agencies to establish their own NEPA implementing procedures. The EPA's procedures for implementing NEPA are found in 40 CFR part 6. Through this part, the EPA adopted the CEQ Regulations and supplemented those regulations for actions proposed by the EPA that are subject to NEPA requirements. The EPA actions subject to NEPA include the award of wastewater treatment construction grants under Title II of the Clean Water Act, the EPA's issuance of new source National Pollutant Discharge Elimination System (NPDES) permits under section 402 of the Clean Water Act, certain research and development projects, development and issuance of regulations, the EPA actions involving renovations or new construction of EPA facilities, and certain grants awarded for projects authorized by Congress through the Agency's annual appropriations act. The EPA is collecting information from certain applicants as part of the process of complying with either NEPA or Executive Order 12114 (''Environmental Effects Abroad of Major Federal Actions''). The EPA's NEPA regulations apply to actions of the EPA that are subject to NEPA in order to ensure that environmental information is available to the Agency's decision-makers and the public before decisions are made and before actions are taken. When the EPA conducts an environmental assessment pursuant to its Executive Order 12114 procedures, the Agency generally follows its NEPA procedures. Compliance with the procedures is the responsibility of the EPA's Responsible Officials, and for applicant proposed actions applicants may be required to provide environmental information to the EPA as part of the environmental review process. For this ICR, applicant-proposed projects subject to either NEPA or Executive Order 12114 (and that are not addressed in other EPA programs' ICRs) are addressed through the NEPA process.

Form Numbers: None.

Respondents/affected entities: Certain grant or permit applicants who must submit environmental information documentation to the EPA for their projects to comply with NEPA or Executive Order 12114, including Wastewater Treatment Construction Grants Program facilities, State and Tribal Assistance Grant recipients, and new source National Pollutant Discharge Elimination System permittees.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 27 (total).

Frequency of response: On occasion.

Total estimated burden: 7,560 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $631,800 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is a decrease of 6,117 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to an adjustment change in the size of the respondent universe.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2020–01540 Filed 1–28–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2013–0342; FRL–10004–80–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Lime Manufacturing (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Lime Manufacturing (40 CFR part 63, subpart AAAAA) (EPA ICR Number 2072.08, OMB Control Number 2060–0544), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through March 31, 2020. Public comments were previously requested, via the **Federal Register**, on May 6, 2019 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before February 28, 2020.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2013–0342, to: (1) EPA online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov*. Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov*.

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov,* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets*.

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Lime Manufacturing (40 CR Part 63, Subpart AAAAA) apply to existing facilities and new facilities that either emit or has the potential to emit any single hazardous air pollutant (HAP) at a rate of 9.07 megagrams (10 tons) or more per year or any combination of HAP at a rate of 22.68 megagrams (25 tons) or more per year from all emission sources at the plant site. This subpart covers lime kilns, their associated coolers, and processed stone handling (PSH) operation systems located at a lime manufacturing plant that is a major source. New facilities include those that commenced construction, modification or reconstruction after the date of proposal. The EPA proposed revised standards to the NESHAP for Lime Manufacturing on September 16, 2019 (84 FR 48708), however, the proposed amendments have not been finalized; therefore, the burden reflected in this ICR does not consider burden from the proposed amendments, but is based on the existing standards. This information is being collected to assure compliance with 40 CFR part 63, subpart AAAAA.

In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NESHAP.

Form Numbers: None.

Respondents/affected entities: New and existing lime manufacturing facilities that are major sources of HAP.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart AAAAA).

Estimated number of respondents: 37 (total).

Frequency of response: Initially, occasionally, and semiannually.

Total estimated burden: 9,700 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $1,460,000 (per year), which includes $335,000 in annualized capital/startup and/or operation & maintenance costs.

Changes in the Estimates: There is a decrease in the total estimated burden as currently identified in the OMB Inventory of Approved Burdens. This decrease is not due to any program changes. The change in the burden and cost estimates occurred due to several factors. First, as part of a recent inventory of facilities subject to the NESHAP for Lime Manufacturing by OAQPS, including consultations with industry representatives and industry trade associations, EPA has concluded that the number of sources subject to the regulation has decreased. Second, the recent inventory revealed an increase in the number of sources using bag leak detectors to comply with regulations, leading to an increase in O&M costs. The overall result is a decrease in burden hours and costs.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2020–01541 Filed 1–28–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2007–1196; FRL–10004–28–OAR]

Recent Postings of Broadly Applicable Alternative Test Methods

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This document announces the broadly applicable alternative test method approval decisions that the Environmental Protection Agency (EPA) made under and in support of New Source Performance Standards (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAP) between January 1, 2019, and December 31, 2019.

FOR FURTHER INFORMATION CONTACT: An electronic copy of each alternative test method approval document is available at *https://www.epa.gov/emc/broadly-applicable-approved-alternative-test-*

methods. For questions about this document, contact Mrs. Lula H. Melton, Air Quality Assessment Division, Office of Air Quality Planning and Standards (E143–02), Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: (919) 541–2910; fax number: (919) 541–0516; email address: *melton.lula@epa.gov*. For technical questions about individual alternative test method decisions, refer to the contact person identified in the individual approval document(s).

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this document apply to me?

This document will be of interest to entities regulated under 40 Code of Federal Regulations (CFR) parts 60, 61, and 63; state, local, and tribal agencies; and the EPA Regional offices responsible for implementation and enforcement of regulations under 40 CFR parts 60, 61, and 63.

B. How can I get copies of this information?

You may access copies of the broadly applicable alternative test method approval documents at *https://www.epa.gov/emc/broadly-applicable-approved-alternative-test-methods*.

II. Background

This document identifies broadly applicable alternative test method approval decisions made by the EPA in 2019 under the New Source Performance Standards (NSPS), 40 CFR part 60 and National Emission Standards for Hazardous Air Pollutants (NESHAP) programs, 40 CFR parts 61 and 63; see Table 1. Source owners and operators may voluntarily use these broadly applicable alternative test methods in lieu of otherwise specified reference test methods. Use of these broadly applicable alternative test methods are not intended to and should not change the applicable emission standards.

The Administrator has the authority to approve the use of alternative test methods for compliance with requirements under 40 CFR parts 60, 61, and 63. This authority is found in 40 CFR 60.8(b)(3), 61.13(h)(1)(ii), and 63.7(e)(2)(ii). Additional and similar authority can be found in 40 CFR 65.158(a)(2). The criteria for approval and procedures for submission and review of broadly applicable alternative test methods are explained in a previous **Federal Register** document published at 72 FR 4257 (January 30, 2007) and located at *https://www.epa.gov/emc/broadly-applicable-approved-alternative-test-methods*. As explained in this document, we will announce approvals for broadly applicable alternative test methods at *https://www.epa.gov/emc/broadly-applicable-approved-alternative-test-methods* and publish an annual document that summarizes approvals for broadly applicable alternative test methods during the preceding year.

As also explained in the January 30, 2007 document, our approval decisions involve thorough technical reviews of numerous source-specific requests for alternatives and modifications to test methods and procedures. Based on these reviews, we have often found that these modifications or alternatives would be equally valid and appropriate to apply to other sources within a particular class, category, or subcategory. Consequently, we have concluded that where a method modification or an alternative method is clearly broadly applicable to a class, category, or subcategory of sources, it is both equitable and efficient to approve its use for all appropriate sources and situations at the same time.

Use of approved alternative test methods are not mandatory but rather permissive. Sources are not required to employ such a method but may choose to do so in appropriate circumstances. As specified in 40 CFR 63.7(f)(5), however, a source owner or operator electing to use an alternative method for 40 CFR part 63 standards must continue to use the alternative method until otherwise authorized. Source owners or operators should, therefore, review the specific broadly applicable alternative method approval decision at *https://www.epa.gov/emc/broadly-applicable-approved-alternative-test-methods* before electing to employ any alternative method.

III. Approved Alternative Test Methods and Modifications to Test Methods

This document specifies three broadly applicable alternative test methods that the EPA approved between January 1, 2019, and December 31, 2019. The alternative method decision letter/memo number, the reference method affected, sources allowed to use this alternative, and the modification or alternative method allowed are summarized in Table 1 of this document. A summary of approval documents was previously made available on our Technology Transfer Network between January 1, 2019, and December 31, 2019. For more detailed information, please refer to the complete copies of these approval documents available at *https://www.epa.gov/emc/broadly-applicable-approved-alternative-test-methods*.

As also explained in our January 30, 2007 document, we will revisit approvals of alternative test methods in response to written requests or objections indicating that a particular approved alternative test method either should not be broadly applicable or that its use should be limited in some way. Any objection to a broadly applicable alternative test method, as well as the resolution of that objection, will be announced at *https://www.epa.gov/emc/broadly-applicable-approved-alternative-test-methods* and in a subsequent **Federal Register** document. If we decide to retract a broadly applicable test method, we will likely consider the need for an appropriate transition period for users either to request case-by-case approval or to transition to an approved method.

Dated: January 6, 2020.

Richard A. Wayland,

Director, Air Quality Assessment Division.

TABLE 1—APPROVED ALTERNATIVE TEST METHODS AND MODIFICATIONS TO TEST METHODS REFERENCED IN OR PUBLISHED UNDER APPENDICES IN 40 CFR PARTS 60, 61, AND 63 POSTED BETWEEN JANUARY 2019 AND DECEMBER 2019

Alternative method decision letter/memo number	As an alternative or modification to . . .	For . . .	You may . . .
ALT–133	Methods 6, 8, 15A, and 16A	Sources subject to 40 CFR part 60 federal rules that require sample analysis using methods 6, 8, 15A, or 16A.	Use procedures specified in SW–846 Method 9056A and the conditions specified in the Agency's approval letter dated August 5, 2019.

TABLE 1—APPROVED ALTERNATIVE TEST METHODS AND MODIFICATIONS TO TEST METHODS REFERENCED IN OR PUBLISHED UNDER APPENDICES IN 40 CFR PARTS 60, 61, AND 63 POSTED BETWEEN JANUARY 2019 AND DECEMBER 2019—Continued

Alternative method decision letter/memo number	As an alternative or modification to . . .	For . . .	You may . . .
ALT–134	Method 28 WHH-Measurement of Particulate Emissions and Heating Efficiency of Wood-Fired Hydronic Heating Appliances.	Sources subject to 40 CFR part 60, subpart QQQQ-Standards of Performance for New Residential Hydronic Heaters and Forced Air Furnaces.	Use alternative certification testing procedures in the Canadian Standards Association (CSA) B415.1–10 test method with the caveats stipulated in the Agency's approval letter dated August 19, 2019.
ALT–135	Method 23-Determination of Polychlorinated Dibenzo-P-Dioxins and Polychlorinated Dibenzofurans from Stationary Sources.	Sources subject to 40 CFR part 63, subpart X-National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting.	Use toluene in lieu of methylene chloride for field recovery rinses for Method 23 sampling trains with the provisos specified in the Agency's approval letter dated September 25, 2019.

Source owners or operators should review the specific broadly applicable alternative method approval letter at *https://www.epa.gov/emc/broadly-applicable-approved-alternative-test-methods* before electing to employ it.

[FR Doc. 2020–01576 Filed 1–28–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–2016–0010; FRL 10001–90–OMS]

Information Collection Request Submittal to OMB for Review and Approval; Comment Request; Institutional Dual Use Research of Concern (iDURC) Policy Compliance (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Institutional Dual Use Research of Concern (iDURC) Policy Compliance (EPA ICR Number 2530.03, OMB Control Number 2080–0082) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through January 31, 2020. Public comments were previously requested via the **Federal Register** on May 9, 2019, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given in this notice, including the ICR's estimated burden and cost to the public. 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.

DATES: Additional comments may be submitted on or before February 28, 2020.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–ORD–2016–0010, to (1) EPA online using *www.regulations.gov* (EPA's preferred method), by email to *ow-docket@epa.gov* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov*. Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Viktoriya Plotkin, National Homeland Security Research Center, Office of Research and Development, (8101R), 27 Tarzwell Drive, Narragansett, Rhode Island, 02882; telephone number: 401–782–3178; fax number: 401–782–3030; email address: *plotkin.viktoriya@epa.gov*.

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets*.

Abstract: To comply with the U.S. Government Policy for Institutional Oversight of Life Sciences Dual Use Research of Concern (DURC Policy), EPA must ensure that the institutions subject to DURC Policy appropriately train their laboratory personnel and maintain records of their training. This training is specific to ''dual use research of concern,'' and should include information on how to properly identify DURC, appropriate methods for ensuring research that is determined to be DURC, and that it is conducted and communicated responsibly.

Form Numbers: None.

Respondents/affected entities: Private sector and federally-owned, contractor-operated labs.

Respondent's obligation to respond: Mandatory (Per EPA Order 1000,19: Policy and Procedures for Managing Dual Use Research of Concern).

Estimated number of respondents: 40.

Frequency of response: Only once and/or as necessary.

Total estimated burden: 20 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $1,590 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in Estimates: There is decrease of 52 burden hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is a result of adjustments in estimates of time required for recordkeeping duties.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2020–01539 Filed 1–28–20; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD

Notice of 2020 Federal Accounting Standards Advisory Board Meetings

AGENCY: Federal Accounting Standards Advisory Board.

ACTION: Notice.

Pursuant to 31 U.S.C. 3511(d), the Federal Advisory Committee Act, as amended (5 U.S.C. App.), and the FASAB Rules of Procedure, as amended in October 2010, notice is hereby given that the Federal Accounting Standards Advisory Board (FASAB) will hold its meetings on the following dates throughout 2020, unless otherwise noted.

February 26–27, 2020.
April 22–23, 2020.
June 24–25, 2020.
August 26–27, 2020.
October 21–22, 2020.
December 15–16, 2020.

The purpose of the meetings is to discuss issues related to the following topics:

Accounting and Reporting of Government Land
DoD Implementation Guidance Request
Evaluation of Existing Standards
Leases
MD&A Amendments
Note Disclosures
Omnibus
Public-Private Partnerships
Reporting Model Phase II
Risk Reporting
Software Licenses
Appointments Panel
Any other topics as needed

Notice is hereby given that a portion of each scheduled meeting may be closed to the public. The Appointments Panel, a subcommittee of FASAB that makes recommendations to the sponsors regarding appointments for non-federal member positions, is expected to meet during each meeting. A portion of each Appointments Panel meeting will be closed to the public. The reason for the closures is that matters covered by 5 U.S.C. 552b(c)(2) and (6) will be discussed. Any such discussions will involve discussions that relate solely to internal personnel rules and practices of the sponsor agencies and the disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. Such discussions will be segregated into separate discussions so that a portion of each meeting will be open to the public.

Pursuant to section 10(d) of the Federal Advisory Committee Act (FACA), portions of advisory committee meetings may be closed to the public where the head of the agency to which the advisory committee reports determines that such portion of such meeting may be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code. The determination shall be in writing and shall contain the reasons for the determination. A determination has been made in writing by the U.S. Government Accountability Office, the U.S. Department of the Treasury, and the Office of Management and Budget, as required by section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App., that such portions of the meetings may be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code.

Unless otherwise noted, FASAB meetings begin at 9 a.m. and conclude before 5 p.m. and are held at the U.S. Government Accountability Office (GAO) Building at 441 G St. NW in Room 7C13. Agendas and briefing materials will be available at *https://www.fasab.gov/briefing-materials/* approximately one week before each meeting.

Any interested person may attend the meetings as an observer. Board discussion and reviews are open to the public except for those portions that are closed. GAO Building security requires advance notice of your attendance. If you wish to attend a FASAB meeting, please pre-register on our website at *https://www.fasab.gov/pre-registration/* no later than 12 p.m. the Monday before the meeting to be observed.

FOR FURTHER INFORMATION CONTACT: Ms. Monica R. Valentine, Executive Director, 441 G Street NW, Suite 1155, Washington, DC 20548, or call (202) 512–7350.

Authority: Federal Advisory Committee Act (5 U.S.C. App.), Government in the Sunshine Act (5 U.S.C. 552b).

Dated: January 23, 2020.

Monica R. Valentine,

Executive Director.

[FR Doc. 2020–01588 Filed 1–28–20; 8:45 am]

BILLING CODE 1610–02–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0016; FRS 16439]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before March 30, 2020. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email: *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the PRA, 44 U.S.C. 3501–3520, the FCC invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility;

the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control No.: 3060–0016.

Title: FCC Form 2100, Application for Media Bureau Audio and Video Service Authorization, Schedule C (Former FCC Form 346); Sections 74.793(d) and 74.787, Low Power Television (LPTV) Out-of-Core Digital Displacement Application; Section 73.3700(g)(1)–(3), Post-Incentive Auction Licensing and Operations; Section 74.799, Low Power Television and TV Translator Channel Sharing.

Form No.: FCC Form 2100, Schedule C.

Type of Review: Extension of a currently approved information collection.

Respondents: Business or other for-profit entities; Not for profit institutions; State, local or Tribal government.

Number of Respondents and Responses: 4,460 respondents and 4,460 responses.

Estimated Time per Response: 2.5–7 hours (total of 9.5 hours).

Frequency of Response: One-time reporting requirement; on occasion reporting requirement; third party disclosure requirement.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in Section 154(i), 303, 307, 308 and 309 of the Communications Act of 1934, as amended.

Total Annual Burden: 42,370 hours.

Annual Cost Burden: $24,744,080.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: FCC Form 2100, Schedule C is used by licensees/permittees/applicants when applying for authority to construct or make changes in a Low Power Television, TV Translator or DTV Transition.

47 CFR 74.799 (previously 74.800) permits LPTV and TV translator stations to seek approval to share a single television channel with other LPTV and TV translator stations and with full power and Class A stations. Stations interested in terminating operations and sharing another station's channel must submit FCC Form 2100 Schedule C in order to have the channel sharing arrangement approved. If the sharing station is proposing to make changes to its facility to accommodate the channel sharing, it must also file FCC Form 2100 Schedule C.

47 CFR 74.793(d) require that certain digital low power and TV translator stations submit information as to vertical radiation patterns as part of their applications (FCC Form 2100, Schedule C) for new or modified construction permits.

Applicants are also subject to the third-party disclosure requirement of 47 CFR 73.3580. This section requires local public notice in a newspaper of general circulation of the filing of all applications for new or major changes in facilities. This notice must be completed within 30 days of the tendering of the application. This notice must be published at least twice a week for two consecutive weeks in a three-week period. A copy of this notice must be locally maintained along with the application.

47 CFR 73.3700(g)(1)–(3) permits licensees of operating low power TV and TV translator stations that are displaced by a broadcast television station or a wireless service provider or whose channel is reserved as a guard band as a result of the broadcast television spectrum incentive auction conducted under section 6403 of the Spectrum Act to submit an application for displacement relief in a restricted filing window to be announced by the Media Bureau by public notice. Except as otherwise indicated in this section, such applications will be subject to the rules governing displacement applications set forth in §§ 73.3572(a)(4) and 74.787(a)(4) of this chapter. In addition to other interference protection requirements set forth in the rules, when requesting a new channel in a displacement application, licensees of operating low power TV and TV translator stations will be required to demonstrate that the station would not cause interference to the predicted service of broadcast television stations on: (i) Pre-auction channels; (ii) Channels assigned in the Channel Reassignment Public Notice; or (iii) Alternative channels or expanded facilities broadcast television station licensees have applied for pursuant to paragraph (b)(2) of this section. Licensees of low power TV and TV translator stations that file mutually exclusive displacement applications will be permitted to resolve the mutual exclusivity through an engineering solution or settlement agreement. If no resolution of mutually exclusive displacement applications occurs, a selection priority will be granted to the licensee of a displaced digital replacement translator.

47 CFR 74.787 permits full power television stations to obtain a digital-to-digital replacement translator to replace service areas lost as a result of the incentive auction and repacking processes. Stations submit FCC Form 2100 Schedule C to obtain a construction permit for the new replacement translator.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2020–01488 Filed 1–28–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0341; FRS 16437]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the

PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before March 30, 2020. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email: *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the PRA, 44 U.S.C. 3501–3520, the FCC invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0341.

Title: Section 73.1680, Emergency Antennas.

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; not-for-profit institutions.

Number of Respondents and Responses: 142 respondents; 142 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 142 hours.

Total Annual Costs: $42,600.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Section 154(i) of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Impact Assessment(s): No impact(s).

Needs and Uses: The information collection requirements contained in 47 CFR 73.1680 require that licensees of AM, FM or TV stations submit an informal request to the FCC (within 24 hours of commencement of use) to continue operation with an emergency antenna. An emergency antenna is one that is erected for temporary use after the authorized main and auxiliary antennas are damaged and cannot be used. FCC staff uses the data to ensure that interference is not caused to other existing stations.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2020–01486 Filed 1–28–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0865; FRS 16424]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before March 30, 2020.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov*. Include in the comments the Title as shown in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0865.

Title: Wireless Telecommunications Bureau Universal Licensing System Recordkeeping and Third Party Disclosure Requirements.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, Individuals or households, Not-for-profit institutions, and State, Local or Tribal Government.

Number of Respondents and Responses: 84,048 respondents; 84,050 responses.

Estimated Time per Response: .166 hours (10 minutes)—4 hours.

Frequency of Response: Recordkeeping and third-party disclosure requirements; on occasion reporting requirement.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 47 U.S.C. 154(i) and 309(j).

Total Annual Burden: 116,306 hours.

Annual Cost Burden: No cost.

Privacy Act Impact Assessment: Yes.

Nature and Extent of Confidentiality: This information collection contains personally identifiable information (PII). The FCC has a system of records notice (SORN), FCC/WTB–1, ''Wireless Services Licensing Records,'' to cover the collection, maintenance, use(s), and destruction of this PII, which respondents may provide to the FCC as part of the information collection requirement(s). This SORN was published in the **Federal Register** on April 5, 2006 (71 FR 17234).

Needs and Uses: The Commission will submit this information collection to the Office of Management and Budget (OMB) as an extension after this 60-day comment period to obtain the full three-year clearance from them.

The purpose of this information collection is to continually streamline and simplify processes for wireless

applicants and licensees, who previously used a myriad of forms for various wireless services and types of requests, in order to provide the Commission information that has been collected in separate databases, each for a different group of services. Such processes have resulted in unreliable reporting, duplicate filings for the same licensees/applicants, and higher cost burdens to licensees/applicants. By streamlining the Universal Licensing System (ULS), the Commission eliminates the filing of duplicative applications for wireless carriers; increases the accuracy and reliability of licensing information; and enables all wireless applicants and licensees to file all licensing-related applications and other filings electronically, thus increasing the speed and efficiency of the application process. The ULS also benefits wireless applicants/licensees by reducing the cost of preparing applications, and speeds up the licensing process in that the Commission can introduce new entrants more quickly into this already competitive industry. Finally, ULS enhances the availability of licensing information to the public, which has access to all publicly available wireless licensing information on-line, including maps depicting a licensee's geographic service area.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2020–01483 Filed 1–28–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0918; FRS 16429]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before March 30, 2020. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION: *OMB Control Number:* 3060–0918.

Title: CORES Update/Change Form, FCC Form 161.

Form Number: FCC Form 161.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit entities; Individuals or households; Not-for-profit institutions; and State, Local, or Tribal Governments.

Number of Respondents and Responses: 5,500 respondents; 5,500 responses.

Estimated Time per Response: 10 minutes (0.167 hours).

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in the *Debt Collection Act of 1996 (DCCA),* Public Law 104–134, Chapter 10, Section 31001.

Total Annual Burden: 919 hours.

Total Annual Costs: No Cost.

Privacy Impact Assessment: Yes. The Privacy Impact Assessment (PIA) covering the PII in the CORES information system is being updated. Upon completion it will be posted at: *https://www.fcc.gov/general/privacy-act-information#pia*.

Nature and Extent of Confidentiality: The FCC is not requesting that respondents submit confidential information to the Commission. If the FCC requests that respondents submit information which respondents believe is confidential, respondents may request confidential treatment of such information pursuant to Section 0.459 of the FCC's rules, 47 CFR 0.459. The FCC has a system of records, FCC/OMD–25, Financial Operations Information System (FOIS), to cover the collection, purpose(s), storage, safeguards, and disposal of the personally identifiable information (PII) that individual respondents may submit on FCC Form 161, which is posted at: *https://www.fcc.gov/general/privacy-act-information#systems*.

Needs and Uses: After respondents have registered in CORES and have been issued a FCC Registration Number (FRN), they may use FCC Form 161 to update and/or change their contact information, including name, address, telephone number, email address(es), fax number, contact representative, contact representative's address, telephone number, email address, and/or fax number. Respondents may also update their registration information in CORES on-line at *https://apps.fcc.gov/cores*. The Commission uses this information to collect or report on any delinquent debt arising from the respondent's business dealings with the FCC, including both ''feeable'' and ''nonfeeable'' services; and to ensure that registrants (respondents) receive any refunds due. Use of the CORES System is also a means of ensuring that the Commission operates in compliance with the *Debt Collection Improvement Act of 1996*.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2020–01485 Filed 1–28–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0017; FRS 16438]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before March 30, 2020. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email: *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the PRA, 44 U.S.C. 3501–3520, the FCC invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0017.

Title: Application for Media Bureau Audio and Video Service Authorization, FCC 2100, Schedule D.

Form Number: FCC Form 2100, Schedule D.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for profit entities; Not for profit institutions; State, local or Tribal government.

Number of Respondents/Responses: 800 respondents; 800 responses.

Estimated Hours per Response: 1.5 hours per response.

Frequency of Response: One-time reporting requirement; On occasion reporting requirement.

Total Annual Burden: 1,200 hours.

Total Annual Cost: $48,000.

Obligation To Respond: Required to obtain benefits. The statutory authority for this information collection is contained in sections 154(i), 301, 303, 307, 308 and 309 of the Communications Act of 1934, as amended.

Nature and Extend of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Act Assessment: No impact(s).

Needs and Uses: Applicants/licensees/permittees are required to file FCC Form 2100, Schedule D when applying for a Low Power Television, TV Translator or DTV Transition.

47 CFR 74.799 (previously 74.800) permits LPTV and TV translator stations to seek approval to share a single television channel with other LPTV and TV translator stations and with full power and Class A stations. Stations interested in terminating operations and sharing another station's channel must submit FCC Form 2100 Schedule D in order to complete the licensing of their channel sharing arrangement.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2020–01487 Filed 1–28–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1094; FRS 16426]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before March 30, 2020. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1094.

Title: Transforming the 2.5 GHz Band.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, not-for-profit institutions, and state, local, or tribal Government.

Number of Respondents and Responses: 26 respondents; 266 responses.

Estimated Time per Response: 0.5 hour–10 hours.

Frequency of Response: On occasion reporting requirement and third-party disclosure requirement.

Obligation to Respond: The statutory authority for the Commission to carry out these collections are contained in 47 U.S.C. 151, 152, 153, 154, 155, 157, 301, 302, 303, 307, 308, 309, 310, and 316.

Total Annual Burden: 221 hours.

Total Annual Cost: $72,000.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: The Commission is requesting that the Office of Management and Budget (OMB) extend this information collection. The collection covers service rules, Construction Requirements (47 CFR 27.14(u)), and a Tribal Priority Filing Window (47 CFR 27.1204). This collection includes Part 27 rules that govern reporting, and third-party disclosure requirements related to 2500–2690 MHz Band. The following information collected for the service rules are: Section 27.14(u) requires Educational Broadband Service (EBS) licensees to file construction notifications and certify that they have met the applicable performance benchmarks; Section 27.1204 requires an EBS applicant applying for a license in the Tribal Priority Filing Window to demonstrate that they are: (1) A federally recognized American Indian tribe or Alaska Native Village; or an entity that is owned and controlled by a federally-recognized Tribe or a consortium of federally-recognized Tribes; (2) requesting a license on Tribal land; (3) requesting a license in a rural area; and (4) have a local presence on the Tribal land for which they are applying; and Section 27.1221(f) requires Broadband Radio Service (BRS) and EBS licensees to provide the geographic coordinates, the height above ground level of the center of radiation for each transmit and receive antenna, and the date transmissions commenced if requested by a co-channel licensee.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2020–01484 Filed 1–28–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 20–81; FRS 16428]

Consumer Advisory Committee Meeting

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Commission announces the next meeting date, time, and agenda of its Consumer Advisory Committee (hereinafter the ''Committee'').

DATES: February 13, 2020, 2:00 p.m. to 3:00 p.m.

ADDRESSES: Federal Communications Commission, 445 12th Street SW, Commission Meeting Room TW–C305, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Scott Marshall, Designated Federal Officer of the Committee, (202) 418–2809 (voice or Relay), email: *Scott.Marshall@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document DA 20–81, released January 21, 2019, announcing the Agenda, Date, and Time of the Committee's next meeting.

Proposed Agenda: At its February 13, 2020 meeting, the Committee is expected to consider a recommendation presented by one of its working groups. The Committee's Robocall Report Working Group will present a recommendation on the gathering of data and/or sources of data relating to the availability and effectiveness of blocking tools, as described in paragraphs 88 to 90 of the Commission's Declaratory Ruling and Third Further Notice of Proposed Rulemaking in *Advanced Methods to Target and Eliminate Unlawful Robocalls; Call Authentication Trust Anchor,* CG Docket No. 17–59, WC Docket No. 17–97, published at 84 FR 29478, June 24, 2019. This is a special meeting to consider this recommendation, and there will be no other action items on the meeting agenda.

This meeting is open to members of the general public. The Commission will accommodate as many participants as possible; however, admission will be limited to seating availability. The Commission will also provide audio and/or video coverage of the meeting over the internet from the Commission's web page at: *www.fcc.gov/live*. Alternatively, the public may follow the meeting on Twitter @fcc or via the Commission's Facebook page at *www.facebook.com/fcc*. A limited amount of time will be available for comments from the public. Members of the public may also submit written comments to the Committee through its Designated Federal Officer, Scott Marshall, at the address above.

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, assistive listening devices, and braille copies of the agenda and committee roster will be provided on site. Meetings of the Committee are also broadcast live with open captioning over the internet from the FCC Live web page at *www.fcc.gov/live/*. Reasonable accommodations for people with disabilities are available upon request. The request should include a detailed description of the accommodation needed and contact information. Please provide as much advance notice as possible; last minute requests will be accepted but may not be possible to fill. To request an accommodation, send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Federal Communications Commission.

Gregory Haledjian,

Legal Advisor, Consumer and Governmental Affairs Bureau.

[FR Doc. 2020–01498 Filed 1–28–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

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 indicated. The

applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

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 February 28, 2020.

A. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Dry Lake Financial, LLC, Spur, Texas;* to become a bank holding company by acquiring up to 51 percent of the voting shares of Espuela Bankshares, Inc., and thereby indirectly acquire Spur Security Bank, both of Spur, Texas.

2. *Independent Bank Group, Inc., McKinney, Texas;* to merge with Texas Capital Bancshares, Inc., and thereby indirectly acquire Texas Capital Bank, National Association, both of Dallas, Texas.

Board of Governors of the Federal Reserve System, January 24, 2020.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2020–01565 Filed 1–28–20; 8:45 am]

BILLING CODE 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 notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

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 indicated. The applications will also be available for inspection at the offices of the Board of Governors. 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 and Constitution Avenue NW, Washington, DC 20551–0001, not later than February 13, 2020.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Kim Marie Gundy, La Vista, Nebraska; Jill Ann Jacobsen, Forsyth, Illinois; Dean Xavier Langenfeld, Earling, Iowa; McKenzie Rae Bieker, Harlan, Iowa; Mark Albert Langenfeld II, Tipton, Iowa; Max Bernard Langenfeld, Earling, Iowa; and Magdalen Ann Langenfeld, Harlan, Iowa;* as a group acting in concert (Langenfeld Family Control Group) to join the Todd M. Langenfeld Revocable Living Trust Dated July 24, 1996, Todd M. Langenfeld, trustee, Earling, Iowa, and to retain voting shares of J. Carl. H. Bancorporation Inc., and thereby indirectly retain voting shares of Farmers Trust & Savings Bank, both of Earling, Iowa.

B. Federal Reserve Bank of Minneapolis (Chris P. Wangen, Assistant Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *John E. Babcock, Anoka, Minnesota;* to retain voting shares of Metro North Bancshares, Inc. and thereby indirectly retain voting shares of The Bank of Elk River, both of Elk River, Minnesota. Additionally, the Anne Babcock Hollowed Trust, Anne Babcock Hollowed, trustee, both of Mercer Island, Washington, and the Beyer/Babcock Family Trust U/A DTD 4/6/00, Catherine Babcock, trustee, both of Altadena, California, to join as members of the Babcock Family Control Group to retain voting shares of Metro North Bancshares, Inc. and thereby indirectly retain voting shares of The Bank of Elk River.

Board of Governors of the Federal Reserve System, January 24, 2020.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2020–01566 Filed 1–28–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–2313]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Study of Oncology Indications in Direct-to-Consumer Television Advertising

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by February 28, 2020.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov*. All comments should be identified with the OMB control number 0910–NEW and title ''Study of Oncology Indications in Direct-to-Consumer Television Advertising. '' Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Study of Oncology Indications in Direct-to-Consumer Television Advertising

(OMB Control Number 0910–NEW)

Section 1701(a)(4) of the Public Health Service Act (42 U.S.C. 300u(a)(4)) authorizes FDA to conduct research relating to health information. Section 1003(d)(2)(C) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 393(d)(2)(C)) authorizes

FDA to conduct research relating to drugs and other FDA regulated products in carrying out the provisions of the FD&C Act.

The Office of Prescription Drug Promotion's (OPDP) mission is to protect the public health by helping to ensure that prescription drug promotional material is truthful, balanced, and accurately communicated, so that patients and healthcare providers can make informed decisions about treatment options. OPDP's research program provides scientific evidence to help ensure that our policies related to prescription drug promotion will have the greatest benefit to public health. Toward that end, we have consistently conducted research to evaluate the aspects of prescription drug promotion that we believe are most central to our mission, focusing in particular on three main topic areas: Advertising features, including content and format; target populations; and research quality. Through the evaluation of advertising features we assess how elements such as graphics, format, and disease and product characteristics impact the communication and understanding of prescription drug risks and benefits; focusing on target populations allows us to evaluate how understanding of prescription drug risks and benefits may vary as a function of audience; and our focus on research quality aims at maximizing the quality of research data through analytical methodology development and investigation of sampling and response issues. This study falls under the topic of advertising features (content and format).

Oncology products are increasingly being promoted to consumers via direct-to-consumer (DTC) television advertising. Oncology indications are often complicated and supported by different clinical endpoints such as overall survival, overall response rate, and progression-free survival (Ref. 1) that are referenced in the DTC TV ads. The first objective of this project is to determine whether disclosing information about the nature of the endpoints that support the indications for oncology products helps consumers understand the drug's efficacy. This objective complements OPDP's research examining disclosing information about FDA's accelerated approval pathway to consumers (May 8, 2019, 84 FR 20148) and OPDP's research on disclosing oncology information to healthcare professionals (OMB control number 0910–0864—Disclosures of Descriptive Presentations in Professional Oncology Prescription Drug Promotion). Although these studies all contribute to our knowledge of the communication of cancer treatment information, the current study specifically examines particular endpoints that are well-known to the professional oncology community and are now used in DTC advertising.

Because of the length of some indications, sponsors sometimes convey some of the indication in superimposed text rather than in the audio in the TV ads. The second objective is to test whether consumers adequately comprehend indication statements when portions of the indication are presented only in the superimposed text of television ads while other information is conveyed in the audio. This objective extends OPDP's previous research on the use of dual-modality *risk* presentations (presenting the information in two modes at the same time; OMB control numbers 0910–0634—Experimental Evaluation of the Impact of Distraction, 0910–0652—Experimental Study: Toll-Free Number for Consumer Reporting of Drug Product Side Effects in Direct-to-Consumer Television Advertisements for Prescription Drugs, and 0910–0772—Eye Tracking Study of Direct-to-Consumer Prescription Drug Advertisement Viewing) to the context of *indication* statements. This previous research supports the use of dual modality to increase consumers' understanding of risk information (January 27, 2012, 77 FR 4273) (Refs. 2 and 3).

We plan to conduct two rounds (one for each objective) of nine 1-hour in-person cognitive interviews of adults 18 years of age or older to refine the questionnaires and stimuli (18 participants total). We plan to conduct two pretests (one for each objective) not longer than 20 minutes, administered via internet panel, to test the experimental manipulations and pilot the main study procedures.

We plan to conduct two main studies (one for each objective) not longer than 20 minutes, administered via internet panel. For Study 1, we will create two television ads for fictitious oncology prescription drugs to increase the generalizability of the results (one solid tumor indication and one hematology indication). The ads will include audio claims about overall survival, overall response rate with and without a disclosure, or progression-free survival with and without a disclosure (see table 1 for the Study 1 design).

Some current television ads for oncology products include disclosures that are intended to help consumers differentiate surrogate endpoints like progression-free survival and overall response rate from overall survival. Examples include ''At the time of analysis, overall survival comparison was not yet available'' and ''Clinical trials are ongoing to determine if there is an overall survival benefit.'' The disclosure we use in the study will be based on disclosures currently in use and will be informed by consumer feedback elicited in focus groups conducted prior to the cognitive testing (approved under OMB control number 0910–0695). For example, the study disclosure may include language such as ''We currently do not know if Drug X helps people live longer.''

Participants will be randomly assigned to view one prescription drug television ad and then complete a questionnaire that assesses whether participants noticed the disclosure, their interpretations of the disclosure, their retention of the endpoint, and their perceptions of the drug's benefits and risks. We will also measure covariates such as demographics, cancer history, and literacy. Without a disclosure, we hypothesize that participants will not differentiate between overall survival, overall response rate, and progression-free survival. We hypothesize that a disclosure will help participants understand the surrogate endpoints (*i.e.,* overall response rate and progression-free survival) and thus will lead to greater understanding of the drug's efficacy compared with conditions without the disclosure. We will explore unintended effects of the disclosure, such as whether the disclosure lowers perceived efficacy compared with the overall survival condition.

For the second objective, in Study 2 we will vary the presentation of the products' indication, such that material information related to the indication will appear in superimposed text only, in the audio only, in both superimposed text and audio, or in neither (the control condition; see tables 2 and 3 for the Study 2 design). Participants will be randomly assigned to view a prescription drug television ad and then complete a questionnaire that assesses their retention and comprehension of the information. Following previous research on dual-modality presentations, we hypothesize that participants who view an ad with the material information in the audio and text will have greater retention of that information than participants in any other condition. We also hypothesize that participants who view an ad with the material information in the audio only will have greater retention of that information than participants in the superimposed text condition and the control condition. To test Study 1 and

2 hypotheses, we will conduct inferential statistical tests such as logistic regression and analysis of variance.

The questionnaires are available upon request from *DTCresearch@fda.hhs.gov*.

For all phases of this research, we will recruit a general population sample of adult volunteers 18 years of age or older. We will exclude individuals who work for the Department of Health and Human Services or work in the healthcare, marketing, or pharmaceutical industries. We will use literacy quotas to ensure that our sample includes participants with a range of literacy skills. We will also exclude pretest participants from the main studies, and participants will not be able to participate in both Studies 1 and 2. With the sample sizes described below, we will have sufficient power to detect small-sized effects in Studies 1 and 2 (table 4).

TABLE 1—STUDY 1 DESIGN

Indication	Overall survival	Overall response rate	Overall response rate with disclosure	Progression-free survival	Progression-free survival with disclosure
Solid Tumor					
Hematology					

Note: The solid tumor condition will be non-small cell lung cancer. The hematology condition will be multiple myeloma. Claims and disclosures are TBD, based on focus group feedback. Overall survival and progression-free survival claims will be the same for both indications. Study 1 will use the control ad from Study 2.

TABLE 2—STUDY 2 DESIGN: SOLID TUMOR

Material information in superimposed text only	Material information in audio only	Material information in superimposed text + audio	Material information not in superimposed text or audio (control)
Indication presentation			
Audio: Drug X is for adults with advanced non-small cell lung cancer. Superimposed text: Drug X is for adults with advanced non-small cell lung cancer previously treated with platinum-based chemotherapy, who have a certain type of ALK gene.	Audio: Drug X is for adults with advanced non-small cell lung cancer previously treated with platinum-based chemotherapy, who have a certain type of ALK gene. Superimposed text: Drug X is for adults with advanced non-small cell lung cancer.	Audio: Drug X is for adults with advanced non-small cell lung cancer previously treated with platinum-based chemotherapy, who have a certain type of ALK gene. Superimposed text: Drug X is for adults with advanced non-small cell lung cancer previously treated with platinum-based chemotherapy, who have a certain type of ALK gene.	Audio: Drug X is for adults with advanced non-small cell lung cancer. Superimposed text: Drug X is for adults with advanced non-small cell lung cancer.

Note: Study 2 will use the overall survival ad from Study 1.

TABLE 3—STUDY 2 DESIGN: HEMATOLOGY

Material information in superimposed text only	Material information in audio only	Material information in superimposed text + audio	Material information not in superimposed text or audio (control)
Indication presentation			
Audio: Drug Y is used to treat multiple myeloma. Superimposed text: Drug Y is used to treat multiple myeloma in combination with dexamethasone, in people who have received at least three prior medicines to treat multiple myeloma.	Audio: Drug Y is used to treat multiple myeloma in combination with dexamethasone, in people who have received at least three prior medicines to treat multiple myeloma. Superimposed text: Drug Y is used to treat multiple myeloma.	Audio: Drug Y is used to treat multiple myeloma in combination with dexamethasone, in people who have received at least three prior medicines to treat multiple myeloma. Superimposed text: Drug Y is used to treat multiple myeloma in combination with dexamethasone, in people who have received at least three prior medicines to treat multiple myeloma.	Audio: Drug Y is used to treat multiple myeloma. Superimposed text: Drug Y is used to treat multiple myeloma.

Note: Study 2 will use the overall survival ad from Study 1.

In the **Federal Register** of June 21, 2019 (84 FR 29213), FDA published a 60-day notice requesting public comment on the proposed collection of information. FDA received four submissions that were PRA-related. Within those submissions, FDA received multiple comments, which the Agency has addressed below.

(Comment 1) One comment voiced support for the current study and recommended future research to examine how DTC advertising addresses value-based care.

(Response 1) We thank the commenter for their support for this study and will consider their recommendations for future research.

(Comment 2) Two comments suggested limiting study recruitment to patients already diagnosed with and/or

treated for cancer and their caregivers and family members. The comments suggested that patients who have already been diagnosed and/or treated are likely to have a higher level of disease comprehension than the general population and that this would make the results more reflective of the population seeking cancer treatment information.

(Response 2) We chose a general population sample for the first study on this topic because of concerns about being able to recruit a sufficient number of participants if we selected a cancer-specific sample. However, we agree that in the future, a small, carefully-designed replication study with cancer patients and their caretakers and family members would be valuable. Prior to this study, we conducted both general-population focus groups and cancer-survivor focus groups. We will use the information gleaned from these focus groups to consider the ways in which these groups do and do not differ when discussing the limitations of the study's general-population sample. We will also ask participants if they have been diagnosed with cancer and whether they are a caregiver for someone with cancer.

(Comment 3) One comment suggested that the duration of the study ads be consistent with the duration of real-life ads.

(Response 3) The duration of the study ads will be consistent with the duration of real-life ads.

(Comment 4) One comment suggested adding screening questions to assess whether participants watch television, whether they watch ads, and how they are most likely to view DTC television ads.

(Response 4) We added questions about television viewing to the end of the questionnaire.

(Comment 5) One comment agreed with the hypothesis that consumers who view an ad with material information in both audio and text will have greater retention of that information. However, they do not believe there is enough time in a television ad to include the full indication in the audio, and they do not believe it is necessary because they believe the primary objective of ads is to raise product awareness so that consumers can seek additional information about the drug from health care providers or adequate provision sources.

(Response 5) The duration of the ads used in this study will be consistent with those currently airing on television and that duration will be sufficient to include all material information (Ref. 4) in the audio and text. While consumers may be able to find this information through other sources, the intent of this study is to determine what effect, if any, the material information has when delivered as an integrated part of the DTC advertisement.

(Comment 6) One comment notes that the Study 1 results would not be generalizable to an ad for a drug that has overall survival data but advertises with claims about overall response rate or progression-free survival.

(Response 6) We agree that our results would not generalize to this situation.

(Comment 7) One comment suggested wording changes for the claims in Study 1, including deleting ''decrease the number of detectable cancer cells in the body'' from the multiple myeloma overall response rate, describing progression-free survival as ''delayed disease progression or live longer without cancer getting worse,'' and using the disclosure statement ''clinical trials are still ongoing to determine if there is an overall survival benefit with Drug X.''

(Response 7) We thank the commenter for these suggestions and will consider them, along with the feedback from our focus group participants, when we finalize the language for the main study.

(Comment 8) One comment suggested changes to the Study 1 questionnaire, including rewording Q2 to make it clearer, adding a ''don't know'' response to Q4, removing Q5 because it is speculative, and rewording Q7 from ''any side effects it may have'' to ''side effects described in the ad.''

(Response 8) We revised Q2 to ask what the drug can do for people, added a ''don't know'' response to Q4, and edited Q7 as suggested. Q5 will only be asked of participants who already report that the drug will help people live longer; its purpose is to gauge their perception of how much longer people will live. We plan to keep this item, but we will cognitively test and pretest it to determine whether it should be revised or deleted.

(Comment 9) One comment suggested changes to the Study 2 questionnaire, including changing Q2 to ask about what disease the drug treats rather than who it is for, so it is less similar to Q4, adding Q10 from the Study 1 questionnaire to measure behavioral intentions, and revising Q7–Q12 because they are too detailed and require the respondent to recall a lot of information from the ad.

(Response 9) We agree that Questions 2 and 4 are similar; they are both designed to elicit responses related to the material information, not just the disease the drug is indicated to treat. However, Question 4 will only be asked of participants who respond ''no'' to Question 3. We believe this will provide context for those participants, but we will ask whether this series of questions is too repetitive or confusing in cognitive interviews, and we will review participants' responses in a pretest. We will add Q10a and Q10b to the Study 2 questionnaire. Questions 7 through 12 are designed to measure participants' retention and understanding of the material information. We will cognitively test and pretest the items to determine whether they should be revised or deleted.

FDA estimates the burden of this collection of information as follows:

TABLE 4—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Cognitive Interview screener	30	1	30	0.08 (5 minutes)	2.4
Cognitive Interviews	18	1	18	1 (60 minutes)	18
Pretests 1 and 2 screener	200	1	200	0.08 (5 minutes)	16
Pretests 1 and 2	120	1	120	0.33 (20 minutes)	39.6
Study 1 screener	1,167	1	1,167	0.08 (5 minutes)	93.36
Study 1	700	1	700	0.33 (20 minutes)	231
Study 2 screener	867	1	867	0.08 (5 minutes)	69.36
Study 2	520	1	520	0.33 (20 minutes)	171.6
Total					641.32

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

II. References

The following references marked with an asterisk (*) are on display at the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they also are available electronically at *https://www.regulations.gov*. References without asterisks are not on public display at *https://www.regulations.gov* because they have copyright restriction. Some may be available at the website address, if listed. References without asterisks are available for viewing only at the Dockets Management Staff. FDA has verified the website addresses, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

1. Kim, J., J. Gao, L. Amiri-Kordestani, et al., ''Patient-Friendly Language to Facilitate Treatment Choice for Patients with Cancer.'' The Oncologist, 10.1634/theoncologist.2018–0761, 2019. Available from: *https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6693727/*.

2. Aikin, K.J., A.C. O'Donoghue, C.M. Squire, et al., ''An Empirical Examination of the FDAAA-Mandated Toll-Free Statement for Consumer Reporting of Side Effects in Direct-to-Consumer Television Advertisements.'' *Journal of Public Policy & Marketing,* 35(1):108–123, 2016.

3. Sullivan, H.W., V. Boudewyns, A.C. O'Donoghue, et al., ''Attention to and Distraction from Risk Information in Prescription Drug Advertising: An Eye-Tracking Study.'' *Journal of Public Policy & Marketing,* 36(2):236–245, 2017.

4. 21 U.S.C. 321(n).

Dated: January 23, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–01555 Filed 1–28–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0990–new]

Agency Information Collection Request; 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before February 28, 2020.

ADDRESSES: Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Sherrette Funn, *Sherrette.Funn@hhs.gov* or (202) 795–7714. When submitting comments or requesting information, please include the document identifier 0990-New-30D and project title for reference.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: Health Evaluation of Pregnancy Prevention Program Replications for High Risk and Hard to Reach Youth.

Type of Collection: OMB No. 0990–NEW.

Abstract: The Office of the Assistant Secretary for Health (OASH), U.S. Department of Health and Human Services (HHS), is requesting approval by OMB of a new information collection request. OASH seeks to collect information to understand whether previously proven adolescent pregnancy programs have similar effects on knowledge, attitudes, beliefs, intentions, and behaviors related to sexual activity and health among different youth in different locations, especially among understudied and hard-to-reach youth. We propose to collect both qualitative and quantitative information in a quasi-experimental design with a matched comparison group. Eight organizations implementing a broad range of previously proven-effective pregnancy prevention programs (including sexual health education, sexual risk avoidance, and youth development programs) will recruit hard to reach or high-risk youth. Youth will complete surveys at baseline, immediately following the intervention, and at three months follow-up, yielding quantitative data about youth knowledge, attitudes, beliefs, intentions, and behaviors related to sexual health. Surveys will last for about 50 minutes. Focus groups yielding qualitative data about youth perspectives about adolescent pregnancy prevention programs will occur after the interventions are complete and will last for approximately 90 minutes.

Need and Proposed Use of the Information: Rates of pregnancy among hard-to-reach, high-risk, vulnerable, or understudied youth are significantly higher than the general population. However, there have been few evaluations assessing whether programs that have been previously proven successful can be delivered successfully to these youth. Hence, this evaluation is intended to help fill the evidence gap about the efficacy and effectiveness of existing pregnancy prevention programs among high-risk, vulnerable, or understudied youth. To enhance the rigor of the evaluation, a matched comparison group will be identified from select implementing organizations and their communities. OASH plans to use the findings of this evaluation to inform guidance to HHS grantees and prospective grantees on approaches for replication of pregnancy prevention programs for hard-to-reach and underserved youth.

Likely respondents: Respondents will include youth aged 12–16 years old, and their parents/guardians. Respondents will also include youth in a matched comparison group (''comparison youth'').

Burden: Exhibit 1 summarizes the total annual burden hours estimated for this ICR. This hour-burden estimate includes time spent by program youth, comparison group youth, and parents/guardians of both groups to complete data collection for the ICR.

Respondents	Form name	Max number of respondents	Average burden per response (hours)	Total max burden (hours)
Youth Program Participants	Baseline survey and youth assent	1,216	1.00	1,216
	First follow-up survey	730	0.83	608
	3-month follow-up survey	438	0.83	365
	Focus group assent	474	0.25	119

Respondents	Form name	Max number of respondents	Average burden per response (hours)	Total max burden (hours)
	Focus group protocol	285	1.50	428
Youth Comparison Group Participants	Baseline survey and youth assent	2,946	1.00	2,946
	First follow-up survey	730	0.83	608
	3-month follow-up survey	438	0.83	365
Parents/Guardians	Parental consent	4,163	0.25	1,041
Total				7,696

Please Note: No. Responses per Respondent is 1. Each form is completed one time.

Terry Clark,

Office of the Secretary, Asst Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 2020–01573 Filed 1–28–20; 8:45 am]

BILLING CODE 4150–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of meetings of the National Diabetes and Digestive and Kidney Diseases Advisory Council.

The meetings will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meetings will be closed to the public in accordance with the provisions set forth in section 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 Diabetes and Digestive and Kidney Diseases Advisory Council.

Date: May 12–13, 2020.

Open: May 12, 2020, 8:30 a.m. to 12:00 p.m.

Agenda: To Present the Director's Report and other Scientific Presentations.

Place: Porter Neuroscience Research Center, Building 35A, Conference Room 610–640, 35 Convent Drive, Bethesda, MD 20892.

Closed: May 12, 2020, 1:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Porter Neuroscience Research Center, Building 35A, Conference Room 610–640, 35 Convent Drive, Bethesda, MD 20892.

Contact Person: Karl F. Malik, Ph.D., Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Boulevard, Room 7329, MSC 5452, Bethesda, MD 20892, (301) 594–4757, *malikk@niddk.nih.gov*.

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council; Digestive Diseases and Nutrition.

Date: May 12–13, 2020.

Open: May 12, 2020, 1:00 p.m. to 2:00 p.m.

Agenda: To review the Division's scientific and planning activities.

Place: Porter Neuroscience Research Center, Building 35A, Conference Room 610–640, 35 Convent Drive, Bethesda, MD 20892.

Closed: May 12, 2020, 2:15 p.m. to 3:15 p.m.

Agenda: To review and evaluate grant applications.

Place: Porter Neuroscience Research Center, Building 35A, Conference Room 610–640, 35 Convent Drive, Bethesda, MD 20892.

Contact Person: Karl F. Malik, Ph.D., Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Boulevard, Room 7329, MSC 5452, Bethesda, MD 20892, (301) 594–4757, *malikk@niddk.nih.gov*.

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council; Diabetes, Endocrinology, and Metabolic Diseases.

Date: May 12–13, 2020.

Open: May 12, 2020, 1:00 p.m. to 2:00 p.m.

Agenda: To review the Division's scientific and planning activities.

Place: Porter Neuroscience Research Center, Building 35A, Conference Room 610–640, 35 Convent Drive, Bethesda, MD 20892.

Closed: May 12, 2020, 2:15 p.m. to 3:45 p.m.

Agenda: To review and evaluate grant applications.

Place: Porter Neuroscience Research Center, Building 35A, Conference Room 610–640, 35 Convent Drive, Bethesda, MD 20892.

Contact Person: Karl F. Malik, Ph.D., Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Boulevard, Room 7329, MSC 5452, Bethesda, MD 20892, (301) 594–4757, *malikk@niddk.nih.gov*.

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council; Kidney, Urologic, and Hematologic Diseases.

Date: May 12–13, 2020.

Open: May 12, 2020, 1:00 p.m. to 2:45 p.m.

Agenda: To review the Division's scientific and planning activities.

Place: Porter Neuroscience Research Center, Building 35A, Conference Room 610–640, 35 Convent Drive, Bethesda, MD 20892.

Closed: May 12, 2020, 2:45 p.m. to 3:45 p.m.

Agenda: To review and evaluate grant applications.

Place: Porter Neuroscience Research Center, Building 35A, Conference Room 610–640, 35 Convent Drive, Bethesda, MD 20892.

Contact Person: Karl F. Malik, Ph.D., Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Boulevard, Room 7329, MSC 5452, Bethesda, MD 20892, (301) 594–4757, *malikk@niddk.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has stringent procedures for entrance into NIH federal property. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *www.niddk.nih.gov/fund/divisions/DEA/Council/coundesc.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: January 23, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–01496 Filed 1–28–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Heart, Lung, and Blood Initial Review Group; Single-Site and Pilot Clinical Trials Review Committee.

Date: March 4–5, 2020.

Time: 8:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, Montgomery County Conference Center Facility, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Carol (Chang-Sook) Kim, Ph.D., Scientific Review Administrator, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7188, Bethesda, MD 20892–7924, 301–827–7940, *carolko@mail.nih.gov*.

Name of Committee: Heart, Lung, and Blood Initial Review Group; NHLBI Mentored Transition to Independence Review Committee.

Date: March 5–6, 2020.

Time: 8:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The William F. Bolger Center, 9600 Newbridge Drive, Potomac, MD 20854.

Contact Person: Giuseppe Pintucci, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7192, Bethesda, MD 20892, 301–435–0287, *Pintuccig@nhlbi.nih.gov*.

Name of Committee: Heart, Lung, and Blood Initial Review Group; NHLBI Mentored Clinical and Basic Science Review.

Date: March 19–20, 2020.

Time: 10:30 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn National Airport Hotel, 2650 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Keith A. Mintzer, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7186, Bethesda, MD 20892–7924, 301–827–7949, *mintzerk@nhlbi.nih.gov*.

Name of Committee: Heart, Lung, and Blood Initial Review Group; Heart, Lung, and Blood Program Project Review.

Date: March 20, 2020.

Time: 8:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton BWI (Baltimore), 1100 Old Elkridge Landing Road, Baltimore, MD 21090.

Contact Person: Jeffrey H. Hurst, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7208, Bethesda, MD 20892, 301–435–0303, *hurstj@nhlbi.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: January 23, 2020.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–01493 Filed 1–28–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel; Brain Initiative RFA (EB–19–001; EB–19–002) Review SEP.

Date: February 19, 2020.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: John K. Hayes, Ph.D., Scientific Review Officer, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health, 6707 Democracy Blvd., Suite 959, Bethesda, MD 20892, (301) 496–8775, *hayesj@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health, HHS)

Dated: January 23, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–01495 Filed 1–28–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Vascular and Hematology Integrated Review Group; Hypertension and Microcirculation Study Section—Hypertension and Microcirculation.

Date: February 19–20, 2020.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: New Orleans Marriott, 555 Canal Street, New Orleans, LA 70130.

Contact Person: Bukhtiar H. Shah, DVM, Ph.D., Scientific Review Officer, Vascular and Hematology IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4120, MSC 7802, Bethesda, MD 20892, (301) 806–7314, *shahb@csr.nih.gov*.

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group; Addiction Risks and Mechanisms Study Section.
Date: February 24–25, 2020.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hotel Solamar, 435 6th Avenue, San Diego, CA 92101.
Contact Person: Kristen Prentice, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3112, MSC 7808, Bethesda, MD 20892, (301) 496–0726, *prenticekj@mail.nih.gov*.

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Mechanisms of Cancer Therapeutics—2 Study Section.
Date: February 24–25, 2020.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.
Contact Person: Careen K. Tang-Toth, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, (301) 435–3504, *tothct@csr.nih.gov*.

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Drug Discovery and Molecular Pharmacology Study Section.
Date: February 24–25, 2020.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Jeffrey Smiley, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6194, MSC 7804, Bethesda, MD 20892, 301–594–7945, *smileyja@csr.nih.gov*.

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Genetics of Health and Disease Study Section.
Date: February 24–25, 2020.
Time: 8:00 a.m. to 2:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.
Contact Person: Christopher Payne, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301–402–3702, *christopher.payne@nih.gov*.

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Clinical Oncology Study Section.
Date: February 24, 2020.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Ritz-Carlton Hotel, 1700 Tysons Boulevard, McLean, VA 22102.
Contact Person: Malaya Chatterjee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6192, MSC 7804, Bethesda, MD 20892, 301–806–2515, *chatterm@csr.nih.gov*.

Name of Committee: Cell Biology Integrated Review Group; Biology of the Visual System Study Section.
Date: February 24–25, 2020.
Time: 8:00 a.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Michael H. Chaitin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5202, MSC 7850, Bethesda, MD 20892, (301) 435–0910, *chaitinm@csr.nih.gov*.

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Child Psychopathology and Developmental Disabilities Study Section.
Date: February 24–25, 2020.
Time: 8:00 a.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Fairmont in Washington DC, 2401 M Street NW, Washington, DC 20037.
Contact Person: Katherine Colona Morasch, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3170, Bethesda, MD 20892, (301) 594–9147, *moraschkc@csr.nih.gov*.

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Community-Level Health Promotion Study Section.
Date: February 24–25, 2020.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Wyndham San Antonio River Walk, 111 East Pecan Street, San Antonio, TX 78205.
Contact Person: Ping Wu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, Bethesda, MD 20892, 301–451–8428, *wup4@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: January 23, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–01491 Filed 1–28–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Notice To Announce Request for Information To Assist in the Development of a New Strategic Plan for the National Institute on Deafness and Other Communication Disorders, for 2022–2026

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Institute on Deafness and Other Communication Disorders (NIDCD) is in the process of developing a new Strategic Plan for 2022–2026 to help guide the research it supports over the next five years. Through this Request for Information, NIDCD invites researchers in academia and industry, health care professionals, patient advocates and health advocacy organizations, scientific or professional organizations, Federal agencies, and other interested members of the public to provide ideas to inform development of NIDCD's next strategic plan.

DATES: The NIDCD's Request for Information is open for public idea submission for a period of 60 days. Ideas must be received by March 31, 2020, to ensure consideration. After the idea submission period has closed, NIDCD will consider the ideas we received in a timely manner for the development of the 2022–2026 Strategic Plan of the National Institute on Deafness and Other Communication Disorders.

ADDRESSES: Please visit our website to view our questions and submit your ideas to NIDCD electronically: *https://www.nidcd.nih.gov/about/strategic-plan/2022-2026/2022-2026-nidcd-strategic-planning-process*. NIDCD will also accept submissions via email (*NIDCDStrategicPlan@nidcd.nih.gov*).

FOR FURTHER INFORMATION CONTACT: Laura K. Cole, Ph.D., Planning and Evaluation Officer, Science Policy and Planning Branch, National Institute on Deafness and Other Communication Disorders, NIH, 31 Center Drive, Suite 3C25, Bethesda, MD 20892. Phone: 301–402–2313. Email: *colel@nidcd.nih.gov*.

SUPPLEMENTARY INFORMATION: This notice is in accordance with the 21st Century Cures Act, NIH institutes are required to regularly update their strategic plans. The NIDCD's mission is to improve the lives of the millions of people with hearing loss and other communication disorders, spanning functions of hearing, balance, taste,

smell, voice, speech, and language. Our vision is that all those with disorders in these areas benefit from scientific discovery that informs effective and accessible treatments and improves quality of life. To get us there, NIDCD is seeking your best ideas to help as we develop our 2022–2026 Strategic Plan.

Dated: January 22, 2020.

Timothy J. Wheeles,

Executive Officer, National Institute on Deafness and Other Communication Disorders, National Institutes of Health.

[FR Doc. 2020–01480 Filed 1–28–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Vascular and Hematology Integrated Review Group; Hemostasis and Thrombosis Study Section.

Date: February 21, 2020.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Canopy by Hilton, 940 Rose Avenue, North Bethesda, MD 20852.

Contact Person: Ai-Ping Zou, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, 301–408–9497, *zouai@csr.nih.gov*.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Aging Systems and Geriatrics Study Section.

Date: February 24–25, 2020.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westgate Hotel, 1055 Second Avenue, San Diego, CA 92101.

Contact Person: Inese Z. Beitins, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6152, MSC 7892, Bethesda, MD 20892, 301–435–1034, *beitinsi@csr.nih.gov*.

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Hepatobiliary Pathophysiology Study Section.

Date: February 25–26, 2020.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.

Contact Person: Jianxin Hu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2156, Bethesda, MD 20892, 301–827–4417, *jianxinh@csr.nih.gov*.

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Cellular Aspects of Diabetes and Obesity Study Section.

Date: February 25–26, 2020.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Antonello Pileggi, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6166, Bethesda, MD 20892–7892, (301) 402–6297 *pileggia@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Cellular Aspects of Diabetes and Obesity.

Date: February 25, 2020.

Time: 1:00 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Elaine Sierra-Rivera, Ph.D., Scientific Review Officer, EMNR IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6182 MSC 7892, Bethesda, MD 20892, 301 435–2514, *riverase@csr.nih.gov*.

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Health Disparities and Equity Promotion Study Section.

Date: February 26–27, 2020.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham San Antonio Riverwalk, 111 East Pecan Street, San Antonio, TX 78205.

Contact Person: Jessica Bellinger, Ph.D., Scientific Review Administrator, Center for Scientific of Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, Bethesda, MD 20892, 301–827–4446, *bellingerjd@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: January 23, 2020.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–01492 Filed 1–28–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings. The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Stimulating Access to Research in Residency Transition Scholar (StARRTS).

Date: March 6, 2020.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6700–B Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: William J. Johnson, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7178, Bethesda, MD 20892–7924, 301–827–7938, *johnsonwj@nhlbi.nih.gov*.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; NHLBI Catalyze Review for Small Molecules and Biologics.

Date: March 9, 2020.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Melissa E. Nagelin, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7202, Bethesda, MD 20892, 301–435–0297, *nagelinmh2@nhlbi.nih.gov*.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Clinical Ancillary Studies (R01).

Date: March 10, 2020.

Time: 8:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The William F. Bolger Center, 9600 Newbridge Drive, Potomac, MD 20854.

Contact Person: YingYing Li-Smerin, MD, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7184, Bethesda, MD 20892–7924, 301–827–7942, *lismerin@nhlbi.nih.gov*.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Clinical Trials SEP.

Date: March 11, 2020.

Time: 8:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The William F. Bolger Center, 9600 Newbridge Drive, Potomac, MD 20854.

Contact Person: YingYing Li-Smerin, MD, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7184, Bethesda, MD 20892–7924, 301–827–7942, *lismerin@nhlbi.nih.gov*.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Technologies for Healthy Independent Living for Heart, Lung, Blood and Sleep Disorders (R43).

Date: March 19, 2020.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6700–B Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Lindsay M. Garvin, Ph.D., Scientific Review Officer, Office of Scientific Review, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Suite 7189, Bethesda, MD 20892 301–827–7911, *lindsay.garvin@nih.gov*.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; NHLBI TOPMed: Omics Phenotypes of Heart, Lung, and Blood Disorders (X01).

Date: March 20, 2020.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6700–B Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Lindsay M Garvin, Ph.D., Scientific Review Officer, Office of Scientific Review, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Suite 7189, Bethesda, MD 20892, 301–827–7911, *lindsay.garvin@nih.gov*.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Research on Idiopathic Pulmonary Fibrosis Review.

Date: March 23, 2020.

Time: 8:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton BWI (Baltimore), 1100 Old Elkridge Landing Road, Baltimore, MD 21090.

Contact Person: Shelley S. Sehnert, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7206, Bethesda, MD 20892–7924, 301–435–0303, *ssehnert@nhlbi.nih.gov*.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; K01: Career Development Program to Promote Diversity in Health Research.

Date: March 24, 2020.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.

Contact Person: Susan Wohler Sunnarborg, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National, Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7182, Bethesda, MD 20892, *susan.sunnarborg@nih.gov*.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Mechanisms of IL–1 Regulation in Air Pollution-Associated Cardiopulmonary Pathology.

Date: March 24, 2020.

Time: 9:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Zhihong Shan, Ph.D., MD, Scientific Review Officer, Division of Extramural Activities, National, Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–435–1779, *zhihong.shan@nih.gov*.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Pediatric Cardiac Genomics.

Date: March 25, 2020.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites—Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.

Contact Person: Tony L. Creazzo, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7180, Bethesda, MD 20892–7924, 301–827–7913, *creazzotl@mail.nih.gov*.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; NHLBI Mentored Career Development Awards—K08, K23, K24, K99.

Date: March 26, 2020.

Time: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6700–B Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Lindsay M. Garvin, Ph.D., Scientific Review Officer, Office of Scientific Review, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Suite 7189, Bethesda, MD 20892, 301–827–7911, *lindsay.garvin@nih.gov*.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Disparities Elimination through Coordinated Interventions to Prevent and Control Heart and Lung Disease Risk ''DECiPHER''.

Date: March 27, 2020.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: Hyatt Regency, Bethesda, Bethesda, MD 20814.

Contact Person: Kristen Page, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7185, Bethesda, MD 20892, 301–827–7953, *kristen.page@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: January 23, 2020.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–01494 Filed 1–28–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2019–0131]

Port Access Route Study: The Areas Offshore of Massachusetts and Rhode Island

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability of draft report; request for comments.

SUMMARY: From March 26, 2019 through December 15, 2019, the Coast Guard conducted The Areas Offshore of Massachusetts and Rhode Island Port Access Route Study and is now requesting your comments on a draft version of the study report. The goal of the study is to enhance navigational safety in the study area by examining existing shipping routes and waterway uses. To accomplish this goal, the Coast Guard has undertaken measures to determine what, if any, navigational safety concerns currently exist with vessel transits, examine existing shipping routes and waterway uses, and evaluate the need for establishing vessel routing measures in light of current and anticipated future demands associated with offshore wind leases in the Massachusetts and Rhode Island Wind Energy Area. A draft version of the report is available in the docket for viewing. We seek your comments on the content and development of the report.

DATES: Your comments and related material must reach the Coast Guard on or before March 16, 2020.

ADDRESSES: You may submit comments identified by docket number USCG–2019–0131 using the Federal portal at *https://www.regulations.gov*. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, contact Mr. Craig Lapiejko, Waterways Management at First Coast Guard District, telephone (617) 223–8351, email *craig.d.lapiejko@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

BOEM Bureau of Ocean Energy Management
CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NEPA National Environmental Policy Act
OCS Outer Continental Shelf
PARS Port Access Route Study
U.S.C. United States Code
NM Nautical Mile
NMFS National Marine Fisheries Service
TSS Traffic Separation Scheme
WEA Wind Energy Area
WTGs Wind Turbine Generators

II. Background and Purpose

BOEM has leased seven adjacent areas of the OCS south of Martha's Vineyard and east of Rhode Island that together constitute the MA/RI WEA. Potentially seven distinct offshore renewable energy installations (''wind farms'') could be constructed, each with its own number, size, type of wind turbines, and distinct turbine layout. The topic of safe navigation routes to facilitate vessel transit through the MA/RI WEA has been discussed at various forums throughout southeastern New England. The forums have included participation by the Coast Guard, other federal, state, and local agencies, fishing industry representatives, and myriad stakeholders. Various different transit plans have been proposed through these different forums in which no consensus of all stakeholders was reached.

In response, on March 26, 2019, the Coast Guard published a Notice of Study and public meetings; request for comments entitled ''Port Access Route Study (PARS): The Areas Offshore of Massachusetts and Rhode Island'' in the **Federal Register** (84 FR 11314) to determine what routing measures, if any, may be necessary for navigation safety should any or all of the lease areas within the MA/RI WEA be partially or fully developed as wind farms. This undertaking is required by 46 U.S.C. 70003, which calls for the Coast Guard to conduct a port access route study prior to establishing fairways or traffic separation schemes (TSSs).

On April 10, 2019, we published a Notice of Public Meeting; request for comments entitled ''Port Access Route Study (PARS): The Areas Offshore of Massachusetts and Rhode Island'' in the **Federal Register** (84 FR 11384) announcing an additional public meeting to be held in Montauk, NY.

The public was afforded a 60-day comment period, and three public meetings were held (in Massachusetts, Rhode Island, and New York) to receive public input. The Coast Guard received 30 comments in response to our **Federal Register** Notice, public meetings and other outreach efforts. All comments and supporting documents are available in a public docket and can be viewed at *http://www.regulations.gov*. In the ''Search'' box insert ''USCG–2019–0131'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. In addition to a discussion of the comments in section III of this notice, a synopsis of the comments is contained in Appendix E of the report.

In August 2019, after public comment closed, the Coast Guard released Navigation Vessel Inspection Circular (NVIC) 01–19 GUIDANCE ON THE COAST GUARD'S ROLES AND RESPONSIBILITIES FOR OFFSHORE RENEWABLE ENERGY INSTALLATIONS (OREI). NVIC 01–19 provides further guidance to Coast Guard units and external stakeholders on factors the Coast Guard considers when evaluating risk in OREI. (Available in the docket folder)

In October 2019 two meetings occurred at the request of wind developers with interests in the MARIPARS study area. The first of those meetings occurred on October 9, 2019 at Coast Guard Headquarters in Washington, DC, and was attended by members of Coast Guard Headquarters staff, BOEM staff and representatives from the wind developers. During that meeting the developers presented a report that outlined a 1 NM by 1 NM uniform grid for turbine installation across all seven lease areas on a north to south and east to west orientation. A second meeting was held on October 17, 2019 at the First Coast Guard District in Boston, MA attended by Coast Guard Headquarters staff, First District Staff, Sector Southeastern New England staff, BOEM staff and wind developers discussing the same proposal. On November 1, 2019 the wind developers submitted a finalized version of their proposal to Coast Guard Headquarters requesting it be considered in the MARIPARS. (Available in the docket folder)

On January 3, 2020 the Responsible Offshore Development Alliance submitted a letter proposal to the Coast Guard, BOEM and NMFS addressing the developer letter dated November 1, 2019. That proposal supports the 1 NM by 1 NM uniform grid and suggests six additional transit lane corridors 4 NM wide. (Available in the docket folder)

The Coast Guard is a cooperating agency in BOEM's review process and has no legal authority to direct placement or orientation of wind turbines. The Coast Guard is opening this second MARIPARS comment period to facilitate transparent public discussions on the information above as well as the draft report findings to date.

III. Discussion of Comments

Comments were submitted by representatives of the maritime community, wind energy developers, non-governmental organizations, Federal and State governmental agencies, and private citizens.

Topics covered by the comments included the support for some type of designated navigation corridors of varying width and those opposed to any type of navigation corridors, concerns about Search and Rescue (SAR) within the WEA, review of a report of an allision between a vessel operating within a European wind farm and a wind turbine, potential for interference of marine radar, and concerns for wildlife conservation to include impacts to right whales.

Navigation Corridors

Various comments were received concerning navigation corridors. Some commenters said navigation corridors were not necessary, whereas others said they were essential to preserve clear lanes for vessels to transit. Prior to the lease and construction of these wind farms—each with its own number, size, type of wind turbines, and distinct array layout there was no need for a coordinated routing system through the study area. The draft MARIPARS report reveals that navigation corridors could be useful to reduce risks to navigation and the environment but ultimately recommends that if the MA/RI WEA turbine layout is developed along a standard and uniform grid pattern, standard vessel routing measures would not be required.

Search and Rescue

Several comments expressed concerns about the Coast Guard's ability to conduct effective search-and-rescue (SAR) operations within a wind farm. The Coast Guard has had similar concerns and believe we have addresses these in Section III.J. of the draft report. Ultimately, the Coast Guard recommends that if the MA/RI WEA turbine layout is developed along a standard and uniform grid pattern with at least three lines of orientation and standard spacing that this will help minimize the risk to SAR operations within the MA/RI WEA.

Review Report on an Allision Between a Vessel and Wind Turbine

Some commenters urged the Coast Guard to review a report on an allision between a vessel navigating within a European wind farm and an unlit wind turbine. We did review the report and address it in Section III.H.6. of the draft report. In March 2019, *marineinsight.com* reported about a 2012 incident. An accident investigation was conducted by the United Kingdom's Maritime and Coast Guard Agency (MCA) Marine Accident Investigation Board (MAIB). The MCA found the vessel's master at fault due to several contributing factors: Operating in 30 knot winds, in heavy seas, driving rain, at night, with excessive speed, and all without a proper lookout.

Radar Interference

Some commenters expressed their concerns about possible radar interference while transiting within the WEA. We address these comments in Section III.H.6. of the draft report were we discuss our review of several studies that address correlations between wind turbines and marine radar interference. To date, the USCG is not aware of an authoritative scientific study that confirms or refutes the concern that WTGs will degrade marine radar.

Wildlife Conservation and Protection of Right Whales

The Coast Guard received a comment requesting we consider vessel speeds in our evaluation of potential navigation routes, as cavitation and noise there from may adversely impact right whales. The Coast Guard will continue to consult with the National Oceanic and Atmospheric Administration, interagency partners and other stakeholders through the National Environmental Policy Act (NEPA) and marine planning processes as a necessary part of any action to formally establish routing measures associated with this or any other wind farm proposal.

IV. Information Requested

Do you agree or disagree with the draft report's recommendations, and if so, why?

V. Public Participation and Request for Comments

We encourage you to comment on the content and development of the report.

A. Submitting Comments: To submit your comment online, go to *http://www.regulations.gov,* and insert ''USCG–2019–0131'' in the ''search box.'' Click ''Search''. Then click ''Comment Now.''

We accept anonymous comments. All comments received will be posted, without change, to *http://www.regulations.gov* and will include any personal information you have provided.

We will consider all comments and material received during the comment period.

B. Viewing the comments and documents: To view the comments and documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* click on the ''read comments'' box, which will then become highlighted in blue. In the ''Keyword'' box insert ''USCG–2019–0131'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column.

C. Privacy Act: Anyone can search the electronic form of 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 a Privacy Act, system of records notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316) *https://www.federalregister.gov/documents/2008/01/17/E8-785/privacy-act-of-1974-system-of-records.*

VI. Future Actions

Any comments received will be reviewed and considered before a final version of the MARIPARS is announced in the **Federal Register**.

This notice is published under the authority of 46 U.S.C. 70004 and 5 U.S.C. 552(a).

Dated: January 22, 2020.

A.J. Tiongson,

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

[FR Doc. 2020–01522 Filed 1–28–20; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7024–N–04]

30-Day Notice of Proposed Information Collection: Mortgage Insurance Termination Application for Premium Refund or Distributive Share Payment; OMB# 2502–0414

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, 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.

DATES: *Comments Due Date:* February 28, 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: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons 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. Pollard.

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 for the 60 days was published October 31, 2019 at 84 FR 58408.

A. Overview of Information Collection

Title of Information Collection: Mortgage Insurance Termination

Application for Premium Refund or Distributive Share Payment.

OMB Approval Number: OMB–2502–0414.

Type of Request: Revision of a currently approved collection.

Form Number: Application for Premium Refund or Distributive Share Form HUD–27050–B.

Description of the need for the information and proposed use: Mortgage Insurance Termination is used by servicing mortgagees to comply with HUD requirements for reporting termination of FHA mortgage insurance. This information is used whenever FHA mortgage insurance is terminated and no claim for insurance benefits will be filed. This information is submitted on via the internet or EDI and is used to directly pay eligible homeowners. This condition occurs when the form passes the criteria of certain system edits.

As the result, the system generates a disbursement to the eligible homeowner for the refund consisting of the unused portion of the paid premium. The collection information required is used to update HUD's Single-Family Insurance System. The billing of mortgage insurance premiums is discontinued as a result of the transaction. Without this information the premium collection/monitoring function would be severely impeded and program data would be unreliable. Under streamline III when the form is processed and but does not pass the series of edits the system generates in these cases the Application for Premium Refund or Distributive Share Payment to the homeowner to be completed and returned to HUD for further processing for the refund. In general, a Premium Refund is the difference between the amount of prepaid premium and the amount of the premium that has been earned by HUD up to the time the mortgage is terminated.

Information collection	Number of respondents	Frequency of response	Total annual responses	Hours per response	Total annual hours
Mortgage Insurance Termination—HUD–27050–A	6,000	Varies	675,000	.08	54,000
Application for Premium Refund or Distributive Share—HUD–27050–B	20,000	1	20,000	.25	5,000
Totals	26,000		695,000		59,000

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 2 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Dated: January 17, 2020.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2020–01562 Filed 1–28–20; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7024–N–02]

30-Day Notice of Proposed Information Collection: Family Report, MTW Family Report, MTW Expansion Family Report; OMB# 2577–0083

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, 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 (PRA), HUD is requesting comment from all interested parties on the proposed collection of information. HUD has revised the Form-50058 MTW Expansion in response to public comments received during the public comment period provided for by the 60-Day Notice of Proposed Information Collection. These revisions are more thoroughly described below. This publication is to provide notice to Public Housing Agencies (PHAs) of the revisions and to give PHAs the opportunity to comment on such revisions. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* February 28, 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: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Dawn Smith, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW, Room 3178, Washington, DC 20410; telephone 202–402–6488, (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Smith.

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 August 19, 2019 at 84 FR 42943.

A. Overview of Information Collection

Title of Information Collection: Family Report, MTW Family Report, MTW Expansion Family Report.

OMB Approval Number: 2577–0083.

Type of Request: Revision of a currently approved collection.

Form Number: Form HUD–50058 Family Report, HUD–50058 MTW Family Report, Form HUD–50058 MTW Expansion Family Report.

Description of the need for the information and proposed use: The Office of Public and Indian Housing of the Department of Housing and Urban Development (HUD) provides funding to public housing agencies (PHAs) to administer assisted housing programs. Form HUD–50058, Form HUD–50058 MTW, and Form HUD–50058 MTW Expansion Family Reports solicit demographic, family profile, income and housing information on the entire nationwide population of tenants residing in assisted housing. The assisted housing programs include the Public Housing, Section 8 Housing Choice Vouchers, Section 8 Project-Based Vouchers, Section 8 Moderate Rehabilitation programs, Moving to Work (MTW) Demonstration, and MTW Local Non-Traditional programs. The information collected through the Form HUD–50058 MTW Expansion will also be used to monitor and evaluate the expansion MTW PHAs (PHAs designated as MTW pursuant to the 2016 Expansion Statute) that are participating in the MTW Demonstration program. The information collected through these forms will be used for the following purposes.

- Analyze assisted housing programs;
- Determine the occupancy level of public housing and calculate the operating subsidy in accordance with 24 CFR 990;
- Permit PHAs to monitor their own reporting to identify favorable and unfavorable trends;
- Monitor PHAs and participants for compliance with program regulations and requirements;
- Fraud detection and prevention via rent/income monitoring;
- Housing inventory and development of program initiatives with emphasis on the housing of special needs groups; and
- Make available accurate demographic information depicting tenant characteristics to Congress and other interested parties (however this data is typically scrubbed of any personally identifiable information).

This 30-Day Notice of Proposed Information Collection provides PHAs with notice of revisions to the proposed Form-50058 MTW Expansion published on August 19, 2019 in the 60-Day Notice of Proposed Information Collection at 84 FR 42943. The Form-50058 MTW Expansion published in this notice revises some of the items published in the 60-Day Notice in response to public and internal comments received. These revisions are summarized in Section D of this notice. Additionally, HUD has summarized public comments and provided responses to those comments in Section E of this notice.

Respondents (i.e. affected public): Public Housing Agencies, State and local governments, individuals and households.

Information collection	Number of respondents (PHA) (with responses)	* Average number of reponses per respondent (with responses)	Total annual responses	Minutes per response	Total hours	Regulatory reference (24 CFR) * See attached
Form HUD–50058 New Admission	4,014	87	349,218	40	232,812	908.101
Form HUD–50058 Recertification	4,014	583	2,340,162	20	780,054	908.101
Form HUD–50058 MTW New Admission	39	529	20,631	40	13,754	908.101
Form HUD–50058 MTW Recertification	39	4,018	156,702	20	52,234	908.101
Form HUD–50058 MTW Expansion New Admission	100	87	8,700	40	5,800	908.101
Form HUD–50058 MTW Expansion Recertification	100	583	58,300	20	19,433	908.101
Totals	4,153		2,933,713		1,104,087	

* *Average Number of Responses per Respondent = Total Annual Responses/Number of Respondents.*

Estimated annualized hourly cost to respondents (PHA); Form HUD–50058: To report using Form HUD–50058 Family Report, it will cost the average PHA $1,015.00 annually to enter and submit all data for New Admission and $3,400.83 annually for Recertification.

Estimated annualized hourly cost to respondents (PHA); Form HUD–50058 MTW: To report using Form HUD–50058 Family Report, it will cost the average PHA $6,171.67 annually to enter and submit all data for New Admissions and $23,438.33 annually for Recertification.

Estimated annualized hourly cost to respondents (PHA); Form HUD–50058 MTW Expansion: To report using Form HUD–50058 Family Report, it will cost the average PHA $1,015.00 annually to enter and submit all data for New Admissions and $3,400.78 annually for Recertification.

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.

D. Overview of Significant Changes Made to the Form-50058 MTW Expansion

The following represents the most notable changes to the Form-50058 MTW Expansion. However, other changes may have also been made which may not be identified below. The Form-50058 MTW Expansion should be reviewed in its entirety to determine the exact nature and scope of these revisions. A copy of the revised Form-50058 MTW Expansion can be obtained per the information provided earlier in this notice under **FOR FURTHER INFORMATION**, or on the HUD Moving to Work website at *https://www.hud.gov/mtw*.

- The response codes for line 2w, End of Participation reasons, were updated to reflect feedback from commenters.
- Line 2x, Interim Reexamination reasons, was added to allow HUD to know why a PHA is using action type 3, Interim Reexamination. This includes changes associated with rent hardship requests and stepped rents.
- Line 3r, Average number of hours worked per week, was one of two lines

added to this section of the form to assist with capturing information about work requirements.

• Line 3s, Work requirement compliance, is the second line that was added in this section to assist with capturing information about work requirements.

• Line 5i, Date of last Housing Quality Standards (HQS) inspection, was updated to remove the word ''annual'' from the label since PHAs may perform inspections at intervals other than annual (*e.g.,* biennial).

• Line 7h, Prior year or current year/anticipated income, replaces the line 7h that was previously marked as ''Reserved''. This line was added to capture whether a PHA is reporting prior year or current year/anticipated income for the household. The prior year provision is in the Housing Opportunity Through Modernization Act of 2016 (HOTMA) and, while all PHAs will need to complete it, PHAs in cohort 2 that will study rent reform may also need to reflect ''prior year'' income is being used.

• The title of Section 8 of the form was changed from ''Expected Income Per Year'' to ''Deductions and Allowances'' to better reflect the content of the section. This change is cosmetic and does not affect submission of data to the PIH Information Center (PIC).

• Line 8u, Deductions and allowances not reflected above, was changed to clarify that it will capture any deductions and allowances not captured on other lines above this line in this section. It is still intended to also be used for Local, Non-Traditional Property-Based and Local, Non-Traditional Tenant-Based programs.

• Line 8x, Total allowances, was updated to reflect that line 8u will be used in the calculation to determine the value for this line.

• Line 8y, Adjusted annual income, has been changed so that it is now the same as the Form-50058.

• Lines 10u, 11u, 11ap, 12x, and 12ak were updated to reflect the updated response code labels for the MTW alternate rent types so that it is clearer that they are for MTW. This will also make it clearer when looking at the data in reports, etc.

• Lines 11d, 11e, and 11f for project-based voucher (PBV) portability have been restored to the form. They are to be used to reflect that a household that was a tenant-based voucher (TBV) participant at the initial PHA has ported to the receiving PHA and received a PBV.

• Lines 11v and 12y, Alternate HAP to owner, had been omitted and have been added to collect this information when one of the alternate rent types is utilized.

• Lines 11w and 12z, Alternate tenant rent, were updated to change the word ''or'' to ''including'' to clarify that they will be completed when a selection is made in 11u and when the program type is Local, Non-Traditional Property-Based and Local, Non-Traditional Tenant-Based.

• Lines 11ar and 12an, Alternate prorated tenant rent, had been omitted and have been added to collect this information when one of the alternate rent types is utilized.

• Line 12ap, Additional financial support for tenant-based voucher family, and line 12aq, Financial incentive for property owner, were added to assist in data collection when landlord incentives are utilized.

E. Summary of Form-50058 MTW Expansion Comments and HUD Responses

Comment: A commenter stated that HUD needs to be able to track rent hardship requests, especially, but not necessarily limited to, the MTW Expansion cohort 2 PHAs, which will evaluate rent reform. Further, HUD needs to be able to track stepped rent increases.

HUD Response: HUD has added line 2x, Interim Reexamination reasons, and has identified ''Alternate rent hardship request'' and ''Stepped rent update without income reexamination'' as two of the response codes. Other common reasons for the action type of Interim Reexaminations were also provided.

Comment: Commenters encouraged HUD to further refine the End of Participation reason response codes so that they are more accurate and eliminate the overlap among some of the reasons in the initial list.

HUD Response: HUD worked with existing MTW PHAs and internally with PD&R (Policy Development and Research) and has updated the list of response codes on the revised draft of the form.

Comment: A commenter stated that PHAs need to be able to reflect if prior year or current year income is entered on the form. It was stated that this MTW Expansion cohort 2 PHAs may need this and that it is also referred to in HOTMA.

HUD Response: HUD has incorporated this change into the revised draft of the form.

Comment: A commenter stated that in order to track information about households subject to a work requirement, HUD should add data elements for average number of hours worked per week, over the past year, and for household compliance with a PHA's work requirement policy.

HUD Response: HUD has incorporated these changes into the revised draft of the form.

Comment: A commenter stated that in order to track information about landlord incentives, HUD should add data elements for additional financial support for tenant-based voucher families and financial incentive for property owner.

HUD Response: HUD has incorporated these changes into the revised draft of the form.

Comment: A commenter suggested clarifying the labels for the MTW alternate rent types listed Sections 10, 11, and 12 of the form so that it is clearer that they are tied to the MTW program.

HUD Response: HUD has incorporated these changes into the revised draft of the form.

Comment: A commenter expressed concern about the required data collection for Local, Non-Traditional Tenant-Based and Local, Non-Traditional Property-Based assistance. They were concerned about the ability to be able to submit this data due to the different types of local, non-traditional programs that exist and the administrative burden it could cause to PHAs and partner agencies to try to collect and submit this data on the Form-50058 MTW Expansion. Finally, the commenter stated that partner agencies may already be submitting data in other HUD systems.

HUD Response: HUD understands the concerns expressed; however, due to a Government Accountability Office (GAO) audit finding HUD must begin to collect data for households assisted through local, non-traditional activities. HUD will ensure flexibilities are built into the PIC system so that an agency will be able to provide the information they do have but will not receive fatal errors for information that cannot be provided.

Comment: A commenter stated that current MTW agencies continue to experience issues with submitting Form-50058 MTW data to PIC, specifically with the system not identifying the source of an error and recommend changes be made to the system so that this information will be known.

HUD Response: PIH is working with REAC (Real Estate Assessment Center) to ensure that the upgrade to PIC includes this information.

Comment: A commenter asked for clarification on line 1h, Unit Real Estate ID Number, and how it will affect

reporting data for program types other than public housing.

HUD Response: REAC has added this unique identifier data element to PIC initially for public housing because PIC already has unit numbers and address information through the building entrances that the units are attached to. It will be created for other program types based on the unit address information provided on the Form-50058 MTW Expansion that will be geocoded, so that each unit address will have its own unique identifier.

Comment: A commenter stated that without a copy of the Technical Reference Guide (TRG) it is difficult to fully understand what will need to be submitted by MTW Expansion PHAs and what errors are going to be enforced.

HUD Response: HUD is currently working to conclude work on the first release for MTW Expansion. As part of this, REAC is working on the TRG and will provide it to the software vendors once it is completed.

Comment: A commenter noted that previous listening sessions and conferences had appeared to indicate that the PIC–NG would utilize a single Form-50058 format for all PHAs.

HUD Response: Since MTW Expansion PHAs will be the first to use PIC–NG and all other PHAs will not be moved over until some point after that, HUD is not able to move to using a single Form-50058 at this time.

Comment: A commenter noted that for consistency with other program codes, the ''Local, Non-Traditional Tenant-Based'' program code of LN should instead be LT.

HUD Response: As mentioned in the previous publication, HUD is utilizing the program codes from the Form-50058 MTW with some exceptions. Since LN is one of the codes on the MTW form, it will be retained on the MTW Expansion form as well.

Comment: A commenter expressed concerns about lines for assets and allowances of the Form-50058 MTW Expansion that mention ''annual'' since those items may be biennial or triennial.

HUD Response: HUD clarified this comment with the commenter and confirmed that the form and upgraded PIC system, called PIC–NG, will allow for biennial and triennial recertifications. Line 5i, Date of Last Annual HQS Inspection, was also mentioned during the conversation. We have removed the word annual from this line's label in response.

Comment: A commenter stated that line 8u, Deductions and allowances not reflected above, would be more useful if PHAs could report information with more flexibility in other areas of Section 8 of the form and utilize this line for items not addressed elsewhere. Line 8x could then be used to total lines 8e, 8n, 8p, 8s, 8t, and 8u and no change would be needed for line 8y.

HUD Response: HUD has incorporated these changes into the revised draft of the form.

Comment: A commenter stated that lines for alternate HAP to owner and alternate prorated tenant rent appeared to be missing from the form in Sections 11 and 12, which would allow HUD to get similar information for alternate rent as is collected for the standard rent calculation.

HUD Response: HUD acknowledges that these lines were omitted from the form in error and has added them to the revised draft of the form.

Comment: A commenter stated that lines 11d through 11f are needed to report information on tenants that have ported into a receiving PHA's jurisdiction after being housed under a tenant-based voucher in the initial PHA's jurisdiction.

HUD Response: HUD acknowledges that these lines were omitted from the form in error and has added them back to the revised draft of the form.

Comment: A commenter stated that if a family can participate in FSS or MTW self-sufficiency, but not both, then both programs should be able to share the family services table in line 17i.

HUD Response: HUD clarified this comment with the commenter and stated that a household can participate in both programs. Therefore, separate family services tables are needed to be able to identify which needs are being met through FSS and which are being met through MTW self-sufficiency.

Dated: January 10, 2020.

Colette Pollard,

Department Report Management Officer, Office of the Chief Information Officer.

[FR Doc. 2020–01564 Filed 1–28–20; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7024–N–01]

30-Day Notice of Proposed Information Collection: HUD Certified Housing Counselor Registration—Office of Housing Counseling; OMB #2502–0614

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, 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:* February 28, 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: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400 (this is not a toll-free number). Persons 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. Pollard.

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 for the 60 days was published on October 11, 2019 at 84 FR 54915.

A. Overview of Information Collection

Title of Information Collection: HUD Certified Housing Counselor Registration.

OMB Approval Number: 2502–0614.

OMB Expiration Date: 1/31/2020.

Type of Request: Revision of a currently approved collection.

Form Number: None.

Description of the need for the information and proposed use: The information will be collected on the Office of Housing Counseling, HUD Housing Counselor Certification Training and Examination website, *www.HUDHousingCounselors.com,* and

with client authorization, the information will be transferred to the HUD Federal Housing Administration Connection. The information collected will be used to certify housing counselors.

Respondents (i.e., affected public): Individuals or households.

Estimated Number of Respondents: 7,500.

Estimated Number of Responses: 7,500.

Frequency of Response: Once.

Average Hours per Response: .25.

Total Estimated Burden: 1,875 hours.

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 comments in response to these questions.

C. Authority

Section 2 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Dated: January 10, 2020.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2020–01556 Filed 1–28–20; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7024–N–03]

30-Day Notice of Proposed Information Collection: FHA TOTAL Mortgage Scorecard; OMB# 2502–0556

AGENCY: Office of the Assistant Secretary for Housing- Federal Housing Commissioner, 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 an additional 30 days of public comment.

DATES: *Comments Due Date:* February 28, 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: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

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 for the 60 days was published on November 27, 2019 at 84 FR 65403.

A. Overview of Information Collection

Title of Information Collection: FHA TOTAL Mortgage Scorecard.

OMB Approval Number: 2502–0556.

Type of Request: Extension of currently approved collection.

Form Number: None.

Description of the need for the information and proposed use: FHA-approved mortgagees must certify compliance with HUD regulations, Handbooks, Guidebooks, and Mortgagee Letters. Within this scope, mortgagees must certify compliance with FHA TOTAL Mortgage Scorecard requirements at 24 CFR 203.255(b)(5). This certification is performed electronically for initial access and annual ongoing access to FHA TOTAL Mortgage Scorecard.

Respondents: Business or other for-profit (lenders).

Estimated Number of Respondents: 2,440.

Estimated Number of Responses: 2,440.

Frequency of Response: one per FHA-approved mortgagee.

Average Hours per Response: 0.05 hour.

Total Estimated Burdens: 122.00.

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.

Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: January 17, 2020.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2020–01563 Filed 1–28–20; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7024–N–08]

30-Day Notice of Proposed Information Collection: License for the Use of Personally Identifiable Information Protected Under the Privacy Act of 1974; OMB #2528–0297

AGENCY: Office of the Chief Information Officer, 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:* February 28, 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. Persons 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 November 8, 2019 (84 FR 60429).

A. Overview of Information Collection

Title of Information Collection: License for the Use of Personally Identifiable Information Protected Under the Privacy Act of 1974.

OMB Approval Number: 2528–0297.

Type of Request: Revision of currently approved collection.

Form Number: None.

Description of the need for the information and proposed use: The United States Department of Housing and Urban Development (HUD) collects and maintains personally identifiable information on tenants in public and assisted housing, the confidentiality of which is protected by the Privacy Act of 1974 (5 U.S.C. 552a). On occasion, HUD shares this information with researchers subject to stringent requirements to protect these households from unauthorized disclosure of information. The purpose for sharing is to further policy-relevant research on the effectiveness of HUD programs.

HUD may, under the terms of its Routine Use Inventory (77 FR 17361), share these data with researchers whom HUD has awarded contracts, grants, or service agreements. HUD has shared data with contractors and grantees and will continue to share data under service agreements because it has a legal form for effectuating such an agreement. HUD does not limit access to the information to parties that have received specific funding to carry out a study through a grant or contract. Instead, HUD also shares the data with legitimate research organizations that have conceived policy-relevant analyses and that are able and willing to protect the data from unauthorized disclosure. The legal form for the service agreement is herein called a ''license.''

HUD will continue making the data available for statistical, research, or evaluation purposes to organizations qualified and capable of research and analysis consistent with the statistical, research, or evaluation purposes for which the data were provided or are maintained, but only if the data are used and protected in accordance with the terms and condition stated in the license, upon receipt of such assurance of qualification and capability, and it is agreed by the organization requesting such information and HUD.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Applicants	15.00	1.00	15.00	1.00	15.00	$50.00	$750.00
Quarterly Reports	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual Reports	40.00	1.00	40.00	1.00	40.00	44.00	1,760.00
Final Reports	6.00	1.00	6.00	1.00	6.00	50.00	300.00
Recordkeeping	15.00	3.00	45.00	1.00	45.00	30.00	1,350.00
Total	76.00				106.00		4,160.00

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 comments in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: January 23, 2020.

Anna P. Guido,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2020–01557 Filed 1–28–20; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[120A2100DD/AAKC001030/ A0A501010.999900 253G; OMB Control Number 1076–0157]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Grazing Permits

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Affairs (BIA) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before February 28, 2020.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please provide a copy of your comments to Mr. Jarvis Gust, Bureau of Indian Affairs, Rocky Mountain Region, 2021 4th Avenue North, Billings, Montana 59101; or by email *jarvis.gust@bia.gov*. Please reference OMB Control Number 1076–0157 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Mr. Jarvis Gust by email at *jarvis.gust@bia.gov,* or by telephone at 406–247–7946.You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain*.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on October 22, 2019 (84 FR 56472). No comments were received.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BIA; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BIA enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BIA minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Title of Collection: Grazing Permits.

OMB Control Number: 1076–0157.

Form Number: Form 5–5423—Performance Bond, Form 5–5514—Bid for Grazing Privileges, 5–5515 Grazing Permit, Form 5–5516— Grazing Permit for Organized Tribes, Form 5–5517—Free Grazing Permit, Form 5–5519—Cash Penal Bond, Form 5–5520—Power of Attorney, Form 5–5521—Certificate and Application for On-and-Off Grazing Permit, Form 5522—Modification of Grazing Permit, Form 5–5523—Assignment of Grazing Permit, Form 5–5524—Application for Allocation of Grazing Privileges, 5–5525 Authority to Grant Grazing Privileges on Allotted Lands, Form 5–5528—Livestock Crossing Permit, and Form 5–5529—Removable Range Improvement Records.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Tribes, Tribal organizations, individual Indians, and non-Indian individuals and associations.

Total Estimated Number of Annual Respondents: 7,810.

Total Estimated Number of Annual Responses: 7,810.

Estimated Completion Time per Response: Varies from 20 minutes to one hour, with an average of less than one hour per response.

Total Estimated Number of Annual Burden Hours: 2,701.

Respondent's Obligation: Required to Obtain a Benefit.

Frequency of Collection: Annually.

Total Estimated Annual Nonhour Burden Cost: $0.

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.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2020–01558 Filed 1–28–20; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[120A2100DD/AAKC001030/A0A501010.999900 253G; OMB Control Number 1076–0180]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Leasing of Osage Reservation Lands for Oil and Gas Mining

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Affairs (BIA) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before February 28, 2020.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please provide a copy of your comments to Ms. Robin Phillips, Osage Agency, P.O. Box 1539, Pawhuska, OK 74056, or by email to *robin.phillips@bia.gov*. Please reference OMB Control Number 1076–0180 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Mr. Richard Winlock, Deputy Superintendent, Osage Agency, by email at *richard.winlock@bia.gov* or by telephone at (918) 287–5700. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain*.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on October

31, 2019 (84 FR 58409). No comments were received.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BIA; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BIA enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BIA minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Congress passed legislation specifically addressing oil and gas leasing on Osage lands and requiring Secretarial approval of leases. *See* 34 Stat. 543, section 3, as amended. The regulations art 25 CFR 226 implement that statute by specifying what information a lessee must provide related to drilling, development, and production of oil and gas on Osage reservation land. The oil, gas, and land are assets that the United States holds in trust or restricted status for Indian beneficiaries. The information collections in 25 CFR 226 are necessary to ensure that the beneficial owners of the mineral rights are provided the royalties due them, ensure that the oil and gas trust assets are protected, and to ensure that the surface estate assets are protected.

Title of Collection: Leasing of Osage Reservation lands for Oil and Gas Mining.

OMB Control Number: 1076–0180.

Form Number: N/A.

Type of Review: Request for extension of a currently approved collection.

Respondents/Affected Public: Individual Indians, businesses, and Tribal authorities.

Total Estimated Number of Annual Respondents: 1,001.

Total Estimated Number of Annual Responses: 48,539.

Estimated Completion Time per Response: Varies from 15 minutes to eight hours.

Total Estimated Number of Annual Burden Hours: 22,731.

Respondent's Obligation: Required to Obtain a Benefit.

Frequency of Collection: Varies from yearly to monthly.

Total Estimated Annual Nonhour Burden Cost: $4,535.

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.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2020–01559 Filed 1–28–20; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[L51010000 ER0000 LVRWE19E0450 19X LLMTC020000]

Notice of Availability of the Record of Decision for the Keystone XL Pipeline, Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, the Bureau of Land Management (BLM) has prepared a Record of Decision. This Record of Decision is for a right-of-way for the portions of the Keystone XL Pipeline project that cross BLM and U.S. Army Corps of Engineers (USACE) lands in Montana. By this notice, the BLM is announcing the availability of the Record of Decision.

DATES: The Secretary of the Department of the Interior signed the Record of Decision on January 22, 2020.

ADDRESSES: Copies of the Record of Decision are available at the Montana/Dakotas State Office, 5001 Southgate Drive, Billings, MT 59101, or may be viewed online at: *https://go.usa.gov/xdacn.*

FOR FURTHER INFORMATION CONTACT: Jim Stobaugh, National Project Manager, BLM Nevada State Office, at telephone: (775) 861–6478, email: *jstobaug@blm.gov,* or at the above mailing address or website. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact Mr. Stobaugh during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: In September 2008, Keystone filed with the United States Department of State an initial application for a Presidential Permit to construct, operate, maintain, and (eventually) decommission the Keystone XL Pipeline to transport crude oil across the U.S./Canada border near Morgan, Montana, to Steele City, Nebraska, and then from Cushing, Oklahoma, to locations along the Texas Gulf of Mexico. The original application for Presidential Permit was amended and resubmitted on May 4, 2012 to modify the Project description to: (1) Avoid the Sand Hills Region in Nebraska; and (2) remove the southern segment of the Project from Cushing, Oklahoma, to the Gulf Coast area.

In addition to its application to the Department of State, Keystone also filed a right-of-way application in March 2008 under Section 28 of the Mineral Leasing Act of 1920, as amended, with the BLM. The right-of-way application was revised by Keystone in September 2012 and 2014 to reflect changes in the Project description. In November 2015, the Presidential Permit was denied. Due to the denial, Keystone requested to withdraw their right-of-way application with the BLM in February 2016.

In January 2017, Keystone refiled their application for a Presidential Permit with the Department of State. In February 2018, Keystone filed a revised right-of-way application and updated Plan of Development (POD) with the BLM to reinitiate processing their right-of-way application. In January 2020, Keystone updated the POD and reflected the most recent data on the project and clarifies minor route adjustments.

The BLM responded to Keystone's right-of-way application on Federal lands administered by the BLM and USACE to construct, operate, maintain, and (eventually) decommission the Project in compliance with the Mineral Leasing Act, BLM right-of-way regulations (43 CFR 2880), and other applicable Federal laws, regulations, and policies. The only Federal lands involved in this Project are BLM and USACE administered lands in the State of Montana. The State Department has been the Lead Federal Agency for the purposes of NEPA, and BLM and the USACE have been Cooperating Agencies from the beginning of this project.

On September 24, 2018, the Notice of Availability of the Draft Supplemental

Environmental Impact Statement for the Proposed Keystone XL Pipeline Mainline Alternative Route in Nebraska (83 FR 48358) was published in the **Federal Register**, which provided for a 45-day public comment period. The Notice of Availability for the Final Supplemental EIS for the Keystone XL Pipeline was published in the **Federal Register** on December 20, 2019 (84 FR 70187).

The BLM adopted the Supplemental Environmental Impact Statements, and the Record of Decision to grant a right-of-way and temporary use permit for the Project pipeline and related facilities to TransCanada Keystone Pipeline, LP to construct, operate, maintain, and (eventually) decommission the Keystone XL Pipeline in Montana was signed on January 22, 2020.

(Authority: 40 CFR 1505.2)

Dated: January 22, 2020.

John Mehlhoff,

State Director, Montana/Dakotas BLM.

[FR Doc. 2020–01545 Filed 1–28–20; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORV00000.L10200000.XZ0000. LXSSH1050000.20X.HAG 20–0025]

Notice of Public Meetings for the John Day-Snake Resource Advisory Council Planning Subcommittee

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meetings.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management's (BLM), John Day-Snake Resource Advisory Council (RAC) Planning Subcommittee will meet as indicated below.

DATES: The John Day-Snake Planning Subcommittee will meet via teleconference at 2:00 p.m. May 20 and Sep. 16, 2020.

ADDRESSES: The Subcommittee teleconference number is toll-free and will be published in the agenda on the RAC web page at least ten days in advance of the call at *https://www.blm.gov/get-involved/resource-advisory-council/near-you/oregon-washington/john-day-rac.*

FOR FURTHER INFORMATION CONTACT: Larisa Bogardus, Public Affairs Officer, 3100 H St., Baker City, Oregon 97814; 541–219–6863; *lbogardus@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1(800) 877–8339 to contact the above individual during regular business hours. The FRS is available 24 hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during regular business hours.

SUPPLEMENTARY INFORMATION: The 15-member John Day-Snake RAC was chartered and appointed by the Secretary of the Interior. Their diverse perspectives are represented in commodity, conservation, and general interests. The Planning Subcommittee was established to gather information, conduct research, and analyze relevant issues and facts on selected topics for future consideration by the RAC. The Subcommittee's primary goal is to provide information to the RAC that allows them to better respond to time-sensitive issues, such as responding to an environmental document within the public comment period. No decisions are made at the subcommittee level.

The Designated Federal Officer will attend the call, take minutes, and publish these minutes on the RAC web page.

All calls are open to the public in their entirety. The public may send written comments to the Subcommittee in response to material presented on the call to be forwarded to the RAC for consideration. Comments can be mailed to BLM Vale District; Attn. Don Gonzalez; 100 Oregon St.; Vale, Oregon 97918.

Before including your address, phone number, email address, or other personal identifying information in your comments, please be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee we will be able to do so.

(Authority: 43 CFR 1784.4–2)

Don Gonzalez,

Vale District Manager.

[FR Doc. 2020–01543 Filed 1–28–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–29623; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before January 11, 2020, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by February 13, 2020.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before January 11, 2020. Pursuant to Section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers:

ARIZONA

Maricopa County

Peoria Jail House, 8322 West Washington St., Peoria, SG100004993

IOWA

Muscatine County

Fair Oaks Historic District, (Muscatine, Iowa MPS), Bounded by Park Ave., Washington St., Weed Park, and northern Fair Oaks Addition line, Muscatine, MP100004983

KENTUCKY

Campbell County

Buena Vista Historic District, Roughly bounded by L&N/CSX RR, Lowell St., 8th

St., & Putnam St., plus 700 blk., Columbia St. & 1000 blk. York St., Newport, SG100004978

MISSOURI

Jackson County

Adams, Charles Francis Jr., Building, (Railroad Related Historic Commercial and Industrial Resources in Kansas City, MO MPS), 1311–1315 West 13th St., Kansas City, MP100004985, Kansas City National Guard Armory, 3620 Main St., Kansas City, SG100004986

NEW YORK

Monroe County

Park Avenue Historic District, Portions of Alexander, Audubon, Barrington, Berkeley, Berkshire, Beverly, Brighton, Brunswick, Calumet, Cambridge, Colby, Cornell, Dartmouth, Darwin, Donlon, Edgerton, Ericsson, Faraday, Girard, Harlem, Harper, Harvard, Homer, & Meigs Sts., et al., Rochester, SG100004981

Suffolk County

Thatch Meadow Farm, (Stony Brook Harbor Estates MPS), Harbor Rd., west side, opposite Bacon Rd., Head of the Harbor, 93000711

OHIO

Cuyahoga County

Henry W. Longfellow School, 650 East 140th St., Cleveland, SG100004982

TEXAS

Travis County

Shield Ranch, Address Restricted, Bee Cave vicinity, SG100004984

VIRGINIA

Danville Independent City

Doctors Building, 990 Main St. & 108 Holbrook St., Danville, SG100004989

Highland County

McDowell Presbyterian Church, 9090 Highland Tpk., McDowell vicinity, SG100004979

Pulaski County

Draper Historic District, Greenbriar Rd./Old Baltimore Rd. and adjacent, Draper, SG100004991

Spotsylvania County

Sylvania Plant Historic District, 11900, 11800, 11700 blks. of Main St., Fredericksburg vicinity, SG100004980

WISCONSIN

Dodge County

Van Brunt Memorial School, 611 Mill St., Horicon, SG100004987

Racine County

Horlick Malted Milk Company Industrial Complex, 2100–2234 Northwestern Ave., 1450–1500 Summit Ave., Racine, SG100004988

Additional documentation has been received for the following resources:

ARIZONA

Maricopa County

Margarita Place Historic District (Additional Documentation), Bounded by Thomas Rd., Windsor Ave., 15th Ave. & 16th Ave., Phoenix, AD07000279

Navajo County

Winslow Commercial Historic District (Additional Documentation), Roughly bounded by 3rd, Williamson Ave., 1st, and Warren Ave., Winslow, AD89000316

Pima County

El Encanto Estates Residential Historic District (Additional Documentation), Roughly bounded by Country Club Rd., Broadway Blvd., Fifth St., & Jones St., Tucson, AD87002284

Authority: Section 60.13 of 36 CFR part 60.

Dated: January 13, 2020.

Julie H. Ernstein,

Supervisory Archeologist, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2020–01499 Filed 1–28–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–29571; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before January 4, 2020, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by February 13, 2020.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before January 4, 2020. Pursuant to Section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers:

A request for removal has been made for the following resource:

GEORGIA

Walton County

Casulon Plantation, East of Good Hope off GA 186 (2545 Jones Woods Rd.), Good Hope vicinity, OT75000615

Authority: Section 60.13 of 36 CFR part 60.

Dated: January 6, 2020.

Julie H. Ernstein,

Supervisory Archeologist, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2020–01501 Filed 1–28–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[OMB Control Number 1010–0081; Docket ID: BOEM–2017–0016]

Agency Information Collection Activities; Operations in the Outer Continental Shelf for Minerals Other Than Oil, Gas, and Sulphur

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Ocean Energy Management (BOEM) is proposing to renew an information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before March 30, 2020.

ADDRESSES: Send your comments on this ICR by mail to the BOEM Information Collection Clearance Officer, Anna Atkinson, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, Virginia 20166; or by email to *anna.atkinson@boem.gov*. Please reference OMB Control Number 1010–0081 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Anna Atkinson by email, or by telephone at 703–787–1025.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, BOEM provides the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps BOEM assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

BOEM is soliciting comments on the proposed ICR described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of BOEM; (2) what can BOEM do to ensure that this information will be processed and used in a timely manner; (3) is the burden estimate accurate; (4) how might BOEM enhance the quality, utility, and clarity of the information to be collected; and (5) how might BOEM minimize the burden of this collection on the respondents, including minimizing the burden through the use of information technology?

Comments submitted in response to this notice are a matter of public record. BOEM will include or summarize each comment in our request to the Office of Management and Budget (OMB) for approval of this ICR. You should be aware that your entire comment—including your address, phone number, email address, or other personally identifiable information—may be made publicly available at any time. In order for BOEM to withhold from disclosure your personally identifiable information, you must identify any information contained in the submittal of your comments that, if released, would constitute a clearly unwarranted invasion of your personal privacy. You must also briefly describe any possible harmful consequences of the disclosure of information, such as embarrassment, injury, or other harm. While you can ask us in your comment to withhold your personally identifiable information from public review, we cannot guarantee that we will be able to do so.

BOEM protects proprietary information in accordance with the Freedom of Information Act (5 U.S.C. 552) and the Department of the Interior's implementing regulations (43 CFR part 2), and under applicable sections of 30 CFR parts 550 and 552 promulgated pursuant to Outer Continental Shelf Lands Act (OCSLA) at 43 U.S.C. 1352(c).

Abstract: The Outer Continental Shelf Lands Act (43 U.S.C. 1334 and 43 U.S.C. 1337(k)(1)) authorizes the Secretary of the Interior to issue regulations to grant to qualified persons who offer the highest cash bonus on a basis of competitive bidding, leases of any mineral other than oil, gas, and sulphur in any area of the Outer Continental Shelf not then under lease for such mineral upon such royalty, rental, and other terms and conditions as the Secretary may prescribe at the time of offering the area for lease.

Regulations at 30 CFR part 582 carry out these statutory requirements by governing mining operations within the OCS for minerals other than oil, gas, and sulphur and establishing a comprehensive regulatory program for such minerals.

There has been no competitive leasing activity in the OCS for minerals other than oil, gas, and sulphur for many years. Accordingly, BOEM has not generally collected information under this Part of its regulations. However, since these are regulatory requirements, the potential exists for information to be collected. Therefore, we are renewing OMB approval for this information collection.

BOEM will use the information required by 30 CFR part 582 to determine if lessees are complying with the regulations for mining minerals other than oil, gas, and sulphur. BOEM will also use the information to ensure that such operations are conducted in a manner that will result in orderly resource recovery, development, and the protection of the human, marine, and coastal environments and for technical and environmental evaluations which provide a basis for BOEM to make informed decisions to approve, disapprove, or require modification of the proposed activities.

We protect proprietary information according to the Freedom of Information Act (5 U.S.C. 552) and the Department's implementing regulations (43 CFR part 2), 30 CFR 582.5 and 582.6, and applicable sections of 30 CFR parts 580 and 581. No items of a sensitive nature are collected.

Title of Collection: 30 CFR 582, Operations in the Outer Continental Shelf for Minerals Other than Oil, Gas, and Sulphur.

OMB Control Number: 1010–0081.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: As there are no active respondents, we estimated the potential annual number of respondents to be one. Potential respondents are OCS lessees.

Total Estimated Number of Annual Responses: As there are no active respondents, we estimated the potential annual number of respondents to be one.

Total Estimated Number of Annual Burden Hours: 212 hours.

Respondent's Obligation: Mandatory or voluntary.

Frequency of Collection: Monthly; quarterly; on occasion.

Total Estimated Annual Non-hour Burden Cost: We have identified no non-hour paperwork cost burdens for this collection.

Estimated Reporting and Recordkeeping Hour Burden: We expect the burden estimate for the renewal will be 212 hours. The following table details the individual BOEM components and respective hour burden estimates of this ICR. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

BURDEN TABLE

Citation 30 CFR 582	Reporting or recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
Subpart A—General				
4; 21(b)	Governors, other Federal/State agencies, lessees, interested parties, and others review and provide comments/recommendations on all plans and environmental information.	10	1	10

BURDEN TABLE—Continued

Citation 30 CFR 582	Reporting or recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
4(b); 12(b)(2); 21; 22; 25; 26; 28	Submit delineation plan, including environmental information, contingency plan, monitoring program, and various requests for approval referred to throughout; submit modifications and required information.	40	1	40
4(c); 12(c)(2); 21; 23; 25; 26; 28	Submit testing plan, including environmental information, contingency plan, monitoring program, and various requests for approval referred to throughout; submit modifications and required information.	40	1	40
4(d); 12(d)(2); 21; 24; 25; 26; 28	Submit mining plan, including environmental information, contingency plan, monitoring program, and various requests for approval referred to throughout; submit modifications and required information.	40	1	40
5	Request non-disclosure of G&G info; provide consent; demonstrate loss of competitive position.	10	1	10
6	Governors of adjacent States request proprietary data, samples, etc., and disclosure agreement with BOEM.	10	1	10
7	Governor of affected State initiates negotiations on jurisdictional controversy, etc., and enters agreement with BOEM.	10	1	10
Subtotal			7	160
Subpart B—Jurisdiction and Responsibilities of Director				
11(c); 20(h); 30	Apply for right-of-use and easement; submit confirmations, demonstrations, and notifications.	30	1	30
11(d)	Request consolidation/splitting of two or more OCS mineral leases or portions.	1	1	1
20(h)	Request approval of operations or departure from operating requirements.	Burden included with applicable plans.		0
14	Submit response copy of form BOEM–1832 indicating date violations (INCs) corrected.	2	1	2
Subtotal			3	33
Subpart C—Obligations and Responsibilities of Lessees				
20(a), (g); 29(i)	Make available all mineral resource or environmental data and information; submit reports and maintain records, as specified.	Burden included with individual reporting requirements below.		0
20(b) thru (e)	Submit designation of payor, operator, or local representative; submit changes, terminations, notifications.	1	1	1
21(d)	Notify BOEM of preliminary activities	1	1	1
29(a)	Submit monthly report of minerals produced; request extension.	1	1	1
29(b), (c)	Submit quarterly status and final report on exploration and/or testing activities.	5	1	5
29(d)	Submit results of environmental monitoring activities	5	1	5
29(e)	Submit marked and certified maps annually or as required.	1	1	1
29(f)	Maintain rock, minerals, and core samples for 5 years and make available upon request.	1	1	1
29(g)	Maintain original data and information and navigation tapes as long as lease is in effect and make available upon request.	1	1	1
29(h)	Maintain hard mineral records and make available upon request.	1	1	1
Subtotal			9	17
Subpart D—Payments				
40	Submit surety, personal bond, or approved alternative	2	1	2

BURDEN TABLE—Continued

Citation 30 CFR 582	Reporting or recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
Subpart E—Appeals				
50; 15	File an appeal	Burden exempt under 5 CFR 1320.4(a)(2), (c).		0
Total Burden			20	212

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.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Deanna Meyer-Pietruszka,

Chief, Office of Policy, Regulation, and Analysis.

[FR Doc. 2020–01552 Filed 1–28–20; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1443 (Final)]

Carbon and Alloy Steel Threaded Rod From Taiwan

Determination

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is materially injured by reason of imports of carbon and alloy steel threaded rod (''threaded rod'') from Taiwan, provided for in subheadings 7318.15.50, 7318.15.20, and 7318.19.00 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV'').[2]

Background

The Commission instituted this investigation effective February 21, 2019, following receipt of countervailing duty and/or antidumping duty petitions filed with the Commission and Commerce on threaded rod from China, India, Taiwan, and Thailand, by Vulcan Threaded Products Inc. (''Vulcan''), Pelham, Alabama. The Commission established a general schedule for the conduct of the final phase of the investigations following notification of a preliminary determination by Commerce that imports of threaded rod from Thailand were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)).[3] 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** of August 27, 2019 (84 FR 44916). The hearing was held in Washington, DC, on October 15, 2019, and all persons who requested the opportunity were permitted to appear in person or by counsel. The Commission subsequently issued its final affirmative determination regarding dumped imports from Thailand on December 5, 2019 (84 FR 67476, December 10, 2019).

Following notification of a final determination by Commerce that imports of threaded rod from Taiwan were being sold in the United States at LTFV,[4] notice of the supplemental scheduling of the final phase of the Commission's antidumping duty investigation with respect to Taiwan 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** of December 16, 2019 (84 FR 68473).

The Commission made this determination pursuant to section 735(b) of the Act (19 U.S.C. 1673d(b)). It completed and filed its determination in this investigation on January 23, 2020. The views of the Commission are contained in USITC Publication 5013 (January 2020), entitled *Carbon and Alloy Steel Threaded Rod from Taiwan: Investigation No. 731–TA–1443 (Final).*

By order of the Commission.

Issued: January 23, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–01482 Filed 1–28–20; 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] 84 FR 67258 (December 9, 2019).

[3] 84 FR 38597 (August 7, 2019).

[4] 84 FR 67258 (December 9, 2019).

INTERNATIONAL TRADE COMMISSION

Notice of Request for Extension of a Previously Approved Information Collection

AGENCY: United States International Trade Commission.

ACTION: 60-Day notice and request for comments.

SUMMARY: This notice announces the intention of the U.S. International Trade Commission (Commission) to request a three-year extension, under the Paperwork Reduction Act of 1995 (the Act), of the current generic survey clearance that the Office of Management and Budget (OMB) previously approved. The Commission uses this clearance to issue information collections for investigations that it is required to conduct under the Tariff Act of 1930, the Trade Act of 1974, and other trade-remedy statutes that require or authorize the Commission to make findings or determinations. The current generic survey clearance is assigned OMB Control No. 3117–0016; it will expire on June 30, 2020. The Commission requests comments concerning the proposed information collections under section 3506(c)(2)(A) of the Act; this notice describes such comments in greater detail in the **SUPPLEMENTARY INFORMATION** section.

DATES: To assure that the Commission will consider your comments, it must receive them no later than 60 days after publication of this notice in the **Federal Register**.

ADDRESSES: Submit signed comments to Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E St. SW, Washington, DC 20436.

FOR FURTHER INFORMATION CONTACT: You may obtain copies of the proposed information collection and supporting documentation from Nathanael Comly, Supervisory Investigator, *nathanael.comly@usitc.gov,* (202) 205–3174. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal, (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, (202) 205–2000. You may also obtain general information concerning the Commission by accessing its website (*https://www.usitc.gov*).

SUPPLEMENTARY INFORMATION:

Request for Comments

The Commission solicits comments as to: (1) Whether the proposed information collection is necessary for the proper performance of the Commission's functions, including whether the information will have practical utility; (2) the accuracy of the Commission's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used; (3) the quality, utility, clarity, and design of the information to be collected; and (4) minimization of the burden of the proposed information collection on those who are to respond (including through the use of appropriate automated, electronic, mechanical, or other technological forms of information technology (*e.g.,* permitting electronic submission of responses)). To the extent appropriate, please cite to specific experiences that your firm has had with other governmental surveys and data collections.

Summary of the Proposed Information Collections

(1) Need for the Proposed Information Collections

The Commission utilizes the information requested in questionnaires and five-year review institution notices issued under the generic survey clearance in the following statutory investigations: Antidumping duty, countervailing duty, escape clause, North American Free Trade Agreement safeguard, market disruption, and interference with programs of the U.S. Department of Agriculture. This clearance also includes questionnaires needed for new types of trade-remedy investigations, as directed in new legislation, such as rules of origin investigations or other import injury investigations. The Commission's generic survey clearance to issue questionnaires does not apply to fact-finding investigations conducted under section 332 of the Trade Act of 1974.

The information provided by firms in response to the questionnaires provides information that the Commission uses in making its findings and determinations. Commission staff consolidates submitted information and provides it to the Commission primarily in the form of a staff report. In addition, in the majority of its investigations, the Commission releases completed questionnaires returned by industry participants to representatives of parties to its investigations under an administrative protective order, the terms of which safeguard the confidentiality of any business proprietary or business confidential information. Representatives of interested parties also receive a confidential version of the staff report under the administrative protective order. Subsequent party submissions to the Commission during the investigative process are based, in large part, on their review of the information collected. Included in the proposed generic clearance is the administrative protective order application form and the forms associated with submitting new petitions to the Commission. Also included in the proposed generic clearance are the institution notices for the five-year reviews of antidumping and countervailing duty orders and suspended investigations. The Commission will evaluate responses to the institution notices, which will form much of the record supporting the Commission's determinations to conduct either expedited or full five-year reviews of existing antidumping and countervailing duty orders.

(2) Information Collection Plan

The Commission sends questionnaires for specific investigations to all identified domestic producers that manufacture the product(s) in question. The Commission also sends importer and purchaser questionnaires to all substantial U.S. importers and purchasers of the product(s). Further, the Commission sends questionnaires to all foreign manufacturers of the product(s) in question that are represented by counsel, and, in addition, it attempts to contact any other foreign manufacturers, especially if they export the product(s) in question to the United States. Firms receiving questionnaires include businesses, farms, and other for-profit institutions; responses by domestic firms are mandatory. The Commission publishes institution notices for the five-year reviews in the **Federal Register** and solicits comments from interested parties (*e.g.,* U.S. producers within the industry in question, as well as labor unions or representative groups of workers, U.S. importers and foreign exporters, and involved foreign country governments).

(3) Description of the Information To Be Collected

As it relates to import injury questionnaires, the content of each questionnaire will differ based on the needs of a particular investigation; questionnaires are based on long-established, generic formats. Producer questionnaires generally consist of the following four parts: (Part I) general questions relating to the organization and activities of the firm; (part II) data on capacity, production, inventories, employment, and the quantity and value of the firm's shipments and purchases from various sources; (part III) financial data, including income-and-loss data on the product in question, data on asset valuation, research and development expenses, and capital expenditures; and (part IV) pricing and market factors. (Questionnaires may, on occasion, also contain part V, an abbreviated version of the above-listed parts, used for gathering data on additional product categories.)

Importer questionnaires generally consist of three parts: (Part I) general questions relating to the organization and activities of the firm; (part II) data on the firm's imports and the shipment and inventories of its imports; and (part III) pricing and market factors similar to that requested in the domestic producer questionnaire. Purchaser questionnaires generally consist of four parts: (Part I) general questions relating to the organization and activities of the firm; (part II) data concerning the purchases of the product by the firm and the names of the firm's vendors; (part III) market characteristics and purchasing practices; and (part IV) comparisons between imported and U.S.-produced product. The Commission may send an abbreviated purchaser questionnaire: (1) In a preliminary phase investigation, consisting of two parts: (Part I) data concerning the purchases of the product by the firm; and (part II) questions regarding purchasing practices; or (2) in an adequacy phase of a review investigation, consisting of one part: (Part I) general questions regarding the industry. Foreign producer questionnaires generally consist of: (Part I) general questions relating to the organization and activities of the firm; (part II) data concerning the firm's manufacturing operations; and may include (part III) market factors. The

notices of institution for the five-year reviews include 11 specific requests for information that firms are to provide if their response is to be considered by the Commission.

(4) Estimated Burden of the Proposed Information Collection

The Commission estimates that information collections issued under the requested generic clearance will impose an average annual burden of 409,250 hours on 12,935 respondents (*i.e.,* recipients that provide a response to the Commission's questionnaires, notices of institution of five-year reviews, and other investigations and forms).

(5) Minimization of Burden

The Commission periodically reviews its investigative processes, including data collection, to reduce the information burden. Questionnaires clearly state that estimates are acceptable for certain items. They are designed in part with check-in type formats to simplify the response. The reporting burden is reduced by limiting data to a terminal year when a time series is not required. Moreover, the reporting burden for smaller firms is reduced in that the sections of the questionnaire that are applicable to their operations are typically more limited and, when pertinent, there are fewer requested data points. The Commission will not accept requests by parties to expand the data collection or add items to the questionnaire for specific investigations if it believes that such requests will increase the response burden without substantially adding to the investigative record. Respondents typically submit the information provided in response to the Commission's notices of institution for the five-year reviews in hard copy directly to the Office of the Secretary, although respondents may submit them to the Commission's Electronic Data Information System (EDIS) and Electronic Docket. In addition, the Commission has reduced the information burden by streamlining the questionnaires. For example, the Commission removed redundant fields, added auto-calculated reconciliation fields, enabled population of whole data tables, and reduced the number of years for which data is collected in certain five-year reviews. In addition, the Commission ceased collecting nonsubject pricing data in preliminary proceedings.

No record keeping burden is known to result from the proposed collection of information.

By order of the Commission.

Issued: January 23, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–01481 Filed 1–28–20; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1472 (Preliminary)]

Difluoromethane (R–32) From China; Institution of Anti-Dumping Duty Investigation and Scheduling of Preliminary Phase Investigation

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of an investigation and commencement of preliminary phase antidumping duty investigation No. 731–TA–1472 (Preliminary) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of difluoromethane (R–32) from China, provided for in subheading 2903.39.20 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce (''Commerce'') extends the time for initiation, the Commission must reach a preliminary determination in antidumping duty investigations in 45 days, or in this case by March 9, 2020. The Commission's views must be transmitted to Commerce within five business days thereafter, or by March 16, 2020.

DATES: January 23, 2020.

FOR FURTHER INFORMATION CONTACT: Ahdia Bavari (202–205–3191), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION:

Background.—This investigation is being instituted, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), in response to a petition filed on January 23, 2020, by Arkema Inc., King of Prussia, Pennsylvania.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigation and public service list.—Persons (other than petitioners) wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this investigation available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigation under the APO issued in the investigation, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Investigations has scheduled a conference in connection with this investigation for 9:30 a.m. on Thursday, February 13, 2020, at the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC. Requests to appear at the conference should be emailed to *preliminaryconferences@usitc.gov* (DO NOT FILE ON EDIS) on or before

Tuesday, February 11, 2020. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before February 19, 2020, a written brief containing information and arguments pertinent to the subject matter of the investigation. Parties may file written testimony in connection with their presentation at the conference. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this investigation must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during 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 related investigation(s) or reviews, 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.

Authority: This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: January 23, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–01514 Filed 1–28–20; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1103–0102]

Agency Information Collection Activities; Proposed eCollection eComments Requested; COPS Progress Report

AGENCY: Community Oriented Policing Services, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS) 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: The purpose of this notice is to allow for an additional 30 days for public comment February 28, 2020.

FOR FURTHER INFORMATION CONTACT: If you have 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 Ms. Lashon M. Hilliard, Department of Justice Office of Community Oriented Policing Services, 145 N Street NE, Washington, DC 20530, 202–514–6563.

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

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *Title of the Form/Collection:* COPS Progress Report.

(3) *Agency form number:* 1103–0102 U.S. Department of Justice Office of Community Oriented Policing Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Law Enforcement Agencies.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* There will be approximately 1,424 awardees submitting a COPS Progress Report on a semi-annually basis, or 4,042 responses annually. The average estimated time to complete a progress report is 35 minutes per awardee submission.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 0.4167 hours per respondent × 1,424 respondents × 2 (semi-annually response) = 2,848 annual hours.

Total Annual Respondent Burden: 2,848 hours.

If additional information is required contact: Melody D. Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Room 3E.405A, Washington, DC 20530.

Dated: January 24, 2020.

Melody D. Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020–01535 Filed 1–28–20; 8:45 am]

BILLING CODE 4410–AT–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Information Collection Request Submitted for Public Comment; EBSA Participant Assistance Program Customer Survey

AGENCY: Employee Benefits Security Administration, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (the Department), in accordance with the Paperwork Reduction Act of 1995 (PRA 95), provides the general public and Federal agencies with an opportunity to comment on proposed 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. The Employee Benefits Security Administration (EBSA) is soliciting comments on the proposed information collection request (ICR) described below. A copy of the ICRs may be obtained by contacting the office listed in the **ADDRESSES** section of this notice. ICRs also are available at *reginfo.gov* (*http://www.reginfo.gov/public/do/PRAMain*).

DATES: Written comments must be submitted to the office shown in the **ADDRESSES** section on or before March 30, 2020.

ADDRESSES: Joseph Piacentini, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW, N–5718, Washington, DC 20210, *ebsa.opr@dol.gov,* (202) 693–8410, Fax (202) 219–4745 (these are not toll-free numbers).

SUPPLEMENTARY INFORMATION: This notice requests public comment on the Department's proposed collection of information regarding a customer survey that will solicit inquirers' feedback on the applicability and utility of EBSA's Participant Assistance Program. A summary of the ICR and the current burden estimates follows:

Agency: Employee Benefits Security Administration, Department of Labor.

Title: EBSA Participant Assistance Program Customer Survey.

OMB Number: 1210–NEW.

Respondents: (Annual) 11,200.

Number of Annual Responses: 11,200.

Total Annual Burden Hours: 1,493 hours.

Total Annualized Capital/Startup Costs: $0. Total Annual Costs: $0.

Description: This survey will collect customer satisfaction data for a sample of private citizens who call into the participant assistance program to ask about their private sector employer provided benefits such as pensions, retirement savings, and health benefits. Three types of callers will be queried: (1) Those who need benefit claim assistance (2) Those who have a valid benefit claim and (3) Those who have an invalid benefit claim. The results of the survey will be analyzed to provide actionable data that could be used to improve program performance. Examples of improved performance include, but are not limited to:

- Being more attuned to inquirers' needs—Benefits Advisors should be more adept at identifying issues that lead to benefits recoveries and enforcement leads
- Survey data will enable National and Regional management to identify potential training needs
- Satisfaction scores will guide EBSA leadership to determine which Regions need assistance improving customer service
- Scores on individual BAs will reveal high performers and allow the agency to use those BAs' techniques as best practices for program-wide improvement.

The study will include data from regional offices in Atlanta, Boston, Chicago, Cincinnati, Dallas, Kansas City, Los Angeles, New York, Philadelphia and San Francisco and District offices in Miami, Seattle and Washington.

Focus of Comments

The Department is particularly interested in comments that:

- Evaluate whether the collections of information are 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 collections of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICRs for OMB approval of the information collection; they will also become a matter of public record.

Dated: January 23, 2020.

Joseph S. Piacentini,

Director, Office of Policy and Research, Employee Benefits Security Administration.

[FR Doc. 2020–01503 Filed 1–28–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Employment and Training Administration

Post-Initial Determinations Regarding Eligibility To Apply for Trade Adjustment Assistance

In accordance with Sections 223 and 284 (19 U.S.C. 2273 and 2395) of the Trade Act of 1974 (19 U.S.C. 2271, *et seq.*) (''Act''), as amended, the Department of Labor herein presents Notice of Affirmative Determinations Regarding Application for Reconsideration, summaries of Negative Determinations Regarding Applications for Reconsideration, summaries of Revised Certifications of Eligibility, summaries of Revised Determinations (after Affirmative Determination Regarding Application for Reconsideration), summaries of Negative Determinations (after Affirmative Determination Regarding Application for Reconsideration), summaries of Revised Determinations (on remand from the Court of International Trade), and summaries of Negative Determinations (on remand from the Court of International Trade) regarding eligibility to apply for trade adjustment assistance under Chapter 2 of the Act (''TAA'') for workers by (TA–W) number issued during the period of *12/01/2019 through 12/31/2019.* Post-initial determinations are issued after a petition has been certified or denied. A post-initial determination may revise a certification, or modify or affirm a negative determination.

Affirmative/Negative Determinations Regarding Applications for Reconsideration

The certifying officer may grant an application for reconsideration under the following circumstances: (1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous; (2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or (3) If, in the opinion of the certifying officer, a misinterpretation of facts or of the law

justifies reconsideration of the determination. See 29 CFR 90.18(c).

Affirmative Determinations Regarding Applications for Reconsideration

The following Applications for Reconsideration have been received and granted. See 29 CFR 90.18(d). The group of workers or other persons showing an interest in the proceedings may provide written submissions to show why the determination under reconsideration should or should not be modified. The submissions must be sent no later than ten days after publication in **Federal Register** to the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue NW, Washington, DC 20210. See 29 CFR 90.18(f).

TA–W No.	Subject firm	Location
95,054A	Goodman Company, L.P	Fayetteville, TN.
95,162	Norfolk Southern Railway Company	Altoona, PA.
95,061	United Steelworkers Local 8–676	Westernport, MD.

Revised Certifications of Eligibility

The following revised certifications of eligibility to apply for TAA have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination, and the reason(s) for the determination.

The following revisions have been issued.

TA–W No.	Subject firm	Location	Impact date	Reason(s)
94,427	General Motors Lordstown Complex	Warren, OH	3/8/2019	Worker Group Clarification.
94,427A	Ryder Integrated Logistics, Inc	Warren, OH	12/21/2017	Worker Group Clarification.
93,543	Ocwen Loan Servicing, LLC	Waterloo, IA	4/19/2018	Worker Group Clarification.
93,939	Owens-Brockway Glass Container Inc	Atlanta, GA	6/28/2017	Worker Group Clarification.
93,939A	Owens-Brockway Glass Container, Inc	Waco, TX	6/28/2017	Worker Group Clarification.
93,939B	Owens-Brockway Glass Container, Inc	Portland, OR	6/28/2017	Worker Group Clarification.

I hereby certify that the aforementioned determinations were issued during the period of *12/01/2019 through 12/31/2019*. These determinations are available on the Department's website *https://www.doleta.gov/tradeact/petitioners/taa_search_form.cfm* under the searchable listing determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington, DC, this 9th day of January 2020.

Hope D. Kinglock,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2020–01507 Filed 1–28–20; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Administrator of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing provided such request is filed in writing with the Administrator, Office of Trade Adjustment Assistance, at the address shown below, no later than February 10, 2020.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Administrator, Office of Trade Adjustment Assistance, at the address shown below, not later than February 10, 2020.

The petitions filed in this case are available for inspection at the Office of the Administrator, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue NW, Washington, DC 20210.

Signed at Washington, DC, this 9th day of January 2020.

Hope D. Kinglock,

Certifying Officer, Office of Trade Adjustment Assistance.

Appendix

90 TAA Petitions Instituted Between 12/1/19 and 12/31/19

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
95434	HCL/COTG—A Xerox Company (Workers)	Bolingbrook, IL	12/02/19	11/12/19
95435	Nestle Dreyer's Ice Cream Company (State/One-Stop)	Tinley Park, IL	12/02/19	11/21/19
95436	Nestle Dreyer's Ice Cream Company (State/One-Stop)	Glendale Heights, IL	12/02/19	11/21/19

90 TAA PETITIONS INSTITUTED BETWEEN 12/1/19 AND 12/31/19—Continued

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
95437	Lattice Semiconductor Corporation (State/One-Stop)	Hillsboro, OR	12/03/19	12/02/19
95438	Norpac Foods, Inc. (State/One-Stop)	Stayton, OR	12/03/19	12/02/19
95439	Citibank, N.A. (State/One-Stop)	Irving, TX	12/04/19	12/03/19
95440	Gerdau (State/One-Stop)	Duluth, MN	12/04/19	12/03/19
95441	Mitchel & Scott Machine Company (State/One-Stop)	Indianapolis, IN	12/04/19	12/03/19
95442	Toppan Merrill LLC (State/One-Stop)	New York, NY	12/04/19	12/03/19
95443	Western Panel Manufacturing Inc. (State/One-Stop)	Eugene, OR	12/04/19	12/03/19
95444	Alorica (State/One-Stop)	Jackson, MI	12/05/19	12/04/19
95445	Comprehensive Decommissioning International (Company)	Plymouth, MA	12/05/19	12/04/19
95446	Concentrix CVG Corporation (State/One-Stop)	Salt Lake City, UT	12/05/19	12/04/19
95447	El Dorado Paper Bag Manufacturing Company Inc. (State/One-Stop).	El Dorado, AR	12/05/19	12/04/19
95448	Honeywell International, Inc. (State/One-Stop)	Smithfield, RI	12/05/19	12/04/19
95449	Muzak LLC dba Mood Media (State/One-Stop)	Fort Mill, SC	12/05/19	12/04/19
95450	Sperian Protection (State/One-Stop)	Smithfield, RI	12/05/19	12/04/19
95451	Ascena Retail Group Inc. (State/One-Stop)	Mahwah, NJ	12/06/19	12/05/19
95452	CFS Brands, LLC (Company)	Sparta, WI	12/06/19	12/05/19
95453	Circa Corporation (Workers)	San Francisco, CA	12/06/19	12/05/19
95454	Guitabec Inc. (Company)	Berlin, NH	12/06/19	12/05/19
95455	Resource Décor (Workers)	Hickory, NC	12/06/19	12/05/19
95456	Artech Information Systems (State/One-Stop)	Morristown, NJ	12/09/19	12/06/19
95457	Bank of New York Mellon (State/One-Stop)	Oriskany, NY	12/09/19	12/06/19
95458	Ebonite International (State/One-Stop)	Hopkinsville, KY	12/09/19	12/06/19
95459	Fleetwood Fixtures (Workers)	Shoemakersville, PA	12/09/19	12/06/19
95460	Nielsen Company (Workers)	Green Bay, WI	12/09/19	12/06/19
95461	Northwest Hardwoods Inc. (State/One-Stop)	Buena Vista, VA	12/09/19	12/06/19
95462	SKF (Company)	Hanover, PA	12/09/19	12/05/19
95463	STORServer (State/One-Stop)	Colorado Springs, CO	12/09/19	12/06/19
95464	Tenneco (State/One-Stop)	Lincoln, NE	12/09/19	12/06/19
95465	Tri-Star Electronics International Inc. (State/One-Stop)	El Segundo, CA	12/09/19	12/06/19
95466	Accenture (State/One-Stop)	Minneapolis, MN	12/10/19	12/09/19
95467	Canadian National (State/One-Stop)	Proctor, MN	12/10/19	12/09/19
95468	Grace Bio-Labs Inc. (State/One-Stop)	Bend, OR	12/10/19	12/09/19
95469	Optum Health (Workers)	Jeffersonville, IN	12/10/19	12/06/19
95470	HomeAdvisor (State/One-Stop)	Colorado Springs, CO	12/11/19	12/10/19
95471	Pancon Corporation (Workers)	Temecula, CA	12/11/19	12/11/19
95472	Inteva Products (Company)	Gadsden, AL	12/12/19	12/11/19
95473	Author Solutions (State/One-Stop)	Bloomington, IN	12/13/19	12/13/19
95474	Motionwear, LLC (State/One-Stop)	Indianapolis, IN	12/13/19	12/12/19
95475	Pancon Corporation (State/One-Stop)	Temecula, CA	12/13/19	12/12/19
95476	St. John Knits (State/One-Stop)	Irvine, CA	12/13/19	12/12/19
95477	Concentrix CVG Corporation (State/One-Stop)	Tampa, FL	12/16/19	12/13/19
95478	McKesson Medical Surgical Inc. (State/One-Stop)	Farmington, CT	12/16/19	12/13/19
95479	Molex, LLC (State/One-Stop)	Maumelle, AR	12/16/19	12/13/19
95480	Panasonic Customer Call Center (State/One-Stop)	Chesapeake, VA	12/16/19	12/13/19
95481	Petrobras America Inc. (State/One-Stop)	Houston, TX	12/16/19	12/13/19
95482	Treetop Commons, LLC (State/One-Stop)	Portland, OR	12/16/19	12/13/19
95483	Well Fargo (State/One-Stop)	Glen Allen, VA	12/16/19	12/13/19
95484	Anthony Timberlands, Inc. (State/One-Stop)	Beirne, AR	12/17/19	12/16/19
95485	Comcast Cable Communications Xfinity (State/One-Stop)	Englewood, CO	12/17/19	12/16/19
95486	Hubbell Lighting, Inc. (State/One-Stop)	El Dorado, AR	12/17/19	12/16/19
95487	Nestle Prepared Foods Co. (State/One-Stop)	Jonesboro, AR	12/17/19	12/16/19
95488	ACF Industries LLC (State/One-Stop)	Milton, PA	12/18/19	12/17/19
95489	Logansport Machine (State/One-Stop)	Logansport, IN	12/18/19	12/17/19
95490	Lonza Walkersville, Inc. (State/One-Stop)	Walkersville, MD	12/18/19	12/17/19
95491	Marc Fisher Footwear (State/One-Stop)	Greenwich, CT	12/18/19	12/17/19
95492	Nexteer Automotive (Workers)	Saginaw, MI	12/18/19	12/17/19
95493	Powerex, Inc. (Company).	Youngwood, PA	12/18/19	12/16/19
95494	Amesbury Truth (State/One-Stop)	Fremont, NE	12/19/19	12/18/19
95495	Dentsply Sirona (Company)	York, PA	12/19/19	12/18/19
95496	E-Lo Sportwear, LLC (Workers)	New York, NY	12/19/19	12/18/19
95497	Metalor Technologies USA (State/One-Stop)	Export, PA	12/19/19	12/16/19
95498	Tyson Foods Inc. Golden Island Jerky Company (State/One-Stop).	Rancho Cucamonga, CA	12/19/19	12/18/19
95499	Castwell Products, LLC (State/One-Stop)	Skokie, IL	12/20/19	12/19/19
95500	Halliburton Energy Services (State/One-Stop)	Duncan, OK	12/20/19	12/18/19
95501	Vivint Solar (State/One-Stop)	Lehi, UT	12/20/19	12/19/19
95502	Vivint Solar Developer, LLC (Workers)	Lehi, UT	12/20/19	12/17/19
95503	Dressbarn (Ascena Retail Group) (State/One-Stop)	Sioux Falls & Rapid City, SD	12/23/19	12/20/19
95504	JTEKT North America—Koyo Bearings (Company)	Orangeburg, SC	12/23/19	12/20/19
95505	Linkone Solutions LLC (State/One-Stop)	Stanfield, OR	12/23/19	12/20/19

90 TAA PETITIONS INSTITUTED BETWEEN 12/1/19 AND 12/31/19—Continued

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
95506	Morgan Stanley (State/One-Stop)	New York, NY	12/23/19	12/20/19
95507	Symantec—Norton/Lifelock (State/One-Stop)	Herndon, VA	12/23/19	12/20/19
95508	Ubiquiti Networks, Inc. (State/One-Stop)	Portland, OR	12/23/19	12/20/19
95509	Cognizant (State/One-Stop)	New York, NY	12/26/19	12/23/19
95510	Fiserv Solutions, LLC (State/One-Stop)	Beaverton, OR	12/26/19	12/24/19
95511	IBM Global Services (State/One-Stop)	Endicott, NY	12/26/19	12/23/19
95512	IDT Corporation (State/One-Stop)	Newark, NJ	12/26/19	12/23/19
95513	ITT Goulds Pumps (State/One-Stop)	Seneca Falls, NY	12/26/19	12/23/19
95514	Medical Billing Solutions, Inc. (State/One-Stop)	Richmond, VA	12/26/19	12/23/19
95515	TMK–IPSCO (Workers)	Catoosa, OK	12/26/19	12/23/19
95516	Cameron Manufacturing & Design (State/One-Stop)	Horseheads, NY	12/27/19	12/26/19
95517	Coronado Global Resources (State/One-Stop)	Raven, VA	12/27/19	12/26/19
95518	Corsicana Bedding (Company)	Barnesville, PA	12/30/19	12/27/19
95519	PSG Blackmer a Dover Corporation (Company)	Grand Rapids, MI	12/30/19	12/27/19
95520	Castelli America (State/One-Stop)	Ashville, NY	12/31/19	12/23/19
95521	Franks International (State/One-Stop)	Lafayette, LA	12/31/19	12/30/19
95522	Peabody Wildcat Hills Complex (State/One-Stop)	Equality, IL	12/31/19	12/24/19
95523	Volvo Trucks North America (State/One-Stop)	Dublin, VA	12/31/19	12/30/19

[FR Doc. 2020–01512 Filed 1–28–20; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Trade Adjustment Assistance

In accordance with the Section 223 (19 U.S.C. 2273) of the Trade Act of 1974 (19 U.S.C. 2271, *et seq.*) (''Act''), as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance under Chapter 2 of the Act (''TAA'') for workers by (TA–W) number issued during the period of *December 1, 2019 through December 31, 2019.* (This Notice primarily follows the language of the Trade Act. In some places however, changes such as the inclusion of subheadings, a reorganization of language, or ''and,'' ''or,'' or other words are added for clarification.)

Section 222(a)—Workers of a Primary Firm

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements under Section 222(a) of the Act (19 U.S.C. 2272(a)) must be met, as follows:

(1) The first criterion (set forth in Section 222(a)(1) of the Act, 19 U.S.C. 2272(a)(1)) is that a significant number or proportion of the workers in such workers' firm (or ''such firm'') have become totally or partially separated, or are threatened to become totally or partially separated;

AND (2(A) or 2(B) below)

(2) The second criterion (set forth in Section 222(a)(2) of the Act, 19 U.S.C. 2272(a)(2)) may be satisfied by either (A) the Increased Imports Path, or (B) the Shift in Production or Services to a Foreign Country Path/Acquisition of Articles or Services from a Foreign Country Path, as follows:

(A) Increased Imports Path:

(i) The sales or production, or both, of such firm, have decreased absolutely;

AND (ii and iii below)

(ii) (I) Imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased; OR

(II)(aa) Imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased; OR

(II)(bb) Imports of articles like or directly competitive with articles which are produced directly using the services supplied by such firm, have increased; OR

(III) Imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

AND

(iii) The increase in imports described in clause (ii) contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; OR

(B) Shift in Production or Services to a Foreign Country Path OR Acquisition of Articles or Services from a Foreign Country Path:

(i) (I) There has been a shift by such workers' firm to a foreign country in the production of articles or the supply of services like or directly competitive with articles which are produced or services which are supplied by such firm; OR

(II) Such workers' firm has acquired from a foreign country articles or services that are like or directly competitive with articles which are produced or services which are supplied by such firm;

AND

(ii) The shift described in clause (i)(I) or the acquisition of articles or services described in clause (i)(II) contributed importantly to such workers' separation or threat of separation.

Section 222(b)—Adversely Affected Secondary Workers

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements of Section 222(b) of the Act (19 U.S.C. 2272(b)) must be met, as follows:

(1) A significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

AND

(2) The workers' firm is a supplier or downstream producer to a firm that employed a group of workers who

received a certification of eligibility under Section 222(a) of the Act (19 U.S.C. 2272(a)), and such supply or production is related to the article or service that was the basis for such certification (as defined in subsection 222(c)(3) and (4) of the Act (19 U.S.C. 2272(c)(3) and (4));

AND

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; OR

(B) A loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation determined under paragraph (1).

Section 222(e)—Firms Identified by the International Trade Commission

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements of Section 222(e) of the Act (19 U.S.C. 2272(e))must be met, by following criteria (1), (2), and (3) as follows:

(1) The workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) An affirmative determination of serious injury or threat thereof under section 202(b)(1) of the Act (19 U.S.C. 2252(b)(1)); OR

(B) An affirmative determination of market disruption or threat thereof under section 421(b)(1)of the Act (19 U.S.C. 2436(b)(1)); OR

(C) An affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

AND

(2) The petition is filed during the 1-year period beginning on the date on which—

(A) A summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) of the Trade Act (19 U.S.C. 2252(f)(1)) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3) (19 U.S.C. 2252(f)(3)); OR

(B) Notice of an affirmative determination described in subparagraph (B) or (C)of paragraph (1) is published in the **Federal Register**;

AND

(3) The workers have become totally or partially separated from the workers' firm within—

(A) The 1-year period described in paragraph (2); OR

(B) Notwithstanding section 223(b) of the Act (19 U.S.C. 2273(b)), the 1-year period preceding the 1-year period described in paragraph (2).

Affirmative Determinations for Trade Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (Increased Imports Path) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
94,690	Tosoh Quartz, Inc., Tosah Corporation-U.S. Operations	Portland, OR	April 3, 2018.
94,923	Theis Precision Steel	Bristol, CT	June 20, 2018.
95,042	Woodcor America, Inc. dba Cedar America	Mountain View, AR	August 5, 2018.
95,214	Roseburg Forest Products, Dillard Plywood Division	Dillard, OR	December 28, 2018.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (Shift in Production or Services to a Foreign Country Path or Acquisition of Articles or Services from a Foreign Country Path) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
94,783	Sitel Operating Corporation, Sitel LLC, Sitel Worldwide Corporation, Horizon HR Services.	Albuquerque, NM	May 3, 2018.
95,104	Ricoh USA, Inc., IT Infrastructure division, Ricoh Americas Holdings Inc.	Malvern, PA	August 21, 2018.
95,104A	Ricoh USA, Inc., IT Infrastructure division, Ricoh Americas Holdings Inc.	Boulder, CO	August 21, 2018.
95,104B	Ricoh USA, Inc., IT Infrastructure division, Ricoh Americas Holdings Inc.	Buffalo, NY	August 21, 2018.
95,104C	Ricoh USA, Inc., IT Infrastructure division, Ricoh Americas Holdings Inc.	Chicago, IL	August 21, 2018.
95,104D	Ricoh USA, Inc., IT Infrastructure division, Ricoh Americas Holdings Inc.	Concord, CA	August 21, 2018.
95,104E	Ricoh USA, Inc., IT Infrastructure division, Ricoh Americas Holdings Inc.	Duluth, GA	August 21, 2018.
95,104F	Ricoh USA, Inc., IT Infrastructure division, Ricoh Americas Holdings Inc.	Fenton, MO	August 21, 2018.
95,104G	Ricoh USA, Inc., IT Infrastructure division, Ricoh Americas Holdings Inc.	Houston, TX	August 21, 2018.
95,104H	Ricoh USA, Inc., IT Infrastructure division, Ricoh Americas Holdings Inc.	Irvine, CA	August 21, 2018.
95,104I	Ricoh USA, Inc., IT Infrastructure division, Ricoh Americas Holdings Inc.	Lawrenceville, GA	August 21, 2018.
95,104J	Ricoh USA, Inc., IT Infrastructure division, Ricoh Americas Holdings Inc.	Macon, GA	August 21, 2018.

TA–W No.	Subject firm	Location	Impact date
95,104K	Ricoh USA, Inc., IT Infrastructure division, Ricoh Americas Holdings Inc.	Maitland, FL	August 21, 2018.
95,104L	Ricoh USA, Inc., IT Infrastructure division, Ricoh Americas Holdings Inc.	Nashville, TN	August 21, 2018.
95,104M	Ricoh USA, Inc., IT Infrastructure division, Ricoh Americas Holdings Inc.	Phoenix, AZ	August 21, 2018.
95,104N	Ricoh USA, Inc., IT Infrastructure division, Ricoh Americas Holdings Inc.	Tucker, GA	August 21, 2018.
95,104O	Ricoh USA, Inc., IT Infrastructure division, Ricoh Americas Holdings Inc.	Wayne, PA	August 21, 2018.
95,104P	Ricoh USA, Inc., IT Infrastructure division, Ricoh Americas Holdings Inc.	West Caldwell, NJ	August 21, 2018.
95,121	Bank of the West, BancWest Holding, IT Application Support Group, Allegis Global Solutions.	Omaha, NE	August 26, 2018.
95,147	State Street Bank & Trust Co., Legal—Global Markets Center of Excellence, State Street Corporation.	Boston, MA	September 4, 2018.
95,156	XP Power LLC, Aerotek, Blue Ribbon, Sourced Staffing	Minden, NV	August 28, 2018.
95,164	State Street Bank and Trust Company, Private Equity Operations, State Street Corporation.	Boston, MA	September 9, 2018.
95,170	CreativeDrive, Inc., Sandbox Studio, LLC	Portland, OR	September 10, 2018.
95,188	State Street Corporation, Tax Department	North Quincy, MA	September 16, 2018.
95,205	Prysmian Cables and Systems USA, LLC, Draka Cableteq USA Inc., Energy division, Team Employment, ManpowerGroup.	Hutchinson, KS	September 23, 2018.
95,235	AVX Filters Corporation, Medical division, AVX Corporation	Sun Valley, CA	September 30, 2018.
95,245	ABB Inc., Industrial Automation division, Pontoon Solutions	Lewisburg, WV	October 1, 2018.
95,250	Dagoba Organic Chocolate, The Hershey Company, Express Pros.	Ashland, OR	October 3, 2018.
95,263	Nokia of America Corporation, Nokia, Nokia Solutions & Networks LLC, Alcatel-Lucent USA Inc.	Coppell, TX	October 8, 2018.
95,268	Tri Star Electronics International, Inc., Carlisle Interconnect Technologies division, Skillset Group, Amtec, etc.	El Segundo, CA	October 8, 2018.
95,292	Citibank Credit Services Inc., Global Consumer Technology Operations Digitization & Technology, etc.	Kansas City, MO	October 17, 2018.
95,292A	Citibank N.A., GCB O&T Finance, Citicorp LLC, Citigroup Inc	Kansas City, MO	October 17, 2018.
95,298	Smith & Nephew, Endoscopy Division, Aerotek	Plymouth, MN	October 17, 2018.
95,313	Del Monte Foods, Inc., Del Monte Foods Holdings Limited	Sleepy Eye, MN	October 22, 2018.
95,338	Refinitiv US LLC, Refinitiv Holdings Limited, Randstad Professionals US, LLC.	Eagan, MN	October 29, 2018.
95,344	Synchrony Bank, Synchrony Financial	Phoenix, AZ	October 22, 2018.
95,344A	Synchrony Bank, Synchrony Financial	Charlotte, NC	October 22, 2018.
95,344B	Synchrony Bank, Synchrony Financial	Alpharetta, GA	October 22, 2018.
95,344C	Synchrony Bank, Synchrony Financial	Canton, OH	October 22, 2018.
95,344D	Synchrony Bank, Synchrony Financial	Kettering, OH	October 22, 2018.
95,345	Cascades Tissue Group- Waterford, Cascades Holding US Inc., Cascades Tissue Group, Manpower, Adecco.	Waterford, NY	November 1, 2018.
95,350	Church & Dwight Co., Inc., Advanta Staffing	South Chesterfield, VA	November 4, 2018.
95,361	Vision Ease, LP, Performance Optics, Hoya Optical Labs of America, Inc., Hoya, Indrotec.	Ramsey, MN	November 6, 2018.
95,362	WaveFront Technology Inc., CalTek Staffing, ESA Temps, Kimco Staffing Services, Inc.	Paramount, CA	November 6, 2018.
95,368	Doctors Foster and Smith Call Center, Petco Animal Supplies, Inc.	Rhinelander, WI	November 11, 2018.
95,370	AvMed, Inc., SantaFe Healthcare Inc., Claims Processing Division.	Miami, FL	November 8, 2018.
95,371	Bank of the West, Commercial Loan Services & Branch Deposit Service Administration, etc.	City of Industry, CA	November 12, 2018.
95,383	Superior Steel Fabrication, Staffing Partners, Elwood Staffing, Northwest Industrial Staffing, etc.	Eugene, OR	November 15, 2018.
95,398	Crescent Bank & Trust, CB&T Holding Corporation, Call Center Division.	Chesapeake, VA	November 20, 2018.
95,402	Echo Bay Minerals Company, Kinross Gold, Spring Clean, Golder Associates, Stotts Construction.	Republic, WA	December 2, 2019.
95,402A	On-Site Leased Workers from HR Advantages LLC, Republic Security, WR Tires, 3 Rivers Business Intelligence Solutions, Pine Grove.	Republic, WA	November 19, 2018.
95,472	Inteva Products	Gadsden, AL	December 11, 2018.

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
95,172	Sykes Enterprises, Incorporated	Vansant, VA	September 9, 2018.

Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for TAA have not been met for the reasons specified.

The investigation revealed that the requirements of Trade Act section 222 (a)(1) and (b)(1) (significant worker total/partial separation or threat of total/partial separation), or (e) (firms identified by the International Trade Commission), have not been met.

TA–W No.	Subject firm	Location	Impact date
95,129	Farwest Steel Corporation	Eugene, OR.	
95,461	Northwest Hardwoods Inc., Littlejohn & Company, Waterfield Labor Solutions LLC, etc.	Buena Vista, VA.	

The investigation revealed that the criteria under paragraphs (a)(2)(A)(i) (decline in sales or production, or both), or (a)(2)(B) (shift in production or services to a foreign country or acquisition of articles or services from a foreign country), (b)(2) (supplier to a firm whose workers are certified eligible to apply for TAA or downstream producer to a firm whose workers are certified eligible to apply for TAA), and (e) (International Trade Commission) of section 222 have not been met.

TA–W No.	Subject firm	Location	Impact date
95,193	Manac Trailers USA, Inc	Oran, MO.	

The investigation revealed that the criteria under paragraphs (a)(2)(A) (increased imports), (a)(2)(B) (shift in production or services to a foreign country or acquisition of articles or services from a foreign country), (b)(2) (supplier to a firm whose workers are certified eligible to apply for TAA or downstream producer to a firm whose workers are certified eligible to apply for TAA), and (e) (International Trade Commission) of section 222 have not been met.

TA–W No.	Subject firm	Location	Impact date
94,392	Essity North America, LLC, On-Call Staffing	Bellemont, AZ.	
94,837	HCL America, Inc	Frisco, TX.	
95,090	Insight Global, LLC, IG Staffing Holdings, LLC, IG Igloo Holdings, Inc., Remote Workers.	Atlanta, GA.	
95,143	AK Steel Corporation, Ashland Works division, AK Steel Holding, Hatzel & Buehler, L.R. Daniels.	Ashland, KY.	
95,159	MMP Enterprises USA Inc	Sidney, NE.	
95,181	Omega Apparel	Smithville, TN.	
95,273	Nestle Dreyer's Ice Cream Company, Direct Store Delivery, Nestle USA, Inc.	Aberdeen, SD.	
95,275	Nestle Dreyer's Ice Cream Company, Direct Store Delivery, Nestle USA, Inc.	Brooklyn Park, MN.	
95,351	LZB Manufacturing, Inc., La-Z-Boy West, Merchants Building Maintenance, OS4Labor, Roth Staffing.	Redlands, CA.	

Determinations Terminating Investigations of Petitions for Trade Adjustment Assistance

After notice of the petitions was published in the **Federal Register** and on the Department's website, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioner has requested that the petition be withdrawn.

TA–W No.	Subject firm	Location	Impact date
94,947	Conair Corporation	Glendale, AZ.	

The following determinations terminating investigations were issued because the worker group on whose behalf the petition was filed is covered under an existing certification.

TA–W No.	Subject firm	Location	Impact date
95,118	Ocwen Loan Servicing, LLC, Ocwen Financial, Kelly Vendor Management Services, Securitas, etc.	Waterloo, IA.	
95,141	Ryder Integrated Logistics, Inc., Supply Chain Solutions division, General Motors Lordstown Complex, etc.	Warren, OH.	
95,209	Owens-Brockway Glass Container, Inc	Waco, TX.	
95,403	Owens-Brockway Glass Container, Inc	Portland, OR.	

I hereby certify that the aforementioned determinations were issued during the period of *December 1, 2019 through December 31, 2019*. These determinations are available on the Department's website *https://www.doleta.gov/tradeact/petitioners/taa_search_form.cfm* under the searchable listing determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington DC, this 9th day of January 2020.

Hope D. Kinglock,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2020–01502 Filed 1–28–20; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Standard on 4,4′-Methylenedianiline for General Industry

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Standard on 4,4′-Methylenedianiline for General Industry'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, 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 February 28, 2020.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201912-1218-011* (this link will only become active on the day following publication of this notice) or by contacting Frederick Licari by telephone at 202–693–8073, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov*.

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov*. Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov*.

FOR FURTHER INFORMATION CONTACT: Frederick Licari by telephone at 202–693–8073, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov*.

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Standard on 4,4′-Methylenedianiline for General Industry (29 CFR 1910.1050) information collection. This program ensures that information is in the desired format, the reporting burden (time and costs) is minimal, the collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (see 29 U.S.C. 657). The OSH Act also requires OSHA to obtain such information with a minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (see 29 U.S.C. 657). The information collection requirements specified in the 4,4′-Methylenedianiline Standard for General Industry (the ''MDA Standard'') (29 CFR 1910.1050) protect workers from the adverse health effects that may result from their exposure to MDA, including cancer, liver, and skin disease. The major paperwork requirements specify that employers must perform initial, periodic, and additional exposure monitoring; notify each worker in writing of their results as soon as possible but no longer than five (5) days after receiving exposure monitoring results; and routinely inspect the hands, face, and forearms of each worker potentially exposed to MDA for signs of dermal exposure to MDA. Employers must also: Establish a written compliance program; institute a respiratory protection program in accordance with OSHA's Respiratory Protection Standard (29 CFR 1910.134); and to develop a written emergency plan for any construction operation that could have an MDA emergency (*i.e.,* an unexpected and potentially hazardous release of MDA). Employers must label any material or products containing MDA, including containers used to store MDA-contaminated protective clothing and equipment. They also must inform personnel who launder MDA-contaminated clothing of the requirement to prevent release of MDA, while personnel who launder or clean MDA-contaminated protective clothing or equipment must receive information about the potentially harmful effects of MDA. In addition, employers are to post warning signs at entrances or access ways to regulated areas, as well as train workers exposed to MDA at the time of their initial assignment, and at least annually thereafter. Other paperwork provisions of the MDA standard require employers to provide workers with medical examinations, including initial, periodic, emergency and follow-up examinations. As part of the medical surveillance program, employers must ensure that the examining physician receives specific written information, and that they obtain from the physician a written opinion regarding the worker's medical results and exposure limitations. The MDA standard also specifies that employers are to establish and maintain exposure monitoring and

medical surveillance records for each worker who is subject to these respective requirements, make any required record available to OSHA compliance officers and the National Institute for Occupational Safety and Health (NIOSH) for examination and copying, and provide exposure monitoring and medical surveillance records to workers and their designated representatives. Finally, employers who cease to do business within the period specified for retaining exposure monitoring and medical surveillance records, and who have no successor employer, must notify NIOSH at least 90 days before disposing of the records and transmit the records to NIOSH if so requested.

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 under the PRA 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 Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0184.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on January 31, 2020. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 12, 2019 (84 FR 61077).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty-(30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0184. The OMB is particularly interested in comments that:

- 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
- 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.

Agency: DOL–OSHA.

Title of Collection: Standard on 4,4′-Methylenedianiline for General Industry (29 CFR 1910.1050).

OMB Control Number: 1218–0184.

Affected Public: Private Sector: Businesses or other for-profits.

Total Estimated Number of Respondents: 10.

Total Estimated Number of Responses: 574.

Total Estimated Annual Time Burden: 319 hours.

Total Estimated Annual Other Costs Burden: $24,180.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: January 22, 2020.

Frederick Licari,

Departmental Clearance Officer.

[FR Doc. 2020–01500 Filed 1–28–20; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Program Reporting and Performance Standards System for Indian and Native Americans Program Under Title 1, Section 166 of the Workforce Innovation and Opportunity Act

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) revision titled, ''Program Reporting and Performance Standards System for Indian and Native Americans Program Under Title 1, Section 166 of the Workforce Innovation and Opportunity Act,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before February 28, 2020.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201912-1205-009* (this link will only become active on the day following publication of this notice) or by contacting Frederick Licari by telephone at 202–693–8073, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov*.

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov*. Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov*.

FOR FURTHER INFORMATION CONTACT: Frederick Licari by telephone at 202–693–8073, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov*.

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for revisions to the Program Reporting and Performance Standards System for Indian and Native Americans Program Under Title 1, Section 166 of the Workforce Innovation and Opportunity Act, OMB Control No. 1205–0422 contains two forms: ETA 9084, Comprehensive Services Program, and ETA 9085, Supplemental Youth Services Program. It also includes standard data elements for participants, the basis of the current performance standards system for WIOA section 166 grantees. ETA 9084 is completed by both tribal and non-profit private sector grantees. ETA 9085 is completed only by tribal grantees. This information collection is a revision, because this information collection request (ICR) is

being submitted as revision in order to extend the expiration date beyond its current expiration, January 31, 2020. Extending the reporting and recordkeeping system is necessary in order to include data collection necessary for tracking grantee performance on the common performance measures currently tracked for the Comprehensive Services Program and the Supplemental Youth Services program. The prior ICR stated that Form ETA–9085 was submitted quarterly when it should have stated semi-annually. This ICR corrects that error. The prior ICR also included burden hours for ''collecting'' the data for the SPIR report which is different than ''submitting'' a SPIR report and therefore misrepresents the burden hours for submitting the SPIR. This ICR combines ETA Form 9084 and the SPIR as one report because ETA Form 9084 is an aggregate (roll-up) of the individual records in the SPIR and both reports are uploaded simultaneously.

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, under the PRA, 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 Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1205–0422. The current approval is scheduled to expire on January 31, 2020; however, the DOL notes that existing information collection requirements submitted to the OMB will receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 15, 2019 (84 FR 62557).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty-(30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205–0422. The OMB is particularly interested in comments that:

- 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
- 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.

Agency: DOL–ETA.

Title of Collection: Program Reporting and Performance Standards System for Indian and Native Americans Program Under Title 1, Section 166 of the Workforce Innovation and Opportunity Act.

OMB Control Number: 1205–0422.

Affected Public: State, Local and Tribal Governments; Individuals or Households; Private Sector—not-for-profit institutions.

Total Estimated Number of Respondents: 184.

Total Estimated Number of Responses: 590.

Total Estimated Annual Time Burden: 1,180 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: January 23, 2020.

Frederick Licari,

Departmental Clearance Officer.

[FR Doc. 2020–01509 Filed 1–28–20; 8:45 am]

BILLING CODE 4510–FR–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Derricks Standard

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Derricks Standard'', to the Office of Management and Budget (OMB) for review and approval for continued use, without change, 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 February 28, 2020.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201911-1218-002* (this link will only become active on the day following publication of this notice) or by contacting Frederick Licari by telephone at 202–693–8073 TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov*.

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, OWCP Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov*. Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov*.

FOR FURTHER INFORMATION CONTACT: Frederick Licari by telephone at 202–693–8073, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov*.

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Derricks Standard information collection. The paperwork provisions of the Standard specify requirements for marking the rated load on derricks, preparing certification records to verify the inspection of derrick ropes, and posting warning signs while the derrick is undergoing adjustments and repairs. Certification records must be maintained and disclosed upon request. The Occupational Health and Safety Act of 1970 authorizes this information collection. *See* 29 U.S.C. 651, 29 U.S.C. 655, and 29 U.S.C. 657.

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 it is

approved by the OMB under the PRA 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 Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0222.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on January 31, 2020. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on October 1, 2019 (84 FR 52143).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0222. The OMB is particularly interested in comments that:

- 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
- 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.

Agency: DOL–OSHA.

Title of Collection: Derricks Standard (29 CFR 1910.181).

OMB Control Number: 1218–0222.

Affected Public: Private Sector—Business or other for-profits.

Total Estimated Number of Respondents: 500.

Total Estimated Number of Responses: 7,750.

Total Estimated Annual Time Burden: 1,336 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: January 23, 2020.

Frederick Licari

Departmental Clearance Officer.

[FR Doc. 2020–01505 Filed 1–28–20; 8:45 am]

BILLING CODE 4510–25–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Income and Eligibility Verification System Confidentiality

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) titled, ''Income and Eligibility Verification System Confidentiality'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, 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 February 28, 2020.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201911-1205-007* (this link will only become active on the day following publication of this notice) or by contacting Frederick Licari by telephone at 202–693–8073 TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov*.

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov*. Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov*.

FOR FURTHER INFORMATION CONTACT: Frederick Licari by telephone at 202–693–8073, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov*.

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Income and Eligibility Verification System Confidentiality information collection. The Income and Eligibility Verification System (IEVS) is required by Title III of the Social Security Act, the Federal Unemployment Tax Act, and related statutes. It addresses the confidentiality and disclosure of state unemployment compensation information as well as the state income and eligibility verification provisions of the Deficit Reduction Act of 1984 (Pub. L. 98–369). Title III of the Social Security Act (SSA), the Federal Unemployment Tax Act (FUTA), and the Wagner-Peyser Act authorizes this information collection. *See* 42 U.S.C. 503, 26 U.S.C. 3304(a)(16) and 29 U.S.C. 49b.

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 it is approved by the OMB under the PRA 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. The DOL obtains OMB approval for this information collection under OMB Control Number 1205–0238.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on January 31, 2020. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension

while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on August 9, 2019 (84 FR 39373).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205–0238. The OMB is particularly interested in comments that:

- 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
- 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.

Agency: DOL–ETA.

Title of Collection: Income and Eligibility Verification System Confidentiality.

OMB Control Number: 1205–0238.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 53.

Total Estimated Number of Responses: 739,709.

Total Estimated Annual Time Burden: 16,164 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: January 23, 2020.

Frederick Licari

Departmental Clearance Officer.

[FR Doc. 2020–01504 Filed 1–28–20; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Welding, Cutting, and Brazing Standard

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Welding, Cutting, and Brazing Standard,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, 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 February 28, 2020.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201912-1218-008* (this link will only become active on the day following publication of this notice) or by contacting Frederick Licari by telephone at 202–693–8073, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov*.

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov*. Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov*.

FOR FURTHER INFORMATION CONTACT: Frederick Licari by telephone at 202–693–8073, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov*.

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Welding, Cutting, and Brazing Standard information collection. Regulation 29 CFR 1910.255(e) requires that qualified maintenance personnel and a certification record generated and maintained make a periodic inspection of resistance welding equipment. The certification shall include the date of the inspection, the signature of the person who performed the inspection and the serial number, or other identifier, for the equipment inspected. The maintenance inspection ensures that welding equipment is in safe operating condition, while the maintenance record provides evidence that employers performed the required inspections. The Occupational Safety and Health Act sections 2(b)(3) and 8(c) authorize this information collection. *See* 29 U.S.C. 651(b)(3), 657(c).

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 under the PRA 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 Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0207.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on January 31, 2020. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 21, 2019 (84 FR 64348).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty-(30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0207. The OMB is particularly interested in comments that:

• 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

• 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.

Agency: DOL–OSHA.

Title of Collection: Welding, Cutting, and Brazing Standard.

OMB Control Number: 1218–0207.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 20,627.

Total Estimated Number of Responses: 82,508.

Total Estimated Annual Time Burden: 5,501 hours.

Total Estimated Annual Other Costs Burden: $20,627.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: January 23, 2020.

Frederick Licari,

Departmental Clearance Officer.

[FR Doc. 2020–01506 Filed 1–28–20; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Equal Employment Opportunity in Apprenticeship Training

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) revision titled, ''Equal Employment Opportunity in Apprenticeship Training,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before February 28, 2020.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201912-1205-001* (this link will only become active on the day following publication of this notice) or by contacting Frederick Licari by telephone at 202–693–8073, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov*.

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov*. Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov*.

FOR FURTHER INFORMATION CONTACT: Frederick Licari by telephone at 202–693–8073, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov*.

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for revisions to the Equal Employment Opportunity in Apprenticeship Training. Title 29 CFR part 30 sets forth policies and procedures to promote equality of opportunity in apprenticeship programs registered with the U.S. Department of Labor (the Department) and recognized State Apprenticeship Agencies. Among other things, these policies and procedures apply to the recruitment and selection of apprentices, and to the conditions of employment and training during apprenticeship. The procedures also provide for reviewing apprenticeship programs, for processing complaints, and for deregistering non-complying apprenticeship programs. The part 30 regulations also provide policies and procedures for continuation or withdrawal of recognition of State Apprenticeship Agencies (SAAs) which register apprenticeship programs for Federal purposes. This information collection is a revision, because it includes: (1) Minor edits for clarity; (2) an update to the Office of Apprenticeship's room number; (3) a correction to the number of days (*i.e.,* 300) that a complaint must be filed as required under part 30; (4) an update to the list of bases for complaints to include disability, age (40 or older), genetic information, sex (including pregnancy and gender identity), sexual orientation, and retaliation; (5) the removal of the definitions of protected bases to be consistent with the practices of other agencies of the Department; and (6) to clarify that the non-retaliation language applies to both employers and sponsors. The annual burden for this information collection increased from 16,097 hours to 191,355 hours resulting in an increase of 175,258 hours over ETA's previous estimate, which OMB approved until January 31, 2020. Unlike ETA's previous estimate, the annual burden for this information collection is calculated for all program sponsors and not just new ones since there are ongoing burdens that all sponsors need to undertake annually.

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, under the PRA, 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. The DOL obtains OMB approval for this information collection under Control Number 1205–0224. The current approval is scheduled to expire on January 31, 2020; however, the DOL notes that existing information collection requirements submitted to the OMB will receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 21, 2019 (84 FR 64340).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments

should mention OMB Control Number 1205–0224. The OMB is particularly interested in comments that:

- 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
- 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.

Agency: DOL–ETA.

Title of Collection: Equal Employment Opportunity in Apprenticeship Training.

OMB Control Number: 1205–0224.

Affected Public: Individuals or Households; State, Local and Tribal Governments; Federal Government; Private Sector—business or other for-profits, and not-for-profit institutions.

Total Estimated Number of Respondents: 50,139.

Total Estimated Number of Responses: 103,110.

Total Estimated Annual Time Burden: 191,355 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: January 23, 2020.

Frederick Licari,

Departmental Clearance Officer.

[FR Doc. 2020–01508 Filed 1–28–20; 8:45 am]

BILLING CODE 4510–FR–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Work Opportunity Tax Credit

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) revision titled, ''Work Opportunity Tax Credit,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before February 28, 2020.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201912-1205-010* (this link will only become active on the day following publication of this notice) or by contacting Frederick Licari by telephone at 202–693–8073, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov*.

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL– ETA, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov*. Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor–OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov*.

FOR FURTHER INFORMATION CONTACT: Frederick Licari by telephone at 202–693–8073, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov*.

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for revisions to the Work Opportunity Tax Credit (WOTC). The WOTC is a Federal tax credit available to employers for hiring individuals from certain target groups who have consistently faced significant barrier to employment. This submission includes seven WOTC program forms as follows:

ETA Form 9175, Revised November 2016—Self-Attestation Form (SAF) for the Long-Term Unemployment Recipient;

ETA Form 9058—Report 1, Revised November 2016—Certification Workload and Characteristics of Certified Individuals;

ETA Form 9061, Revised November 2016—Individual Characteristics Form;

ETA Form 9061, Revised November 2016—Individual Characteristics Form, Spanish version;

ETA Form 9062, Revised April 2016—Conditional Certification;

ETA Form 9063, Revised April 2016—Employer Certification; and

ETA Form 9065, Revised April 2016—Agency Declaration of Verification Results Worksheet. This information collection is a revision, because the burden hours significantly increased for this burden statement reporting due to incorporating the WOTC denial rate which has not been factored in historically. We believe this more accurately reflects the full total number of respondents. WOTC is authorized under §§ 51 and 3111(e) of the Internal Revenue Code authorizes this information collection.

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, under the PRA, 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. The DOL obtains OMB approval for this information collection under Control Number 1205–0371. The current approval is scheduled to expire on January 31, 2020; however, the DOL notes that existing information collection requirements submitted to the OMB will receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on October 21, 2019 (84 FR 56204).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205–0371. The OMB is particularly interested in comments that:

- 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

• 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.

Agency: DOL–ETA.

Title of Collection: Work Opportunity Tax Credit.

OMB Control Number: 1205–0371.

Affected Public: State, Local, and Tribal Governments, Private Sector, Individuals or Households.

Total Estimated Number of Respondents: 5,693,329.

Total Estimated Number of Responses: 13,527,028.

Total Estimated Annual Time Burden: 4,454,205 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: January 23, 2020.

Frederick Licari,

Departmental Clearance Officer.

[FR Doc. 2020–01510 Filed 1–28–20; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Special Dipping and Coating Operations

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Special Dipping and Coating Operations,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, 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 February 28, 2020.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201912-1218-006* (this link will only become active on the day following publication of this notice) or by contacting Frederick Licari by telephone at 202–693–8073, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov*.

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov*. Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov*.

FOR FURTHER INFORMATION CONTACT: Frederick Licari by telephone at 202–693–8073, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov*.

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Special Dipping and Coating Operations information collection. The Dipping and Coating Operations Standard (1910.126(g)(4)) requires employers to post a conspicuous sign near each piece of electrostatic detearing equipment that notifies employees of the minimum safe distance they must maintain between goods undergoing electrostatic detearing and the electrodes or conductors of the equipment used in the process. The Occupational Safety and Health Act sections 2(b)(9), 6, and 8(c) authorize this information collection. *See* 29 U.S.C. 651(b)(9), 655 and 657(c).

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 under the PRA 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 Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0237.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on January 31, 2020. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 8, 2019 (84 FR 60454).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty-(30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0237. The OMB is particularly interested in comments that:

• 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

• 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.

Agency: DOL–OSHA.

Title of Collection: Special Dipping and Coating Operations.

OMB Control Number: 1218–0237.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 10.

Total Estimated Number of Responses: 10.

Total Estimated Annual Time Burden: 1 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: January 23, 2020.

Frederick Licari,

Departmental Clearance Officer.

[FR Doc. 2020–01511 Filed 1–28–20; 8:45 am]

BILLING CODE 4510–26–P

NEIGHBORHOOD REINVESTMENT CORPORATION

Sunshine Act Meetings; Audit Committee Meeting

TIME AND DATE: 3:00 p.m., Thursday, February 6, 2020.

PLACE: NeighborWorks America—Gramlich Boardroom, 999 North Capitol Street NE, Washington, DC 20002.

STATUS: Open (with the exception of Executive Session).

MATTERS TO BE CONSIDERED: The General Counsel of the Corporation has certified that in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552(b)(2) and (4) permit closure of the following portion(s) of this meeting:

- Internal Audit Report

AGENDA:

I. CALL TO ORDER
II. FY 2019 External Audit Presentation
III. Executive Session—CliftonLarsonAllen
IV. Resolution to Approve the FY2019 External Audit
V. FY2020 Risk Assessment & Internal Audit Plan
VI. Internal Audit Reports with Management's Response
VII. Internal Audit Status Reports
VIII. Adjournment

CONTACT PERSON FOR MORE INFORMATION: Rutledge Simmons, EVP & General Counsel/Secretary, (202) 760–4105; *Rsimmons@nw.org.*

Rutledge Simmons,

EVP & General Counsel/Corporate Secretary.

[FR Doc. 2020–01629 Filed 1–27–20; 11:15 am]

BILLING CODE 7570–02–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–333; NRC–2020–0028]

Exelon Generation Company, LLC; James A. FitzPatrick Nuclear Power Plant; Adoption of TSTF–568

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Renewed Facility Operating License No. DPR–59, issued to Exelon Generation Company, LLC, for operation of the James A. FitzPatrick Nuclear Power Plant (FitzPatrick). The amendment would adopt Technical Specifications Task Force (TSTF) Traveler TSTF–568, ''Revise Applicability of BWR [Boiling Water Reactor]/4 TS [Technical Specification] 3.6.2.5 and TS 3.6.3.2.''

DATES: Submit comments by February 28, 2020. Requests for a hearing or petitions for leave to intervene must be filed by March 30, 2020.

ADDRESSES: You may submit comments by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0028. 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.
- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Samson Lee, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3168; email: *Samson.Lee@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2020–0028 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–2020–0028.
- *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 license amendment request dated January 23, 2020, is available in ADAMS under Accession No. ML20023A362.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2020–0028 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Introduction

The NRC is considering the issuance of an amendment to Renewed Facility Operating License No. DPR–59, issued to Exelon Generation Company, LLC (the licensee), for operation of FitzPatrick, located in Oswego County, New York.

The proposed amendment would adopt TSTF–568, ''Revise Applicability of BWR/4 TS 3.6.2.5 and TS 3.6.3.2'' (ADAMS Package Accession No. ML19325C444). TSTF–568 revises the applicability and actions of TS 3.6.2.5, ''Drywell-to-Suppression Chamber Differential Pressure,'' and TS 3.6.3.2, ''Primary Containment Oxygen Concentration,'' and presents the requirements in a manner more consistent with the Standard Technical Specifications (STS) format and content. TSTF–568 extends the allowable time to 72 hours if a differential pressure is not

maintained in the drywell or if primary containment oxygen concentration is greater than the allowable limit. The licensee requests review of this amendment request under the Consolidated Line Item Improvement Process and requests issuance by March 4, 2020.

Before any issuance of the proposed license amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and NRC regulations.

Pursuant to section 50.91(a)(6) of title 10 of the *Code of Federal Regulations* (10 CFR) for amendments to be granted under exigent circumstances, the NRC has made a proposed determination that the license amendment request involves no significant hazards consideration. Under the NRC's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would 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. As required by 10 CFR 50.91(a), the licensee affirmed the applicability of the model no significant hazards consideration determination, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises the Applicability and Actions of [FitzPatrick] TS 3.6.2.4, ''Drywell-to-Suppression Chamber Differential Pressure,'' and [FitzPatrick] TS 3.6.3.1, ''Primary Containment Oxygen Concentration,'' and presents the requirements in a manner more consistent with the STS format and content. Drywell-to-suppression chamber differential pressure and primary containment oxygen concentration are not initiators to any accident previously evaluated. As a result, the probability of any accident previously evaluated is not affected by the proposed change.

Drywell-to-Suppression Chamber Differential Pressure and Primary Containment Oxygen Concentration are assumptions in the mitigation of some accidents previously evaluated. The Applicability of TS 3.6.3.1 is changed from Mode 1 when thermal power is greater than 15% to Modes 1 and 2. This expands the Applicability of the TS and will not have an effect on the consequences of an accident. The existing Applicability exceptions are removed and replaced with a longer Completion Time of 72 hours. The consequences of an event that could affect the drywell-to-suppression chamber differential pressure and primary containment oxygen concentration are no different during the proposed Completion Time than the consequences of the same event during the existing Completion Times. A note referencing Limiting Condition for Operation (LCO) 3.0.4.c is added to the Actions to permit entering the Applicability with the LCO not met. The note replaces the existing Applicability exceptions. This change is administrative and has no effect on the consequences of an accident.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change revises the Applicability and Actions of [FitzPatrick] TS 3.6.2.4, ''Drywell-to-Suppression Chamber Differential Pressure,'' and [FitzPatrick] TS 3.6.3.1, ''Primary Containment Oxygen Concentration,'' and presents the requirements in a manner more consistent with the STS format and content.

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed). No credible new failure mechanisms, malfunctions, or accident initiators that would have been considered a design basis accident in the UFSAR [Updated Final Safety Analysis Report] are created because the Nuclear Regulatory Commission has determined that hydrogen generation is not risk significant for design basis accidents.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change revises the Applicability and Actions of [FitzPatrick] TS 3.6.2.4, ''Drywell-to-Suppression Chamber Differential Pressure,'' and [FitzPatrick] TS 3.6.3.1, ''Primary Containment Oxygen Concentration,'' and presents the requirements in a manner more consistent with the STS format and content. No safety limits are affected. No Limiting Conditions for Operation or Surveillance limits are affected. The Drywell-to-Suppression Chamber Differential Pressure and Primary Containment Oxygen Concentration Technical Specification requirements assure sufficient safety margins are maintained, and that the design, operation, surveillance methods, and acceptance criteria specified in applicable codes and standards (or alternatives approved for use by the NRC) will continue to be met as described in the plants' licensing basis. The proposed change does not adversely affect existing plant safety margins or the reliability of the equipment assumed to operate in the safety analysis. As such, there are no changes being made to safety analysis assumptions, safety limits, or limiting safety system settings that would adversely affect plant safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the above analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination that the license amendment request involves no significant hazards consideration. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day comment period. However, if circumstances change during the comment period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day comment period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. If the Commission takes this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

III. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at *https://www.nrc.gov/reading-rm/doc-collections/cfr/*. Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (First Floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to

the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendments and make them immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at *https://www.nrc.gov/site-help/e-submittals.html*. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals/getting-started.html*. Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at *https://www.nrc.gov/*

site-help/electronic-sub-ref-mat.html. A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click ''Cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to this action, see the licensee's application dated January 23, 2020 (ADAMS Accession No. ML20023A362).

Attorney for licensee: Donald P. Ferraro, Assistant General Counsel, Exelon Generation Company, LLC, 200 Exelon Way, Suite 305, Kennett Square, PA 19348.

NRC Branch Chief: James G. Danna.

Dated at Rockville, Maryland, this 24th day of January 2020.

For the Nuclear Regulatory Commission.

Samson S. Lee,

Project Manager, Plant Licensing Branch IV, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2020–01547 Filed 1–28–20; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–025 and 52–026; NRC–2008–0252]

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption and combined license amendment; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is granting an exemption to allow a departure from the certification information of Tier 1 of the generic design control document (DCD) and is issuing License Amendment Nos. 170 and 168 to Combined Licenses (COL), NPF–91 and NPF–92, respectively. The COLs were issued to Southern Nuclear Operating Company, Inc., and Georgia Power Company, Oglethorpe Power Corporation, MEAG Power SPVM, LLC, MEAG Power SPVJ, LLC, MEAG Power SPVP, LLC, and the City of Dalton, Georgia (Collectively SNC); for construction and operation of the Vogtle Electric Generating Plant (VEGP) Units 3 and 4, located in Burke County, Georgia.

The granting of the exemption allows the changes to Tier 1 information asked for in the amendment. Because the acceptability of the exemption was determined in part by the acceptability of the amendment, the exemption and amendment are being issued concurrently.

DATES: The exemption and amendment were issued on December 27, 2019.

ADDRESSES: Please refer to Docket ID NRC–2008–0252 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2008–0252. Address questions about NRC docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For

problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. The request for the amendment and exemption was submitted by letter dated July 8, 2019, and is available in ADAMS under Accession Nos. ML19189A181, ML19189A182, ML19189A183, and ML19189A184.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Chandu Patel, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3025; email: *Chandu.Patel@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is granting an exemption from paragraph B of section III, ''Scope and Contents,'' of appendix D, ''Design Certification Rule for the AP1000,'' to part 52 of title 10 of the *Code of Federal Regulations* (10 CFR), and issuing License Amendment Nos. 170 and 168 to COLs, NPF–91 and NPF–92, respectively, to SNC. The exemption is required by paragraph A.4 of section VIII, ''Processes for Changes and Departures,'' appendix D, to 10 CFR part 52 to allow SNC to depart from Tier 1 information. With the requested amendment, SNC proposed changes to COL Appendix C (and plant-specific DCD Tier 1) to revise Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC) to remove a number of functional arrangement ITAAC, whose design commitments are verified via other ITAAC or otherwise verified by other means.

Part of the justification for granting the exemption was provided by the review of the amendment. Because the exemption is necessary in order to issue the requested license amendment, the NRC granted the exemption and issued the amendment concurrently, rather than in sequence. This included issuing a combined safety evaluation containing the NRC staff's review of both the exemption request and the license amendment. The exemption met all applicable regulatory criteria set forth in §§ 50.12, 52.7, and section VIII.A.4 of appendix D to 10 CFR part 52. The license amendment was found to be acceptable as well. The combined safety evaluation is available in ADAMS under Accession No. ML19337B326.

Identical exemption documents (except for referenced unit numbers and license numbers) were issued to SNC for VEGP Units 3 and 4 (COLs, NPF–91 and NPF–92). The exemption documents for VEGP Units 3 and 4 can be found in ADAMS under Accession Nos. ML19337A741 and ML19337B139, respectively. The exemption is reproduced (with the exception of abbreviated titles and additional citations) in Section II of this document. The amendment documents for COLs, NPF–91 and NPF–92 are available in ADAMS under Accession Nos. ML19337A926 and ML19337B183, respectively. A summary of the amendment documents is provided in Section III of this document.

II. Exemption

Reproduced below is the exemption document issued to VEGP Units 3 and Unit 4. It makes reference to the combined safety evaluation that provides the reasoning for the findings made by the NRC (and listed under Item 1) in order to grant the exemption:

1. In a letter dated July 8, 2019, Southern Nuclear Operating Company requested from the Commission an exemption to allow departures from Tier 1 information in the certified DCD incorporated by reference in 10 CFR part 52, appendix D, as part of license amendment request 19–002, ''Functional Arrangement ITAAC Optimization.''

For the reasons set forth in Section 3.2 of the NRC staff's Safety Evaluation, which can be found in ADAMS under Accession No. ML19337B326, the Commission finds that:

A. The exemption is authorized by law;

B. The exemption presents no undue risk to public health and safety;

C. The exemption is consistent with the common defense and security;

D. Special circumstances are present in that the application of the rule in this circumstance is not necessary to serve the underlying purpose of the rule;

E. The special circumstances outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption; and

F. The exemption will not result in a significant decrease in the level of safety otherwise provided by the design.

2. Accordingly, SNC is granted an exemption from the certified DCD Tier 1 information, with corresponding changes to Appendix C of the Facility Combined License, as described in the request dated July 8, 2019. This exemption is related to, and necessary for the granting of License Amendment No. 170 [for Unit 3, 168 for Unit 4], which is being issued concurrently with this exemption.

3. As explained in Section 5.0 of the NRC staff's Safety Evaluation (ADAMS Accession No. ML19337B326), this exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the exemption.

4. This exemption is effective as of the date of its issuance.

III. License Amendment Request

By letter dated July 8, 2019 (ADAMS Accession Nos. ML19189A181, ML19189A182, ML19189A183, and ML19189A184), SNC requested that the NRC amend the COLs for VEGP, Units 3 and 4, COLs, NPF–91 and NPF–92. The proposed amendment is described in Section I of this notice.

The Commission has determined for these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or COL, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** on August 29, 2019 (84 FR 45537). No comments were received during the 30-day comment period.

The Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments.

IV. Conclusion

Using the reasons set forth in the combined safety evaluation, the staff granted the exemptions and issued the amendments that SNC requested on July 8, 2019.

The exemptions and amendments were issued on December 27, 2019, as part of a combined package to SNC (ADAMS Accession No. ML19337A667).

Dated at Rockville, Maryland, this 23rd day of January 2020.

For the Nuclear Regulatory Commission.

Victor E. Hall,

Chief, Vogtle Project Office, Office of Nuclear Reactor Regulation.

[FR Doc. 2020–01513 Filed 1–28–20; 8:45 am]

BILLING CODE 7590–01–P

POSTAL SERVICE

Board of Governors; Sunshine Act Meeting

DATES AND TIMES: Thursday, February 6, 2020, at 11:00 a.m.; Thursday, February 6, 2020, at 4:00 p.m.

PLACE: Washington, DC, at U.S. Postal Service Headquarters, 475 L'Enfant Plaza, SW, in the Benjamin Franklin Room.

STATUS: Thursday, February 6, 2020, at 11:00 a.m.—Closed. Thursday, February 6, 2020, at 4:00 p.m.—Open.

MATTERS TO BE CONSIDERED:

Thursday, February 6, 2020, at 11:00 a.m. (Closed)

1. Strategic Issues.
2. Financial and Operational Matters.
3. Compensation and Personnel Matters.
4. Executive Session—Discussion of prior agenda items and Board governance.

Thursday, February 6, 2020, at 4:00 p.m. (Open)

1. Remarks of the Chairman of the Board of Governors.
2. Remarks of the Postmaster General and CEO.
3. Approval of Minutes of Previous Meetings.
4. Committee Reports.
5. FY2020 Integrated Financial Plan.
6. Quarterly Financial Report.
7. Quarterly Service Performance Report.
8. Approval of Tentative Agenda for the April 1 Meeting.

A public comment period will begin immediately following the adjournment of the open session on February 6, 2020. During the public comment period, which shall not exceed 30 minutes, members of the public may comment on any item or subject listed on the agenda for the open session above. Registration of speakers at the public comment period is required. Speakers may register online at *https://www.surveymonkey.com/r/BOG-02-06-2020*. Onsite registration will be available until thirty minutes before the meeting starts. No more than three minutes shall be allotted to each speaker. The time allotted to each speaker will be determined after registration closes. Participation in the public comment period is governed by 39 CFR 232.1(n).

CONTACT PERSON FOR MORE INFORMATION: Michael J. Elston, Secretary of the Board of Governors, U.S. Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260–1000. Telephone: (202) 268–4800.

Michael J. Elston,

Secretary.

[FR Doc. 2020–01652 Filed 1–27–20; 11:15 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88023; File No. SR–FINRA–2020–001]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Expiration Date of FINRA Rule 0180 (Application of Rules to Security-Based Swaps)

January 23, 2020.

Pursuant to 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 January 10, 2020, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission. 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

FINRA is proposing to extend the expiration date of FINRA Rule 0180 (Application of Rules to Security-Based Swaps) to September 1, 2021. FINRA Rule 0180 temporarily limits, with certain exceptions, the application of FINRA rules with respect to security-based swaps.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

The text of the proposed rule change is available on FINRA's website at *http://www.finra.org,* at the principal office of FINRA 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, FINRA 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. FINRA 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

On July 1, 2011, the SEC issued an Order granting temporary exemptive relief (the ''Temporary Exemptions'') from compliance with certain provisions of the Exchange Act in connection with the revision, pursuant to Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the ''Dodd-Frank Act''),[4] of the Exchange Act definition of ''security'' to encompass security-based swaps.[5] Consistent with the Commission's action, on July 8, 2011, FINRA filed for immediate effectiveness FINRA Rule 0180,[6] which, with certain exceptions, is intended to temporarily limit the

[4] Public Law 111–203, 124 Stat. 1376 (2010).

[5] *See* Securities Exchange Act Release No. 64795 (July 1, 2011), 76 FR 39927 (July 7, 2011) (Order Granting Temporary Exemptions Under the Securities Exchange Act of 1934 in Connection With the Pending Revision of the Definition of ''Security'' To Encompass Security-Based Swaps, and Request for Comment) (the ''Exemptive Release''). The term ''security-based swap'' is defined in Section 761 of the Dodd-Frank Act. *See also* Securities Exchange Act Release No. 67453 (July 18, 2012), 77 FR 48207 (August 13, 2012) (Further Definition of ''Swap,'' ''Security-Based Swap,'' and ''Security-Based Swap Agreement''; Mixed Swaps; Security-Based Swap Agreement Recordkeeping).

[6] *See* Securities Exchange Act Release No. 64884 (July 14, 2011), 76 FR 42755 (July 19, 2011) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change; File No. SR–FINRA–2011–033) (''FINRA Rule 0180 Notice of Filing''). *See also* Securities Exchange Act Release No. 85062 (February 6, 2019), 84 FR 3524 (February 12, 2019) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change; File No. SR–FINRA–2019–001) (extending the expiration date of FINRA Rule 0180 to February 12, 2020).

application of FINRA rules[7] with respect to security-based swaps, thereby helping to avoid undue market disruptions resulting from the change to the definition of ''security'' under the Act.[8]

The Commission, noting the need to avoid a potential unnecessary disruption to the security-based swap market in the absence of an extension of the Temporary Exemptions, and the need for additional time to consider the potential impact of the revision of the Exchange Act definition of ''security'' in light of ongoing Commission rulemaking efforts under Title VII of the Dodd-Frank Act, issued an Order which extended and refined the applicable expiration dates for the previously granted Temporary Exemptions.[9] The Commission previously noted that extending the Temporary Exemptions would facilitate a coordinated consideration of these issues with the relief provided pursuant to FINRA Rule 0180.[10] In establishing Rule 0180, and in extending the rule's expiration date, FINRA noted that the relief provided by Rule 0180 is appropriate pending the implementation of the Commission's rules and guidance with respect to security-based swaps activity and the termination of relevant provisions of the Temporary Exemptions.[11]

The Commission has finalized a majority of its rulemakings pursuant to Title VII of the Dodd-Frank Act (the ''Title VII rulemakings'').[12] Further, the Commission has specified an extended compliance period for these new rules and guidance so as to permit sufficient time to prepare for and come into compliance with the new requirements.[13] Notwithstanding the expiration of the Temporary Exemptions that are not directly linked to a security-based swap rulemaking,[14] FINRA believes it is appropriate and in the public interest to extend FINRA Rule 0180 for a limited period, to September 1, 2021, so as to avoid undue burdens on market participants and undue market disruption, pending the extended compliance period for the Commission's new security-based swap related requirements.[15]

FINRA has filed the proposed rule change for immediate effectiveness. FINRA is proposing that the implementation date of the proposed rule change will be February 12, 2020.

[7] Prior to FINRA's rule change pursuant to File No. SR–FINRA–2019–009, the FINRA rulebook consisted of: (1) FINRA Rules; (2) NASD Rules; and (3) rules incorporated from NYSE (''Incorporated NYSE Rules'') and their corresponding Incorporated NYSE Rule Interpretations. Pursuant to File No. SR–FINRA–2019–009, as part of the process of completing the consolidated FINRA rulebook, FINRA adopted, without substantive changes, the remaining NASD Rules as FINRA Rules in the consolidated FINRA rulebook and the remaining Incorporated NYSE Rules and Incorporated NYSE Rule Interpretations in the consolidated FINRA rulebook as a separate Temporary Dual FINRA–NYSE Member Rules Series. *See* Securities Exchange Act Release No. 85589 (April 10, 2019), 84 FR 15646 (April 16, 2019) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt Remaining Legacy NASD and Incorporated NYSE Rules as FINRA Rules; File No. SR–FINRA–2019–009). For more information about the rulebook consolidation process, *see Information Notice,* March 12, 2008 (Rulebook Consolidation Process).

[8] In its Exemptive Release, the Commission noted that the relief is targeted and does not include, for instance, relief from the Act's antifraud and anti-manipulation provisions. FINRA has noted that FINRA Rule 0180 is similarly targeted. For instance, paragraph (a) of FINRA Rule 0180 provides that FINRA rules shall not apply to members' activities and positions with respect to security-based swaps, except for FINRA Rules 2010 (Standards of Commercial Honor and Principles of Trade), 2020 (Use of Manipulative, Deceptive or Other Fraudulent Devices), 3310 (Anti-Money Laundering Compliance Program) and 4240 (Margin Requirements for Credit Default Swaps). *See also* paragraphs (b) and (c) of FINRA Rule 0180 (addressing the applicability of additional rules) and FINRA Rule 0180 Notice of Filing.

[9] *See* Securities Exchange Act Release No. 71485 (February 5, 2014), 79 FR 7731 (February 10, 2014) (Order Extending Temporary Exemptions Under the Securities Exchange Act of 1934 in Connection With the Revision of the Definition of ''Security'' to Encompass Security-Based Swaps, and Request for Comment) (''2014 Extension Release'') stating that, for those expiring Temporary Exemptions ''that are not directly linked to pending security-based swap rulemakings, the Commission is extending the expiration date until the earlier of such time as the Commission issues an order or rule determining whether any continuing exemptive relief is appropriate for security-based swap activities with respect to any of these Exchange Act provisions or until three years following the effective date of this Order.'' The 2014 Extension Release further stated that for each expiring Temporary Exemption ''that is related to pending security-based swap rulemakings, the Commission is extending the expiration date until the compliance date for the related security-based swap-specific rulemaking.'' In early 2019, the Commission extended certain Temporary Exemptions that are not directly linked to a security-based swap rulemaking to February 5, 2020. *See* Securities Exchange Act Release No. 84991 (January 25, 2019), 84 FR 863 (January 31, 2019) (Order Granting a Limited Exemption From the Exchange Act Definition of ''Penny Stock'' for Security-Based Swap Transactions Between Eligible Contract Participants; Granting a Limited Exemption from the Exchange Act Definition of ''Municipal Securities'' for Security-Based Swaps; and Extending Certain Temporary Exemptions Under the Exchange Act in Connection With the Revision of the Definition of ''Security'' To Encompass Security-Based Swaps) (''2019 Extension Release''). *See also* note 13 *infra.*

[10] *See* Securities Exchange Act Release No. 68864 (February 7, 2013), 78 FR 10218 (February 13, 2013) (Order Extending Temporary Exemptions Under the Securities Exchange Act of 1934 in Connection With the Revision of the Definition of ''Security'' to Encompass Security-Based Swaps, and Request for Comment).

[11] *See* note 6 *supra.*

[12] *See* Securities Exchange Act Release No. 75611 (August 5, 2015), 80 FR 48964 (August 14, 2015) (Final Rule: Registration Process for Security-Based Swap Dealers and Major Security-Based Swap Participants) (''Registration Process Release''); Securities Exchange Act Release No. 77617 (April 14, 2016), 81 FR 29960 (May 13, 2016) (Final Rule: Business Conduct Standards for Security-Based Swap Dealers and Major Security-Based Swap Participants) (the ''Business Conduct Standards Release''); Securities Exchange Act Release No. 78011 (June 8, 2016), 81 FR 39808 (June 17, 2016) (Final Rule: Trade Acknowledgment and Verification of Security-Based Swap Transactions) (''Trade Acknowledgment and Verification Release''); Securities Exchange Act Release No. 86175 (June 21, 2019), 84 FR 43872 (August 22, 2019) (Final Rule: Capital, Margin, and Segregation Requirements for Security-Based Swap Dealers and Major Security-Based Swap Participants and Capital and Segregation Requirements for Broker-Dealers) (''Capital, Margin, and Segregation Release''); Securities Exchange Act Release No. 87005 (September 19, 2019), 84 FR 68550 (December 16, 2019) (Final Rule: Recordkeeping and Reporting Requirements for Security-Based Swap Dealers, Major Security-Based Swap Participants, and Broker-Dealers) (''Recordkeeping Release''); Securities Exchange Act Release No. 87780 (December 18, 2019), (Final Rules; Guidance: Rule Amendments and Guidance Addressing Cross-Border Application of Certain Security-Based Swap Requirements) (''Cross-Border Release''); Securities Exchange Act Release No. 87782 (December 18, 2019), (Final Rule: Risk Mitigation Techniques for Uncleared Security-Based Swaps) (''Risk Mitigation Release'').

[13] Except as otherwise specified by the Commission, the Commission has broadly coordinated the compliance date for the Title VII rulemakings with the compliance date for registration (the ''Registration Compliance Date''), pursuant to the Registration Process Release, of security-based swap dealers and major security-based swap participants (together, referred to as ''SBS Entities''). *See* Cross-Border Release, at Part X.B. The Commission has stated that the Registration Compliance Date for SBS Entities will be 18 months after the effective date (the ''effective date'') of the rules adopted pursuant to the Cross-Border Release. Such effective date will be later of (1) March 1, 2020 or (2) 60 days after publication of the Cross-Border Release in the **Federal Register**. *See* Cross-Border Release, at Part X.A; *see also* Capital, Margin, and Segregation Release, 84 FR at 43954; Recordkeeping Release, 84 FR at 68600; and Risk Mitigation Release, at Part V. The Temporary Exemptions that are directly linked to specific Title VII rulemakings will generally expire on the Registration Compliance Date, or such other dates or pursuant to such conditions as otherwise specified by the Commission. The Temporary Exemptions that are not directly linked to a security-based swap rulemaking will generally expire on February 5, 2020. *See, e.g.,* Cross-Border Release, at Part X.D; 2019 Extension Release, 84 FR 863 through 866.

[14] The Commission notes that, after FINRA filed its proposed rule change, the Commission extended certain of the Temporary Exemptions not directly linked to a security-based swap rulemaking but did not extend the remainder of such Temporary Exemptions. *See* Securities Exchange Act Release No. 87943 (January 10, 2020) (Order Extending Temporary Exemptions from Exchange Act Section 8 and Exchange Act Rules 8c–1, 10b–16, 15a–1, 15c2–1 and 15c2–5 in Connection with the Revision of the Definition of ''Security'' to Encompass Security-Based Swaps).

[15] The proposed expiration date of September 1, 2021, broadly aligns with the Commission's Registration Compliance Date. *See* note 13 *supra.* FINRA may amend the expiration date of FINRA Rule 0180 based on any related Commission action.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[16] 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. FINRA believes that the proposed rule change would further the purposes of the Act because the proposed rule change will help to avoid undue burdens on market participants and undue market disruption that could result if FINRA Rule 0180 expires before the Registration Compliance Date that the Commission has specified.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA 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. FINRA believes that the proposed rule change would prevent undue burdens on market participants and undue market disruption that would otherwise result if FINRA Rule 0180 expires before the Registration Compliance Date that the Commission has specified. FINRA believes that, by extending the expiration of FINRA Rule 0180, the proposed rule change will serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection.

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

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[17] and Rule 19b–4(f)(6) thereunder.[18]

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–FINRA–2020–001 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–FINRA–2020–001. 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 a.m. and 3 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 Number SR–FINRA–2020–001 and should be submitted on or before February 19, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2020–01521 Filed 1–28–20; 8:45 am]

BILLING CODE 8011–01–P

[16] 15 U.S.C. 78o–3(b)(6).

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(6).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88022; File No. SR–MRX–2020–02]

Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend MRX Pricing Schedule

January 23, 2020.

Pursuant to 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 January 13, 2020, Nasdaq MRX, LLC (''MRX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend MRX's Pricing Schedule. Specifically, the Exchange proposes to amend Options 7, Section 3, titled ''Regular Order Fees and Rebates.''

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqmrx.cchwallstreet.com/,* at the principal office of the Exchange, 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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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

MRX proposes to amend its Pricing Schedule at Options 7, Section 3, titled ''Regular Order Fees and Rebates.'' There are two changes that are proposed to Options 7, Section 3: (1) An amendment to the Tier 2 Market Maker Penny and Non-Penny Symbol Regular Order Fees in Table 1; and (2) an amendment to the Qualifying Tier Thresholds in Table 3. Each proposed amendment will be discussed below.

The Exchange originally filed the proposed pricing changes on January 2, 2020 (SR–MRX–2020–01). On January 13, 2020, the Exchange withdrew that filing and submitted this filing.

Market Maker Fees

Today, the Exchange assesses the following Penny Symbol Regular Order Fees and Rebates within Table 1 of Options 7, Section 3:

PENNY SYMBOLS

Market participant	Maker fee tier 1	Maker fee tier 2	Taker fee tier 1	Taker fee tier 2
Market Maker [1]	$0.20	$0.00	[2] $0.50	[2] $0.50
Non-Nasdaq MRX Market Maker (FarMM)	0.47	0.47	0.50	0.50
Firm Proprietary/Broker-Dealer	0.47	0.47	0.50	0.50
Professional Customer	0.47	0.47	0.50	0.50
Priority Customer	0.00	0.00	0.00	0.00

Today, the Exchange assesses the following Non-Penny Symbol Regular Order Fees and Rebates within Table 1 of Options 7, Section 3:

NON-PENNY SYMBOLS

Market Participant	Maker fee tier 1	Maker fee tier 2	Taker fee tier 1	Taker fee tier 2
Market Maker [1]	$0.20	$0.00	[2] $0.90	[2] $0.90
Non-Nasdaq MRX Market Maker (FarMM)	0.90	0.90	0.90	0.90
Firm Proprietary/Broker-Dealer	0.90	0.90	0.90	0.90
Professional Customer	0.90	0.90	0.90	0.90
Priority Customer	0.00	0.00	0.00	0.00

Today, the Tier 2 Market Maker [3] Fee for both Penny and Non-Penny Symbols is currently $0.00 per contract. The Exchange proposes to increase this fee from $0.00 to $0.10 per contract. The Exchange is not proposing to amend other fees within Table 1 other than the Market Maker fees. Non-Nasdaq Marker Makers (FarMM), Firm Proprietary/Broker-Dealer and Professional Customers are assessed a fee of $0.47 per contract for Penny Symbols and $0.90 per contract for Non-Penny Symbols. Priority Customers do not pay any fees for transacting Penny or Non-Penny Symbols on MRX. Also, the Exchange is continuing to offer Market Makers the opportunity to reduce its Maker Fee if it qualifies for Tier 2. The Market Maker Fee for Tier 1 remains at $0.20 for both Penny and Non-Penny Pilot Symbols and is not being amended. The Exchange believes its fees remain competitive and will continue to attract order flow.

Tier 2

Today the Exchange has two tiers as part of its Qualifying Tier Thresholds in Table 3 of Options 7, Section 3 as follows:

TABLE 3—QUALIFYING TIER THRESHOLDS

Tier	Total affiliated and/or appointed member ADV [4]
Tier 1	0–49,999.
Tier 2	50,000 or more.

Allmarket participants can qualify for Tiers 1 and 2, provided they meet the requisite volume thresholds specified in Table 3 above. The maker and taker fees for all market participants represented in Table 1, displayed above, are dependent on qualifying for a particular tier (either Tier 1 or Tier 2). With respect to these tiers, the highest tier threshold attained applies retroactively in a given month to all eligible traded contracts and applies to all eligible market participants.[5]

The Exchange proposes to amend the current Qualifying Tier Thresholds by replacing the ADV thresholds with total industry percentage thresholds. Specifically, a member would be eligible for Tier 1 if it executes 0.00%-0.7499% of Customer Total Consolidated Volume, and Tier 2 if it executes 0.75% or more of Customer Total Consolidated Volume. The Exchange also proposes to note that for purposes of measuring Total Affiliated and/or Appointed Member ADV, Customer Total Consolidated Volume means the total volume cleared at The Options Clearing Corporation in the Customer range in equity and ETF options in that month. The Exchange

[3] This fee also applies to Market Maker orders sent to the Exchange by Electronic Access Members. *See* Options 7, Section 3 at note 1 of the Pricing Schedule.

[4] Total Affiliated and/or Appointed Member ADV means all average daily volume (''ADV'') executed on the Exchange in all symbols and order types, including volume executed by Affiliated Members and/or Appointed Members.

[5] The Exchange proposes to amend the word ''Tier'' in Table 3 of Options 7, Section 3 to ''Tiers.''

notes that these new volume tiers are more stringent.[6] The Exchange is proposing to effectively raise the volume requirements to align with increasing member activity on MRX over time. While the proposed tiers are more stringent, the proposed pricing is intended to continue to reward members that bring order flow to the Exchange and thereby increase liquidity and trading opportunities for all members. The Total Affiliated Member ADV category includes all volume executed on the Exchange in all symbols and order types, as is the case today.

While the maker/taker fees will remain the same for Non-Nasdaq MRX Market Maker orders, Firm Proprietary/Broker-Dealer orders, and Professional Customer orders regardless of the tier achieved,[7] the proposed volume requirements will impact Market Makers that are eligible to qualify for the lower Tier 2 maker fee.[8] Nonetheless, the Exchange believes that the proposed fee structure will remain attractive to Market Makers as they will continue to be charged substantially lower maker fees based on their contributions to the market.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[10] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Market Maker Fees

The Exchange's proposal to increase the Tier 2 Market Maker Fee for both Penny and Non-Penny Symbols from $0.00 to $0.10 per contract is reasonable. While the Exchange is proposing to increase these fees for Market Makers in Tier 2, it continues to remain competitive and will continue to attract order flow. MRX is continuing to offer Market Makers the opportunity to reduce the Penny and Non-Penny Symbol Market Maker Fee if it qualifies for Tier 2 ($0.20 per contract as compared to the proposed $0.10 per contract).[11] This discount will reward Market Makers that bring more order flow to the Exchange. Incentivizing Market Makers to provide greater liquidity benefits all market participants through the quality of order interaction.

The Exchange's proposal to increase the Tier 2 Market Maker Fee for both Penny and Non-Penny Symbols from $0.00 to $0.10 per contract is equitable and not unfairly discriminatory. Market Makers would continue to pay a lower fee as compared to fees for orders from other non-Priority Customers. Non-Nasdaq Marker Makers (FarMM), Firm Proprietary/Broker-Dealer and Professional Customers are assessed a fee of $0.47 per contract for Penny Symbols and $0.90 per contract for Non-Penny Symbols. Market Makers add value to MRX through quoting obligations[12] and their commitment of capital, unlike other market participants, and are therefore entitled to the lower fee. Priority Customers do not pay any fees for transacting Penny or Non-Penny Symbols on MRX. Priority Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants.

Tier 2

The Exchange's proposal to amend the current Qualifying Tier Thresholds by amending Tier 1 from Total Affiliated and/or Appointed Member ADV of 0–49,999 contracts to 0.00%-0.7499% of Customer Total Consolidated Volume[13] and amending Tier 2 from Total Affiliated and/or Appointed Member ADV of 50,000 or more to 0.75% or more of Customer Total Consolidated Volume is reasonable. The Exchange is proposing to base Tiers 1 and 2 on a percentage of industry volume in recognition of the fact that the volume executed by a member may rise or fall with industry volume. A percentage of industry volume calculation allows the Exchange's tiers to be calibrated to current market volumes rather than requiring the same amount of volume regardless of market conditions. While the amount of volume required by the proposed tiers may change in any given month due to increases or decreases in industry volume, the Exchange believes that the proposed tier requirements are set at appropriate levels. While the proposed percentage of industry volume tier requirements are more stringent than the current ADV requirements,[14] the Exchange is proposing to effectively raise the volume thresholds for the Qualifying Tier Thresholds to align with MRX's growth as a venue (and corresponding increased member activity) over time. While the proposed tiers are more stringent, the maker/taker tiered fee structure is intended to continue to reward members, and in particular, Market Makers who will continue to get charged lower maker fees, to bring more order flow to the Exchange and thereby increase liquidity and trading opportunities for all members.

The Exchange's proposal to amend the current Qualifying Tier Thresholds is equitable and not unfairly discriminatory. The proposed tiers will be applied uniformly to all market participants. Furthermore, the Exchange believes that the qualifying tier thresholds are equitable and not unfairly discriminatory as all market participants may qualify for a higher tier by executing the required volume of contracts, either through the Member, its affiliates, or an Appointed Member, as is the case today. As noted above, the proposed volume requirements will primarily impact Market Makers that are eligible to qualify for the lower Tier 2 maker fee[15] while all other market participants (other than Priority Customers that get the benefit of free executions) will continue to be charged the same fees regardless of the tier achieved.[16] The Exchange, however, anticipates minimal member impact with the proposed changes to Tier 1 and Tier 2 as no members, including Market Makers, meet the current Tier 2 ADV requirements and thus would not fall

[6] For example, 0.75% of Customer Total Consolidated Volume is approximately 115,000 contracts per day.

[7] In particular, these market participants will continue to be uniformly charged the same $0.47 per contract (Penny Symbols) and $0.90 per contract (Non-Penny Symbols) maker fees for Tier 1 and Tier 2. Priority Customer orders currently do not get charged any maker/taker fees, which will not change under this proposal.

[8] Currently, Market Makers are charged maker fees of $0.20 per contract for Tier 1 and $0.00 per contract for Tier 2. As proposed above, the Tier 2 maker fee for Market Makers will be increased from $0.00 to $0.10 per contract.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4) and (5).

[11] The Market Maker Fee for Tier 1 remains at $0.20 for both Penny and Non-Penny Pilot Symbols.

[12] *See* Options 3, Section 5.

[13] For purposes of measuring Total Affiliated and/or Appointed Member ADV, Customer Total Consolidated Volume means the total volume cleared at The Options Clearing Corporation in the Customer range in equity and ETF options in that month. The Exchange notes that these new volume tiers are more stringent.

[14] *See supra* note 6.

[15] Currently, Market Makers are charged maker fees of $0.20 per contract for Tier 1 and $0.00 per contract for Tier 2. As proposed above, the Tier 2 maker fee for Market Makers will be increased from $0.00 to $0.10 per contract.

[16] In particular, other non-Priority Customers will continue to be uniformly charged the same $0.47 per contract (Penny Symbols) and $0.90 per contract (Non-Penny Symbols) maker fees for Tier 1 and Tier 2.

out of the higher tier as a result of this change. While the proposal effectively increases the volume requirements for Tier 1 and Tier 2, Market Makers will continue to be charged substantially lower maker fees than other non-Priority Customers for both tiers based on their contribution to the market. The Exchange does not believe that continuing to provide lower maker fees for Market Makers is unfairly discriminatory as Market Makers are subject to additional requirements and obligations (such as quoting requirements) that other market participants are not.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Inter-Market Competition

The proposal does not impose an undue burden on inter-market competition. The Exchange believes its proposal remains competitive with other options markets and will offer market participants with another choice of where to transact options. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

Intra-Market Competition

The proposed fee do not impose an undue burden on intra-market competition.

Market Maker Fees

The Exchange's proposal to increase the Tier 2 Market Maker Fee for both Penny and Non-Penny Symbols from $0.00 to $0.10 per contract does not impose an undue burden on intra-market competition. Market Makers would continue to pay a lower fee as compared to fees for orders from other non-Priority Customers. Non-Nasdaq Marker Makers (FarMM), Firm Proprietary/Broker-Dealer and Professional Customers are assessed a fee of $0.47 per contract for Penny Symbols and $0.90 per contract for Non-Penny Symbols. Makers add value to MRX through quoting obligations [17] and their commitment of capital, unlike other market participants, and are therefore entitled to the lower fee. Priority Customers do not pay any fees for transacting Penny or Non-Penny Symbols on MRX. Priority Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants.

Tier 2

The Exchange's proposal to amend the current Qualifying Tier Thresholds does not impose an undue burden on intra-market competition. The tiers will be applied uniformly to all market participants. Furthermore, all market participants can qualify for a higher tier by executing the required volume of contracts, either through the member, its affiliates, or an appointed member, as is the case today. As noted above, the proposed volume requirements will primarily impact Market Makers that are eligible to qualify for the lower Tier 2 maker fee while all other market participants (other than Priority Customers that get the benefit of free executions) will continue to be charged the same maker/taker fees regardless of the tier achieved. The Exchange, however, anticipates minimal member impact with the proposed changes to Tier 1 and Tier 2 as no members, including Market Makers, meet the current Tier 2 ADV requirements and thus would not fall out of the higher tier as a result of this change. Furthermore, while the proposal effectively increases the volume requirements for Tier 1 and Tier 2, Market Makers will continue to be charged substantially lower maker fees than other non-Priority Customers for both tiers. For the foregoing reasons, the Exchange does not believe that its proposal will have an undue burden on intramarket competition.

[17] *See* Options 3, Section 5.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or 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,[18] and Rule 19b–4(f)(2) [19] 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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) 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–MRX–2020–02 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–MRX–2020–02. 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

[18] 15 U.S.C. 78s(b)(3)(A)(ii).

[19] 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–MRX–2020–02 and should be submitted on or before February 19, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2020–01520 Filed 1–28–20; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88019; File No. SR–C2–2020–002]

Self-Regulatory Organizations; Cboe C2 Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Amend Rule 6.31 in Connection with the Exchange's Clearing Editor

January 23, 2020.

Pursuant to 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 January 16, 2020, Cboe C2 Exchange, Inc. (the ''Exchange'' or ''C2'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe C2 Exchange, Inc. (the ''Exchange'' or ''C2'') proposes to amend Rule 6.31 in connection with the Exchange's Clearing Editor. The text of the proposed rule change is provided below.

(additions are *italicized;* deletions are [bracketed])

* * * * *

Rules of Cboe C2 Exchange, Inc.

* * * * *

Rule 6.31. Clearing Editor

(a) No change.

(b) Trading Permit Holders may change the following fields through the Clearing Editor: (1) Executing Firm and Contra Firm; (2) Executing Broker and Contra Broker; (3) CMTA; (4) Account and Sub Account; (5) [Customer]*Client Order* ID; (6) Position Effect (open/close); or (7) Capacity *(if the change is from a customer Capacity code of (C) to any other Capacity code, it must be accompanied by a Reason Code, and notice of such change will automatically be sent to the Exchange with the submission of the change through the Clearing Editor).*

* * * * *

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/ctwo/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 6.31 in connection with its Clearing Editor. The Clearing Editor currently allows Trading Permit Holders (''TPHs'') to update executed trades on their trading dates and revise them for clearing. Specifically, the Clearing Editor allows TPHs to correct certain bonafide errors by changing certain fields, pursuant to Rule 6.31(b), including: (1) Executing Firm and Contra Firm; (2) Executing Broker and Contra Broker; (3) CMTA; (4) Account and Sub Account; (5) Customer ID; (6) Position Effect (open/close); or (7) Capacity. The Exchange proposes to amend the rule to provide additional specificity regarding a Capacity code change. The proposed rule provides that that if the change is from a customer Capacity code of (C) to any other Capacity code, it must be accompanied by a Reason Code and notice of such change will automatically be sent to the Exchange with the submission of the change through the Clearing Editor. As proposed, Rule 6.31(b) would continue to allow a TPH to change any Capacity code to another, however, would just require a TPH to provide automatic notification and explanation to the Exchange via a prompted Reason Code of a Capacity code change from a customer Capacity code to another Capacity code.[3] The Exchange notes that while a change from customer Capacity code does not affect the Consolidated Tape or terms of a contract, such changes may affect other substantive aspects of how a trade was processed, including whether or not a trade should have been given certain preferable customer treatment (*e.g.* customer complex orders are not subject to certain Complex Order Auction (''COA'') restrictions and customer orders may receive specific rebates or are assessed reduced fees).[4] Accordingly, the Exchange believes that TPHs making changes to this field should be required to provide to the Exchange notice and explanation relating to the change. As a result, the proposed Reason Code for customer Capacity code changes would better enable the Exchange to surveil for and enforce against potential issues or abusive behavior via the Clearing Editor by allowing the Exchange to understand the rationale behind all such changes.

The proposed rule change also updates the term Customer ID in Rule 6.31(b) to Client Order ID, as this term more accurately reflect the name of the

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[20] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Example Reason Codes include: Input Error; Unmatched Trade; Unknown; Manual Add; Other Text Required; Trade Nullification; Trade Adjustment; Error Account; and System Issue.

[4] *See* C2 Options Exchange Fees Schedule. The Exchange notes that preferential pricing to Customers is a long-standing options industry practice.

field displayed on an order [5] and in the Clearing Editor. This proposed rule change is identical to the manner in which a Capacity code may be changed via the Clearing Editor, and the term Client Order ID is used, on the Exchange's affiliated exchange, Cboe Exchange, Inc. (''Cboe Options'').[6]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[7] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [8] 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) [9] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, by requiring a TPH to submit a Reason Code via the Clearing Editor in conjunction with a change made from a customer Capacity code, the Exchange believes the proposed rule change may prevent fraudulent and manipulative acts and otherwise promote just and equitable principles of trade because it would allow the Exchange to automatically be notified of such a change and the rationale behind the change. This, in turn, would allow the Exchange to better surveil for and enforce against potential issues or abusive behavior via the Clearing Editor. As such, the proposed rule change is specifically designed to protect investors and the public interest. The Exchange further notes that, for the same reasons enumerated above, the proposed rule change is also consistent with Section 6(b)(1) of the Act,[10] which provides that the Exchange be organized and have the capacity to be able to carry out the purposes of the Act and to enforce compliance by the Exchange's Trading Permit Holders and persons associated with its Trading Permit Holders with the Act, the rules and regulations thereunder, and the rules of the Exchange.

Additionally, the Exchange believes that the proposed rule change to update the term Customer ID to Client Order ID, a term that more accurately reflects the field name that is displayed on an order and in the Clearing Editor, would remove impediments to and perfect the mechanism of a free and open market and a national market system and protect investors by mitigating any potential confusion surrounding the use of this field. Finally, the Exchange notes that the proposed rule change is identical to the manner in which a Capacity code change from a customer Capacity code must be made and the term Client Order ID is used in Cboe Options Rule 6.6, previously filed with the Commission.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe the proposed rule change would impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the Act, because it would require all TPHs to input a Reason Code via the Clearing Editor when changing from a customer Capacity code. The Exchange notes that the proposed rule change does not alter or restrict any the fields that a TPH may currently change via the Clearing Editor. The Exchange does not believe that the proposed rule change would impose any burden on intermarket competition, because it is substantially the same as the Clearing Editor rule on Cboe Options, previously filed with the Commission. In addition to this, the Exchange notes that the proposed rule change is not intended to address competitive issues, but rather, is concerned with the correction of post-trade information for purposes of enhancing surveillance and enforcement for potential issues or abuses of the Clearing Editor.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and Rule 19b–4(f)(6) [12] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–C2–2020–002 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–C2–2020–002. 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

[5] *See* Cboe Options FIX Specifications, available at: *https://cdn.cboe.com/resources/membership/US_Options_FIX_Specification.pdf*.

[6] *See* Cboe Options Rule 6.1.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] *Id.*

[10] 15 U.S.C. 78f(b)(1).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6).

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 offices 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–C2–2020–002, and should be submitted on or before February 19, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2020–01518 Filed 1–28–20; 8:45 am]

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[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88020; File No. SR–PEARL–2020–02]

Self-Regulatory Organizations: MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX PEARL Fee Schedule

January 23, 2020.

Pursuant to 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 January 15, 2020, MIAX PEARL, LLC (''MIAX PEARL'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 (''Fee Schedule'') to make minor, non-substantive corrective 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 several sections of the Fee Schedule to make minor, non-substantive edits to harmonize terms in the Fee Schedule with that of the Exchange's rulebook and the rulebooks of the Exchange's affiliates, Miami International Securities Exchange, LLC (''MIAX'') and MIAX Emerald, LLC (''MIAX Emerald''). Currently, throughout the Fee Schedule, the Exchange's affiliate, MIAX, is referred to as ''MIAX Options'' or ''MIAX Options Exchange.'' The Exchange now proposes that all references throughout the Fee Schedule that are to ''MIAX Options'' or ''MIAX Options Exchange'' will be amended to delete the words ''Options'' or ''Options Exchange'' (where applicable), such that all references will be to the singular word ''MIAX.'' The proposed amendments would be to references to ''MIAX Options'' or ''MIAX Options Exchange'' in the following sections of the Fee Schedule: (i) the text for the definitions of MENI and MIAX in the Definitions section and the text in the last paragraph of the Definitions section[3]; (ii) the Routing Fee table in Section (1)(b); (iii) the text underneath the Member Network Connectivity Testing and Certification Fee table in Section (4)(c); (iv) the text underneath the Non-Member Network Connectivity Testing and Certification Fee table in Section (4)(d); (v) the text underneath the Monthly Member Network Connectivity Fee table in Section (5)(a); and (vi) the text underneath the Monthly Non-Member Network Connectivity Fee table in Section (5)(b). The purpose of these changes is to harmonize the term ''MIAX'' in the Exchange's Fee Schedule with the MIAX PEARL rulebook,[4] and to provide consistency for the term ''MIAX'' across the Fee Schedules and rulebooks of the Exchange's affiliates, MIAX and MIAX Emerald.[5]

Next, the Exchange proposes to amend the Definitions section of the Fee Schedule to amend a cross-reference in one of the defined terms. Currently, the term ''ABBO'' contains a cross-reference to Exchange Rule 1400(f), which is meant to be a cross-reference to the definition for an ''Eligible Exchange.'' The correct citation to the definition for ''Eligible Exchange'' is Exchange Rule 1400(g).[6] Accordingly, the Exchange proposes to amend the cross-reference in the definition for ''ABBO'' in the Definitions section of the Fee Schedule to be to Exchange Rule 1400(g).

Next, the Exchange proposes to amend Section (2)(c) of the Fee Schedule, Web CRD Fees, to make non-substantives edits to the sentence in parentheses following the FINRA Disclosure Processing Fee under the section titled ''GENERAL REGISTRATION FEES.'' Currently, the FINRA Disclosure Processing Fee includes the following in parentheses ''(Form U4, Form U5, Form BD & amendments)''. The Exchange now proposes to delete the ampersand in that sentence and replace it with the word

[3] In connection with this change, the Exchange also proposes to delete the word ''the'' before ''MIAX Options'' in the last paragraph of the Definitions section as a grammatical correction.

[4] *See* Securities Exchange Act Release No. 85771 (May 3, 2019), 84 FR 20445 (May 9, 2019) (SR–PEARL–2019–16).

[5] *See* MIAX and MIAX Emerald Fee Schedules, Definitions section. *See also* MIAX Rule 100 and MIAX Emerald Rule 100.

[6] *See* Securities Exchange Act Release No. 87693 (December 9, 2019), 84 FR 68264 (December 13, 2019) (SR–MIAX–2019–48) (which amended, among other rules, MIAX Rule 1400 citations). The Exchange notes that the rules contained in MIAX Chapter XIV are incorporated by reference into MIAX PEARL Chapter XIV. *See* MIAX PEARL Rulebook, Chapter XIV.

''and''. Similarly, the last paragraph of Section (2)(c) has a sentence that describes that the FINRA Disclosure Processing Fee applies to all registration, transfer, or termination filings with new or amended disclosure information or that require certification, as well any amendment to disclosure information. Within that sentence, there is the following in parentheses ''(Form U4, Form U5, Form BD & Amendments)''. The Exchange now proposes to delete the ampersand in that sentence and replace it with the word ''and'' and make lowercase the word ''Amendments''. The purpose of these proposed changes are for clarity and uniformity with the fee schedules of the Exchange's affiliates, MIAX and MIAX Emerald.

Next, the Exchange proposes to amend the cross-reference in last paragraph of Section (2)(c) of the Fee Schedule. The last paragraph of Section (2)(c) currently states as follows: ''The Continuing Education Fee applies to each individual who is required to complete the Regulatory Element of the Continuing Education Requirements pursuant to MIAX PEARL Rule 1304.'' Recently, the Exchange reorganized and enhanced the Exchange's membership, registration and qualification rules, and consolidated these rules into new Chapter XXXI, Registration, Qualification and Continuing Education.[7] Accordingly, the Exchange proposes to amend the cross-reference in the last paragraph of Section (2)(c) of the Fee Schedule to reflect these changes. The cross-reference in the last paragraph of Section (2)(c) will now be to Exchange Rule 3103, Continuing Education Requirements, which contains, among other things, the requirements for individuals to complete the Regulatory Element of the Continuing Education Program. With the proposed change, the last paragraph of Section (2)(c) will state as follows: ''The Continuing Education Fee applies to each individual who is required to complete the Regulatory Element of the Continuing Education Requirements pursuant to MIAX PEARL Rule 3103.''

The Exchange notes that its affiliate, MIAX Emerald, will also make similar changes to its Fee Schedule as described above.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) of the Act[8] in general, and furthers the objectives of Section 6(b)(5) of the Act[9] in particular, in that it is 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 mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

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 update a cross-reference 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,[10] and Rule 19b–4(f)(2)[11] 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–2020–02 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–2020–02. 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

[7] *See* Securities Exchange Act Release No. 87941 (January 10, 2020) (SR–PEARL–2020–01).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A)(ii).

[11] 17 CFR 240.19b–4(f)(2).

inspection and copying at the principal offices 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–2020–02, and should be submitted on or before February 19, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2020–01516 Filed 1–28–20; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88026; File No. SR-CboeBZX–2019–044]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Withdrawal of a Proposed Rule Change To Allow the JPMorgan Core Plus Bond ETF of the J.P. Morgan Exchange-Traded Fund Trust To Hold Certain Instruments in a Manner That May Not Comply With Rule 14.11(i), Managed Fund Shares

January 23, 2020.

On May 15, 2019, Cboe BZX Exchange, Inc. (''BZX'' or the ''Exchange'') 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 allow the JPMorgan Core Plus Bond ETF of the J.P. Morgan Exchange-Traded Fund Trust to hold certain instruments in a manner that may not comply with BZX Rule 14.11(i) (Managed Fund Shares). The proposed rule change was published for comment in the **Federal Register** on June 3, 2019.[3] On July 10, 2019, 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 approve or disapprove the proposed rule change.[5] On August 22, 2019, the Commission instituted proceedings pursuant to Section 19(b)(2)(B) of the Act[6] to determine whether to approve or disapprove the proposed rule change.[7] On November 12, 2019, the Commission designated a longer period within which to issue an order approving or disapproving the proposed rule change.[8] The Commission received no comments on the proposed rule change. On January 22, 2020, the Exchange withdrew the proposed rule change.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2020–01519 Filed 1–28–20; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 85948 (May 28, 2019), 84 FR 25579.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 86348, 84 FR 34040 (July 16, 2019). The Commission designated September 1, 2019, as the date by which the Commission shall approve, disapprove, or institute proceedings to determine whether to approve or disapprove the proposed rule change.

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 86737, 84 FR 45184 (Aug. 28, 2019).

[8] *See* Securities Exchange Act Release No. 87510, 84 FR 63699 (Nov. 18, 2019). The Commission designated January 29, 2020, as the date by which the Commission shall either approve or disapprove the proposed rule change.

[9] 17 CFR 200.30–3(a)(12).

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA 2019–0032]

Privacy Act of 1974; Matching Program

AGENCY: Social Security Administration (SSA).

ACTION: Notice of a new matching program.

SUMMARY: In accordance with the provisions of the Privacy Act, as amended, this notice announces a new matching program with the Department of the Treasury—Internal Revenue Service (IRS).

This computer matching agreement sets forth the terms, conditions, and safeguards under which IRS will disclose to SSA certain return information for the purpose of verifying eligibility for the Medicare Part D Low Income Subsidy (LIS) and determining the correct subsidy percentage of benefits provided under section 1860D–14 of the Social Security Act (Act).

DATES: The deadline to submit comments on the propsed matching program is February 28, 2020. The matching program will be applicable, once a minum of 30 days after publication of this notice has elapsed, February 28, 2020. The matching program will be in effect for a period of 18 months.

ADDRESSES: Interested parties may comment on this notice by either telefaxing to (410) 966–0869, writing to Matthew Ramsey, Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, Social Security Administration, G–401 WHR, 6401 Security Boulevard, Baltimore, MD 21235–6401, or emailing *Matthew.Ramsey@ssa.gov*. All comments received will be available for public inspection by contacting Mr. Ramsey at this street address.

FOR FURTHER INFORMATION CONTACT: Interested parties may submit general questions about the matching program to Mary Ann Zimmerman, Deputy Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, Social Security Administration, G–401 WHR, 6401 Security Boulevard, Baltimore, MD 21235–6401, at Telephone: (410) 966–5855, or send an email to *Mary.Ann.Zimmerman@ssa.gov.*

SUPPLEMENTARY INFORMATION: None.

Matthew Ramsey,

Executive Director, Office of Privacy and Disclosure, Office of the General Counsel.

PARTICIPATING AGENCIES:

SSA and IRS.

AUTHORITY FOR CONDUCTING THE MATCHING PROGRAM:

The legal authority for this agreement is Internal Revenue Code section 6103(1)(7), which authorizes IRS to disclose return information with respect to unearned income to Federal, state, and local agencies administering certain benefit programs under the Act.

Section 1860D–14 of the Act requires the Commissioner of Social Security to determine the eligibility of applicants for the prescription drug subsidy who self-certify their income, resources, and family size. Pursuant to section 1860D–14(a)(3) of the Act (42 U.S.C. 1395w–114(a)(3)), SSA must determine whether a Medicare Part D eligible individual is a subsidy-eligible individual, and whether the individual is an individual as described in section 1860D–14(a) of the Act.

PURPOSE(S):

This matching program establishes the conditions under which IRS will disclose to SSA certain return information for the purpose of verifying eligibility for the Medicare Part D LIS and determines the correct subsidy percentage of benefits provided under section 1860D–14 of the Act.

CATEGORIES OF INDIVIDUALS:

The individuals whose information is involved in this matching program are beneficiaries for whom SSA must make Medicare Part D LIS determinations.

CATEGORIES OF RECORDS:

SSA Responbilities—When Medicare, Medicaid, Supplemental Security Income, and Medicare Savings Program beneficiaries apply for LIS under section 1860D–14 of the Act, they must self-certify on the application form their income, resources, and family size. SSA will verify each applicant's self-certification information before making a subsidy determination.

When beneficiaries apply for LIS, and SSA cannot otherwise verify the income information provided on an application, SSA discloses to IRS the last four characters of the applicant's surname and Social Security number. On a weekly basis, SSA provides IRS with such identifying information for applicants for benefits available under LIS. SSA electronically transmits the records to IRS.

Once each year, SSA electronically transmits the identifying information of each current LIS recipient to IRS. SSA must notify IRS of its intent to request this annual extract at least 30 days prior to transmitting the file.

IRS Responsibilities—On a weekly basis, IRS extracts return information with respect to unearned income from the Information Returns Master File (IRMF) using the same extract process as the Disclosure of Information to Federal, State, and Local Agencies (DIFSLA) program. When there is a match of an individuals' identifier, IRS extracts and discloses the Payee Account Number; Payee Name and Mailing Address; Payee Taxpayer Identification Number (TIN); Payer Name and Address; Payer TIN and Income Type and Amouint for unearned income data pertaining to the most recent tax year for which such data is available in electronic format. When each new tax year data becomes available in electronic format, IRS provides the most recent data in response to the weekly SSA request. IRS transmits the records electronically to SSA.

Once each year, at the request of SSA, IRS extracts return information with respect to unearned income pertaining to current subsidy recipients from the IRMF using the same extract process as the DIFSLA program. IRS provides the response records electronically to SSA.

SYSTEM(S) OF RECORDS:

SSA provides IRS with identifying information with respect to applicants for, and recipients of, LIS from the existing Medicare Database (MDB File) system of records, 60–0321, last fully published on July 25, 2006 (71 FR 42159), as amended on December 10, 2007 (72 FR 69723), and November 1, 2018 (83 FR 54969). Unearned income information provided by IRS is maintained in the MDB File.

IRS extracts return information with respect to unearned income from the IRMF, Treasury/IRS 22.061, as published at 77 FR 47946 (August 10, 2012) as amended by 80 FR 54081 (September 8, 2015).

[FR Doc. 2020–01531 Filed 1–28–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Request To Release Airport Property

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on a request to release airport property at the Paulding Northwest Atlanta Airport, Dallas, Georgia.

SUMMARY: The FAA proposes to rule and invites public comment on the release of land at the Paulding Northwest Atlanta Airport, Dallas, Georgia.

DATES: Comments must be received on or before February 28, 2020.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Rob Rau, Planning Lead, Federal Aviation Administration, Atlanta Airports District Office, 1701 Columbia Avenue, Suite 220, College Park, GA 30337.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to: Terry Tibbits, Chief Executive Officer (CEO), 730 Airport Parkway, Suite 100, Dallas, GA 30157.

FOR FURTHER INFORMATION CONTACT: Rob Rau, Planning Lead, Federal Aviation Administration, Atlanta Airports District Office, 1701 Columbia Avenue, Suite 220, College Park, GA 30337, (404) 305–6748, *robert.rau@faa.gov*.

The request to release property may be reviewed, by appointment, in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release approximately 2.964 acres of airport property at Paulding Northwest Atlanta Airport (PUJ) under the provisions of 49 U.S.C. 47107(h)(2). On September 6, 2019, the CEO of the Paulding County Airport Authority requested from the FAA that approximately 2.964 acres of property be released for sale to the Chattahoochee Technical College for use as a new public Airframe and Power Plant (A&P) school consistent with the zoning ordinances of Paulding County. The FAA has determined that the proposed property release at the Paulding Northwest Atlanta Airport, as submitted by the Paulding County Airport Authority, meets the procedural requirements of the FAA and release of the property does not and will not impact future aviation needs at the airport. The FAA may approve the request, in whole or in part, no sooner than thirty days after the publication of this notice.

The following is a brief overview of the request:

Paulding Northwest Atlanta Airport is proposing the release of airport property totaling 2.964 acres, more or less. This land is to be used for an Airframe and Power Plant training school. The release of land is necessary to comply with Federal Aviation Administration Grant Assurances that do not allow federally acquired airport property to be used for non-aviation purposes. The sale of the subject property will result in the land at Paulding Northwest Atlanta Airport being changed from aeronautical to non-aeronautical use and release the land from the conditions of the Airport Improvement Program Grant Agreement Grant Assurances. In accordance with 49 U.S.C. 47107(c)(2)(B)(i) and (iii), the airport will receive fair market value for the property, which will be subsequently reinvested in another eligible airport improvement project for general aviation facilities at the Paulding Northwest Atlanta Airport.

Any person may inspect, by appointment, the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**. In addition, any person may, upon appointment and request, inspect the application, notice and other documents determined by the FAA to be related to the application in person at Paulding Northwest Atlanta Airport.

Issued in Atlanta, Georgia on January 23, 2020.

Larry F. Clark,

Manager.

[FR Doc. 2020–01574 Filed 1–28–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2020–0004]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of denials.

SUMMARY: FMCSA announces its decision to deny applications from 130 individuals who requested an exemption from the vision standard in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a CMV in interstate commerce.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing materials in the docket, contact Docket Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov/docket?D=FMCSA-2020-0004* and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

B. 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, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

II. Background

FMCSA received applications from 130 individuals who requested an exemption from the vision standard in the FMCSRs.

FMCSA has evaluated the eligibility of these applicants and concluded that granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with § 391.41(b)(10).

III. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. FMCSA grants exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on medical reports about the applicants' vision, as well as their driving records and experience driving with the vision deficiency.

IV. Conclusion

The Agency has determined that these applicants do not satisfy the eligibility criteria or meet the terms and conditions of the Federal exemption and granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with § 391.41(b)(10). Therefore, the 130 applicants in this notice have been denied exemptions from the physical qualification standards in § 391.41(b)(10).

Each applicant has, prior to this notice, received a letter of final disposition regarding his/her exemption request. Those decision letters fully outlined the basis for the denial and constitute final action by the Agency. This notice summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following four applicants did not have sufficient driving experience over the past three years under normal highway operating conditions:

Jason D. Ainley (MO)
Judge M. Arnold (OK)
Yves F. Bresse (AK)
Herman W. Zigmond (TX)

The following 54 applicants had no experience operating a CMV:

Ramzi Alqam (IL)
James E. Balsbaugh (TN)
Joseph E. Bean (MI)
Joshua J. Borden (GA)
Shawn H. Campbell (IN)
Michael T. Carlton (AL)
Muhammad S. Chaudhry (MD)
Matthew V. Cordero (NM)
Cathy L. Daugherty (PA)
Cody J. Davis (NM)
Trenell V. Dunson (MI)
Pedro A. Garcia (TX)
Chimezie Godwin (CA)
Christopher B. Green (AL)
Steven A. Gwinn (IN)
Adnane Habbaoui (OH)
DeWayne S. Harbin (IN)
Wayne C. Hill (AR)
Jesse C. Hohman (PA)
Ryan A. Hunt (MN)
Eric P. Huoppi (ME)
Michael J. Jager (WI)
Jody T. Jaramillo (OR)
Marquitta A. Justice (KY)
Michael J. Kindred (NY)
Abigal R. Knight (NY)
Dominic A. Lewis (DC)
Tyrone Mays (WI)
Jonathan P. McDougal (AL)
Roy D. Meeks (TN)
Susan A. Muza (NJ)
Monte F. Nitek (WI)
Simone W. Norden (MA)
Sikotilani Palanite (ND)
Dylan N. Paradis (ME)
David F. Ramacitti (IL)
Denzel M. Rawls (NY)
Richard A. Reed (KY)
Jorden D. Riesberg (IA)
Ana M. Rodriguez (WI)
Jose A. Romero Hernandez (FL)
Michael P. Ruxton (NC)
Ronald L. Smith (NV)
Christopher M. Strickland (WA)
Joseph Svetich (IL)
Mark Thibault (CT)
Gary W. Thom (MN)
Patricia C. Towles (NJ)
Konstantinos Trahanas (IL)
Jason E. Travers (CA)
Bryon C. Westrup (SD)
Dana Williams (IL)
Michael A. Williams (NH)
Antonio T. Woodson (VA)

The following 28 applicants did not have three years of experience driving a CMV on public highways with their vision deficiencies:

William D. Ahrens (NE)
George G. Bartholomew (AK)
Steven L. Bublitz (MN)
Nikola J. Bukvich (IL)
Ronald G. Cichy (WI)
Walter R. Conover (NJ)
David E. Dickinson (CA)
Kenneth A. Dunkelberger (OR)
Matthew L. Farley (WA)
Wade A. Farrell (MT)
Andrew T. Grenman (IL)
Paul A. Hanson (MN)
Allen M. Jean (PA)
Michael A. Kauffmann (TX)
Craig Lauer (MN)

Daryl A. Lee (IN)
Trey K. Legg (NE)
Sabah K. Noori (NY)
Dale K. Norris (MN)
Larry M. Pratt (WI)
Rodney J. Redmon (FL)
Todd M. Roth (IN)
Kenneth W. Schmidt (PA)
Keith L. Spence (CT)
Latonia B. Spicer (NC)
Ronald E. Sutton (VA)
Larry M. Tabish (MT)
Forrest K. Williams (MO)

The following seven applicants did not have 3 years of recent experience driving a CMV on public highways with their vision deficiencies:

Lawrence A. DiVetro (NV)
Madeline C. Duran (NM)
Jack M. Elliott (KS)
Johnnie R. Johnson (OK)
William C. Kelley (WI)
Jon A. Stevens (MN)
Trent C. Tonner (IN)

The following seven applicants did not have sufficient driving experience over the past 3 years under normal highway operating conditions (gaps in driving record):

Alfredo E. Carrillo Posada (CO)
Gregory B. Gosha (AL)
Kelvin A. Hulett (MS)
Leon J. Kirksey (MD)
Jerred R. Murray (NY)
Thomas A. Paukowits (MI)
Rogelio Rocha Monjaraz (MD)

The following applicant was charged with moving violations in conjunction with CMV accidents:

Michael W. Leverett (MI)

The following applicant had his commercial driver's license suspended during the 3-year period in relation to a moving violation:

Thomas M. Bakeberg (SD)

The following applicant contributed to accident(s) in which the applicant was operating a CMV, which is a disqualifying offense:

Bruce E. Hemmer (WI)

The following two applicants did not hold a license which allowed operation of vehicles over 26,000 lbs. for all or part of the 3-year period:

Norman D. Mosley (NJ); and Robert L. Strange (NC)

The following 13 applicants were denied for multiple reasons:

Gema L. Alvarado (UT)
Eduardo Arguelles (TX)
John N. Azzopardi (MT)
Frank L. Crenshaw (OH)
Tommie L. Dailey (AL)
Giovanni Gualdron (NJ)
Monica M. Hernandez (CA)
Roman I. Hrabovskyi (NJ)
Johnny M. Kruprzak (OH)
Elvin E. Martin (PA)
Kevin D. Melvin (NY)
Michael C. Shelp (NY)
Raymond F. Sitter (ND)

The following two applicants have not had stable vision for the preceding 3-year period:

William C. Hurtgen (WI); and James N. Robbins (FL)

The following applicant does not meet the vision standard in his better eye:

Keith D. Smith (FL)

The following nine applicants drove interstate while restricted to intrastate driving:

Norlan A. Acosta (MD)
Adam J. Crull (WA)
Trina L. Garcia (CA)
Jureco M. Hall (MD)
Nathan J. Plumley (NY)
Izone W. Pulley (MD)
Sonya Rankins (CA)
Arthur L. Spaventa (PA)
Marlon A. Wilson (CT)

Issued on: January 16, 2020.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2020–01549 Filed 1–28–20; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2015–0118]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew an exemption for one individual from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemption enables this individual who has had one or more seizures and is taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: The exemption was applicable on October 22, 2019. The exemption expires on October 22, 2021.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to or *http://www.regulations.gov/docket?D=FMCSA-2015-0118* and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting Docket Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

B. 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, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

II. Background

On December 4, 2019, FMCSA published a notice announcing its decision to renew an exemption for one individual from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (84 FR 66454). The public comment period ended on January 3, 2020, and no comments were received.

FMCSA has evaluated the eligibility of this applicant and determined that renewing the exemption would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in § 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely

to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist medical examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based on its evaluation of the one renewal exemption application, FMCSA announces its decision to exempt the following driver from the epilepsy and seizure disorders prohibition in § 391.41(b)(8).

As of October 22, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315(b), Anthony Martens (SD) has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers (84 FR 66454).

This driver was included in docket number FMCSA–2015–0118. The exemption is applicable as of October 22, 2019, and will expire on October 22, 2021.

In accordance with 49 U.S.C. 31315(b), the exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Issued on: January 23, 2020.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2020–01551 Filed 1–28–20; 8:45 am]

BILLING CODE 4910–EX–P

[1] These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. *Epilepsy:* § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2019–0167]

Qualification of Drivers; Exemption Applications; Implantable Cardioverter Defibrillator (ICD)

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of denials.

SUMMARY: FMCSA announces its decision to deny applications from four individuals treated with Implantable Cardioverter Defibrillators (ICDs) who requested an exemption from the Federal Motor Carrier Safety Regulations (FMCSRs) prohibiting operation of a commercial motor vehicle (CMV) in interstate commerce by persons with a current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope (transient loss of consciousness), dyspnea (shortness of breath), collapse, or congestive heart failure.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing materials in the docket, contact Docket Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov/docket?D=FMCSA-2019-0167* and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting Docket Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

B. 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, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.dot.gov/privacy.*

II. Background

On October 1, 2019 FMCSA published a **Federal Register** notice (84 FR 52163) announcing receipt of applications from four individuals treated with ICDs and requesting comments from the public. These four individuals requested an exemption from 49 CFR 391.41(b)(4) that prohibits operation of a CMV in interstate commerce by persons with a current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive heart failure. The public comment period closed on October 31, 2019 and three comments were received.

FMCSA has evaluated the eligibility of these applicants and concluded that granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with § 391.41(b)(4). A summary of each applicant's medical history related to their ICD exemption request was discussed in the October 1, 2019, **Federal Register** notice and will not be repeated here.

The Agency's decision regarding these exemption applications is based on information from the cardiovascular Medical Advisory Criteria, an April 2007 evidence report titled ''Cardiovascular Disease and Commercial Motor Vehicle Driver Safety,'' [1] and further supported in a December 2014 focused research report titled ''Implantable Cardioverter Defibrillators and the Impact of a Shock in a Patient When Deployed.'' Copies of these reports are included in the docket.

FMCSA has published advisory criteria to assist medical examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.[2] The advisory criteria for § 391.41(b)(4) indicates that coronary artery bypass surgery and pacemaker

[1] The April 2007 Evidence report is available on the internet at *https://rosap.ntl.bts.gov/view/dot/16462.*

[2] These criteria may be found in 49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section D. *Cardiovascular: § 391.41(b)(4),* paragraph 4, which is available on the internet at *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

implantation are remedial procedures and thus, not medically disqualifying. Implantable cardioverter defibrillators are disqualifying due to risk of syncope.

III. Discussion of Comments

FMCSA received three comments in this proceeding. Of the three comments received, two were duplicate comments from an anonymous commenter. The anonymous commenter supports all three individuals being granted an exemption based on the documentation that they have provided, that they have improved cardiac statuses, and that their ICDs have never deployed. The commenter states that individuals with epilepsy and diabetes are able to get approved for exemptions despite their condition and treatment. This commenter states that the Agency should do more research and make exemption decisions on a case-by-case basis. Mr. Christopher Oakland, an applicant, commented in support of FMCSA granting exemptions for 1 year to individuals who provide medical documentation from a qualified healthcare provider, that the individual is stable, the individual has no documented symptoms of syncope, dyspnea, collapse or congestive heart failure as stated in the cardiovascular standard, and the ICD has not administered therapy. Mr. Oakland commented that he submitted a total of three letters and that two of the three letters are from two different electrocardiologists. He further commented that the **Federal Register** notice posted that he submitted only two letters.

In response to the first commenter, FMCSA reviews and considers each request received for an ICD exemption individually to determine whether the applicant is able to meet a level of safety equivalent to, or greater than, the level achieved without an exemption. While the individuals' underlying cardiac conditions may demonstrate levels of improvement, their medical treatment plans also rely on the ICD device. The device, though it may not have deployed since implantation, may unpredictably deploy at a future date to deliver therapy. Based on the available medical and scientific data concerning ICDs, FMCSA finds that the applicants have an ongoing risk for incapacitation if the device discharges in response to cardiovascular symptoms. This risk for incapacitation does not meet an equal or greater level of safety that would be achieved absent an exemption. Concerning the comments on the need for additional research, FMCSA has processes and procedures in place to consider new research and existing research so that the Agency's determinations are evidence-based.

Mr. Oakland contacted the Agency prior to the close of the comment period to confirm that he submitted a total of three letters, one from his cardiologist, and letters from two separate electrophysiologists. Mr. Oakland was informed that the statement in the **Federal Register** regarding the submission of two letters was an oversight, and confirmed that the content of each of the electrophysiologists' letters was considered prior to the date that the **Federal Register** notice was published.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.

The Agency's decision regarding these exemption applications is based on an individualized assessment of each applicant's medical information, available medical and scientific data concerning ICDs, and the public comments received.

ICDs are electronic devices that treat cardiac arrest, ventricular fibrillation, and ventricular tachycardia, through the delivery of rapid pacing stimuli or shock therapy. ICDs treat but do not prevent arrhythmias. Therefore, the individual remains at risk for syncope or loss of consciousness. The underlying conditions for which the ICD was implanted therefore places these individuals at high risk for syncope or other unpredictable events know to result in gradual or sudden incapacitation. In addition, ICDs may discharge, which could result in loss of ability to safely control a CMV. The December 2014 focused research report referenced previously upholds the findings of the April 2007 report and indicates that the available scientific data on individuals with ICDs and CMV driving does not support that individuals with ICDs who operate CMVs are able to meet an equal or greater level of safety. FMCSA's individual assessment of the exemption applications and the public comments does not provide any basis for departing from its general views on the risks posed by individual with an underlying cardiovascular condition that requires the implantation of an ICD to control.

In the case of persons with ICDs, the underlying condition for which the ICD was implanted places the individual at high risk for syncope or other unpredictable events known to result in gradual or sudden incapacitation. ICDs may discharge, which could result in loss of ability to safely control a CMV. The December 2014 focused research report referenced previously upholds the findings of the April 2007 report and indicates that the available scientific data on persons with ICDs and CMV driving does not support that persons with ICDs who operate CMVs are able to meet an equal or greater level of safety.

V. Conclusion

The Agency has determined that the available medical and scientific literature and research provides insufficient data, even when considered with the individual assessment of each application, to enable the Agency to conclude that granting these exemptions would achieve a level of safety equivalent to, or greater than, the level of safety maintained without the exemption. Therefore, the following four applicants have been denied exemptions from the physical qualification standards in § 391.41(b)(4):

Christopher Cloud (GA)
Joby Doucet (LA)
Robert D. Forbes (NY)
Christopher Oakland (RI)

Each applicant has, prior to this notice, received a letter of final disposition regarding his/her exemption request. Those decision letters fully outlined the basis for the denial and constitute final action by the Agency. The list published today summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4).

Issued on: January 23, 2020.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2020–01550 Filed 1–28–20; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Renewal Without Change of Information Collection Requirements in Connection With the Imposition of a Special Measure Concerning the Islamic Republic of Iran as a Jurisdiction of Primary Money Laundering Concern

AGENCY: Financial Crimes Enforcement Network (''FinCEN''), Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of a continuing effort to reduce paperwork and respondent burden, FinCEN invites comment on a renewal, without change, to information

collection requirements finalized on November 4, 2019, imposing a special measure with respect to the Islamic Republic of Iran as a jurisdiction of primary money laundering concern. This request for comments is being made pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments are welcome and must be received on or before March 30, 2020.

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

- *Federal E-rulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments. Refer to Docket Number FINCEN–2020–0001 and the specific Office of Management and Budget (''OMB'') control number 1506–0074.
- *Mail:* Global Investigation Division, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183. Refer to Docket Number FINCEN–2020–0001 and OMB control number 1506–0074.

Please submit comments by one method only. All comments submitted in response to this notice will become a matter of public record. Therefore, you should submit only information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: FinCEN Resource Center at 1–800–767–2825 or 1–703–905–3591 (not a toll free number) and select option 3 for regulatory questions. Email inquiries can be sent to *FRC@fincen.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

a. Statutory Provisions

On October 26, 2001, the President signed into law the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Public Law 107–56 (the USA PATRIOT Act). Title III of the USA PATRIOT Act amended the anti-money laundering (AML) provisions of the Bank Secrecy Act (BSA), codified at 12 U.S.C. 1829b, 12 U.S.C. 1951–1959, and 31 U.S.C. 5311–5314, 5316–5332, to promote the prevention, detection, and prosecution of international money laundering and the financing of terrorism. Regulations implementing the BSA appear at 31 CFR Chapter X. The authority of the Secretary of the Treasury (the Secretary) to administer the BSA and its implementing regulations has been delegated to the Director of FinCEN.[1]

Section 311 of the USA PATRIOT Act (Section 311), codified at 31 U.S.C. 5318A, grants FinCEN the authority, upon finding that reasonable grounds exist for concluding that a foreign jurisdiction, financial institution, class of transactions, or type of account is of ''primary money laundering concern,'' to require domestic financial institutions and financial agencies to take certain ''special measures'' to address the primary money laundering concern.

FinCEN may impose one or more of these special measures in order to protect the U.S. financial system from these threats. Special measures one through four, codified at 31 U.S.C. 5318A(b)(1)–(b)(4), impose additional recordkeeping, information collection, and reporting requirements on covered U.S. financial institutions. The fifth special measure, codified at 31 U.S.C. 5318A(b)(5), allows FinCEN to impose prohibitions or conditions on the opening or maintenance of certain correspondent accounts.

b. Overview of the Current Regulatory Provisions Regarding Special Measures Concerning the Islamic Republic of Iran

FinCEN issued a final rule on November 4, 2019, imposing the fifth special measure to prohibit U.S. financial institutions from opening or maintaining a correspondent account for, or on behalf of, Iranian banking institutions. (84 FR 59302). The rule further prohibits U.S. financial institutions from processing transactions for the correspondent account of a foreign bank in the United States if such a transaction involves an Iranian financial institution, and requires institutions to apply special due diligence to guard against such use by Iranian financial institutions. See 31 CFR 1010.661.

Information Collection Under the Fifth Special Measure

The notification requirement in section 1010.661(b)(3)(i)(A) is intended to enhance cooperation from correspondent account holders in denying Iran access to the U.S. financial system. The information required to be maintained by section 1010.661(b)(4)(i) will be used by federal agencies and certain self-regulatory organizations to verify compliance by covered financial institutions with the provisions of 31 CFR 1010.661.

II. Paperwork Reduction Act (PRA)[2]

Title: Renewal of Information Collection Requirements in connection with the Imposition of a Special Measure concerning the Islamic Republic of Iran as a Jurisdiction of Primary Money Laundering Concern.

Office of Management and Budget (OMB) Control Number: 1506–0074.

Abstract: FinCEN is issuing this notice to renew the OMB control number for the imposition of a special measure against the Islamic Republic of Iran as a jurisdiction of primary money laundering concern pursuant to the authority contained in 31 U.S.C. 5318A. See 31 CFR 1010.661.

Type of Review: Renewal without change of a currently approved collection.

Affected Public: Businesses and certain not-for-profit institutions.

Frequency: One time notification. See 31 CFR 1010.661(b)(3)(i)(A) and 1010.661(b)(4)(i).

Estimated Number of Respondents: 23,615.[3]

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Burden: 23,615 hours.

FinCEN's estimated number of affected financial institutions accounts for all domestic financial institutions that could potentially maintain correspondent accounts for foreign banks, and is designed to ensure that all U.S. financial institutions are conducting their due diligence and not processing transactions that may involve Iranian financial institutions.

There are approximately 23,615 such financial institutions doing business in the United States. In addition, all U.S. persons, including U.S. financial institutions, currently exercise some degree of due diligence in order to comply with existing U.S. sanctions programs applicable to Iran.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information

[1] Therefore, references to the authority of the Secretary of the Treasury under Section 311 of the USA PATRIOT Act apply equally to the Director of FinCEN.

[2] Public Law 104–13, 44 U.S.C. 3506(c)(2)(A).

[3] The Estimated Number of Respondents is based on the sum of the following numbers:

- 5,358 banks [Federal Deposit Insurance Corporation, *Key Statistics* web page, April 25, 2019];
- 5,375 federally-insured credit unions [National Credit Union Administration, *Quarterly Credit Union Data Summary,* December 31, 2018];
- 125 privately-insured credit unions [General Accountability Office, *PRIVATE DEPOSIT INSURANCE: Credit Unions Largely Complied with Disclosure Rules, but Rules Should Be Clarified,* March 2017];
- 1,130 introducing brokers [National Futures Association website, March 31, 2019];
- 64 futures commission merchants [National Futures Association website, March 31, 2019];
- 3,607 securities firms [Financial Industry Regulatory Authority website, December 31, 2018]; and,
- 7,956 U.S. mutual funds [Investment Company Institute, *2018 Factbook,* 2018].

unless it displays a valid control number assigned by OMB. Records required to be retained under the BSA must be retained for five years. Generally, information collected pursuant to the BSA is confidential but may be shared as provided by law with regulatory and law enforcement authorities.

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.

Jamal El-Hindi,

Deputy Director, Financial Crimes Enforcement Network.

[FR Doc. 2020–01526 Filed 1–28–20; 8:45 am]

BILLING CODE 4810–02–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Proposed Collection; Comment Request; Regulation Agency Protests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to comment on the proposed information collections listed below, in accordance with the Paperwork Reduction Act of 1995.

DATES: Written comments must be received on or before March 30, 2020.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW, Suite 8100, Washington, DC 20220, or email at *PRA@treasury.gov*.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Steven Kvalevog by emailing *Steven.Kvalevog@treasury.gov,* calling (202) 622–6585, or viewing the entire information collection request at *www.reginfo.gov*.

SUPPLEMENTARY INFORMATION:

Title: Regulation Agency Protests.

OMB Control Number: 1505–0107.

Type of Review: Extension without change of a currently approved collection.

Description: Information is requested of contractors so that the Government will be able to evaluate protests effectively and provide prompt resolution of issues in dispute when contractors file protests.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 9.

Frequency of Response: Once.

Estimated Total Number of Annual Responses: 9.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 18.

Request for Comments: Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget 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 technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services required to provide information.

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

Dated: January 24, 2020.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2020–01570 Filed 1–28–20; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF VETERANS AFFAIRS

National Research Advisory Council; Amended Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, that the National Research Advisory Council will hold a meeting on Wednesday, March 4, 2020, at 810 Vermont Avenue NW, Room 230, Washington, DC 20420. The meeting will convene at 9:00 a.m. and end at 3:30 p.m. This meeting is open to the public.

The purpose of the National Research Advisory Council is to advise the Secretary on research development conducted by the Veterans Health Administration, including policies and programs targeting the high priority of Veterans' health care needs.

On March 4, 2019, the agenda will include ethics training, briefing from Advisory Committee Management Office (ACMO), and briefings on various VA Research programs designed to enhance the research potential for Veterans. The Committee will also explore potential recommendations to be included in the next annual report. No time will be allocated at this meeting for receiving oral presentations from the public. However, public comments and presentations can be submitted to Avery Rock, Designated Federal Officer, Office of Research and Development (10X2), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, at (202) 461–9760, or by email at *Avery.Rock@va.gov* no later than close of business on February 26, 2020. All questions and presentations will be presented during the public comment section of the meeting. Because the meeting is being held in a government building, a photo I.D. must be presented at the Guard's Desk as a part of the clearance process. Any member of the public seeking additional information should contact Avery Rock at the above phone number or email address noted above.

Dated: January 24, 2020.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2020–01542 Filed 1–28–20; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

Vol. 85 Wednesday,

No. 19 January 29, 2020

Part II

The President

Proclamation 9980—Adjusting Imports of Derivative Aluminum Articles and Derivative Steel Articles Into the United States

Proclamation 9981—National Day of Remembrance of the 75th Anniversary of the Liberation of Auschwitz, 2020

Proclamation 9982—National School Choice Week, 2020

Federal Register
Vol. 85, No. 19
Wednesday, January 29, 2020

Presidential Documents

Title 3—

The President

Proclamation 9980 of January 24, 2020

Adjusting Imports of Derivative Aluminum Articles and Derivative Steel Articles Into the United States

By the President of the United States of America

A Proclamation

1. On January 11, 2018, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effect of imports of steel articles on the national security of the United States, and on January 19, 2018, the Secretary transmitted to me a report on his investigation into the effect of imports of aluminum articles on the national security of the United States. Both reports were issued pursuant to section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862).

2. In Proclamation 9704 of March 8, 2018 (Adjusting Imports of Aluminum Into the United States), and Proclamation 9705 of March 8, 2018 (Adjusting Imports of Steel Into the United States), I concurred in the Secretary's findings that aluminum articles and steel articles were being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States. I therefore decided to adjust the imports of aluminum articles, as defined in clause 1 of Proclamation 9704, as amended, by imposing a 10 percent ad valorem tariff on such articles imported from most countries, beginning March 23, 2018. I also decided to adjust the imports of steel articles, as defined in clause 1 of Proclamation 9705, as amended, by imposing a 25 percent ad valorem tariff on such articles imported from most countries, beginning March 23, 2018.

3. In Proclamation 9758 of May 31, 2018 (Adjusting Imports of Aluminum Into the United States), I decided to further adjust imports of aluminum articles by imposing quotas on such articles from the Argentine Republic (Argentina). In Proclamation 9740 of April 30, 2018 (Adjusting Imports of Steel Into the United States), I decided to adjust imports of steel articles by imposing quotas on such articles from the Republic of Korea (South Korea), and in Proclamation 9759 of May 31, 2018 (Adjusting Imports of Steel Into the United States), I decided to adjust imports of steel articles by imposing quotas on such articles from Argentina and the Republic of Brazil (Brazil).

4. In Proclamation 9704 and Proclamation 9705, I directed the Secretary to monitor imports of aluminum articles and steel articles, respectively, and inform me of any circumstances that in the Secretary's opinion might indicate the need for further action under section 232 of the Trade Expansion Act of 1962, as amended.

5. The Secretary has informed me that domestic steel producers' capacity utilization has not stabilized for an extended period of time at or above the 80 percent capacity utilization level identified in his report as necessary to remove the threatened impairment of the national security. Stabilizing at that level is important to provide the industry with a reasonable expectation that market conditions will prevail long enough to justify the investment necessary to ramp up production to a sustainable and profitable level. Capacity utilization in the aluminum industry has improved, but it is still below the target capacity utilization that the Secretary recommended in his report. Although imports of aluminum articles and steel articles have declined

since the imposition of the tariffs and quotas, the Secretary has informed me that imports of certain derivatives of aluminum articles and imports of certain derivatives of steel articles have significantly increased since the imposition of the tariffs and quotas. The net effect of the increase of imports of these derivatives has been to erode the customer base for U.S. producers of aluminum and steel and undermine the purpose of the proclamations adjusting imports of aluminum and steel articles to remove the threatened impairment of the national security.

6. The derivative articles the Secretary identified are described in Annex I (aluminum) and Annex II (steel) to this proclamation. For purposes of this proclamation, the Secretary determined that an article is ''derivative'' of an aluminum article or steel article if all of the following conditions are present: (a) the aluminum article or steel article represents, on average, two-thirds or more of the total cost of materials of the derivative article; (b) import volumes of such derivative article increased year-to-year since June 1, 2018, following the imposition of the tariffs in Proclamation 9704 and Proclamation 9705, as amended by Proclamation 9739 and Proclamation 9740, respectively, in comparison to import volumes of such derivative article during the 2 preceding years; and (c) import volumes of such derivative article following the imposition of the tariffs exceeded the 4 percent average increase in the total volume of goods imported into the United States during the same period since June 1, 2018. The modifications to subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States described in Annex I (aluminum) and Annex II (steel) to this proclamation implement the Secretary's determinations in this regard.

7. From June 2018 to May 2019, import volumes of steel nails, tacks, drawing pins, corrugated nails, staples, and similar derivative articles increased by 33 percent, compared to June 2017 to May 2018, and increased by 29 percent, compared to June 2016 to May 2017. From January 2019 to November 2019, import volumes of such articles increased by 23 percent, compared to the same period in 2017. Similarly, from June 2018 to May 2019, import volumes of aluminum stranded wire, cables, plaited bands, and the like (including slings and similar derivative articles) increased by 152 percent, compared to June 2017 to May 2018, and increased by 52 percent, compared to June 2016 to May 2017. From January 2019 to November 2019, import volumes of such articles increased by 127 percent, compared to the same period in 2017. Finally, from June 2018 to May 2019, import volumes of bumper and body stampings of aluminum and steel for motor vehicles and tractors increased by 38 percent, compared to June 2017 to May 2018, and increased by 56 percent, compared to June 2016 to May 2017. From January 2019 to November 2019, import volumes of such articles increased by 37 percent, compared to the same period in 2017.

8. It is the Secretary's assessment that foreign producers of these derivative articles have increased shipments of such articles to the United States to circumvent the duties on aluminum articles and steel articles imposed in Proclamation 9704 and Proclamation 9705, and that imports of these derivative articles threaten to undermine the actions taken to address the risk to the national security of the United States found in Proclamation 9704 and Proclamation 9705. As detailed in the Secretary's reports, domestic production capacity to produce aluminum articles and steel articles for national defense and critical infrastructure is essential to United States national security. This domestic production capacity is used to provide the essential inputs of aluminum and steel used in derivative aluminum articles and derivative steel articles. The Secretary has assessed that reducing imports of the derivative articles described in Annex I and Annex II to this proclamation would reduce circumvention and facilitate the adjustment of imports that Proclamation 9704 and Proclamation 9705, as amended, made to increase domestic capacity utilization to address the threatened impairment of the national security of the United States.

9. Based on the Secretary's assessments, I have concluded that it is necessary and appropriate in light of our national security interests to adjust the tariffs imposed by previous proclamations to apply to the derivatives of aluminum articles and steel articles described in Annex I and Annex II to this proclamation. This action is necessary and appropriate to address circumvention that is undermining the effectiveness of the adjustment of imports made in Proclamation 9704 and Proclamation 9705, as amended, and to remove the threatened impairment of the national security of the United States found in those proclamations.

10. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security of the United States.

11. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of statutes affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 232 of the Trade Expansion Act of 1962, as amended, section 301 of title 3, United States Code, and section 604 of the Trade Act of 1974, as amended, do hereby proclaim as follows:

(1) In order to establish increases in the duty rate on imports of certain derivative articles, subchapter III of chapter 99 of the HTSUS is modified as provided in Annex I and Annex II to this proclamation. Except as otherwise provided in this proclamation, all imports of derivative aluminum articles specified in Annex I to this proclamation shall be subject to an additional 10 percent ad valorem rate of duty, and all imports of derivative steel articles specified in Annex II to this proclamation shall be subject to an additional 25 percent ad valorem rate of duty, with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on February 8, 2020. These rates of duty, which are in addition to any other duties, fees, exactions, and charges applicable to such imported derivative aluminum articles or steel articles, shall apply to imports of derivative aluminum articles described in Annex I to this proclamation from all countries except Argentina, the Commonwealth of Australia (Australia), Canada, and the United Mexican States (Mexico) and to imports of derivative steel articles described in Annex II to this proclamation from all countries except Argentina, Australia, Brazil, Canada, Mexico, and South Korea. The Secretary shall continue to monitor imports of the derivative articles described in Annex I and Annex II to this proclamation, and shall, from time to time, in consultation with the United States Trade Representative (USTR), review the status of such imports with respect to the national security of the United States. In the event of a surge of imports of any derivative article described in Annex I or Annex II to this proclamation from any excepted country, the Secretary, with the concurrence of the USTR, is authorized to extend application of the tariff imposed by this proclamation on imports of any derivative article experiencing such surge from such country, or to adopt appropriate quotas for imports of such derivative article from such country, or to negotiate a voluntary agreement with such country to ensure that imports of such derivative article from such country do not undermine the effectiveness of the adjustment of imports made in Proclamation 9704 and Proclamation 9705, as amended. The Secretary shall publish such action in the *Federal Register* and notification shall be provided to U.S. Customs and Border Protection (CBP) of the Department of Homeland Security.

(2) The Secretary, in consultation with the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the USTR, the Assistant to the President for National Security Affairs, the Assistant to the President for Economic Policy, and such other senior executive branch officials as the Secretary deems appropriate, is hereby authorized to provide relief from the additional duties set forth in clause 1 of this proclamation for any derivative article determined not to be produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality and is also authorized to provide such relief based upon specific national security considerations. Such relief shall be provided for a derivative article only after a request for exclusion is made by a directly affected party located in the United States. If the Secretary determines that a particular derivative article should be excluded, the Secretary shall publicly post such determination and notify CBP concerning such article so that it will be excluded from the duties described in clause 1 of this proclamation. For merchandise entered for consumption, or withdrawn from warehouse for consumption, on or after the date the duty established under this proclamation is effective and with respect to which liquidation is not final, such relief shall be retroactive to the date the request for relief was accepted by the Department of Commerce.

(3) Any derivative article described in Annex I or Annex II to this proclamation, except those eligible for admission under ''domestic status'' as defined in 19 CFR 146.43, that is subject to the duty imposed by clause 1 of this proclamation and that is admitted into a U.S. foreign trade zone on or after 12:01 a.m. eastern standard time on February 8, 2020, may only be admitted as ''privileged foreign status'' as defined in 19 CFR 146.41, and will be subject upon entry for consumption to any ad valorem rates of duty related to the classification under the applicable HTSUS subheading. Any derivative article that is described in Annex I or Annex II to this proclamation, except those eligible for admission under ''domestic status'' as defined in 19 CFR 146.43, that is subject to the duty imposed by clause 1 of this proclamation, and that was admitted into a U.S. foreign trade zone under ''privileged foreign status'' as defined in 19 CFR 146.41, prior to 12:01 a.m. eastern standard time on February 8, 2020, will likewise be subject upon entry for consumption to any ad valorem rates of duty related to the classification under the applicable HTSUS subheading added by this proclamation.

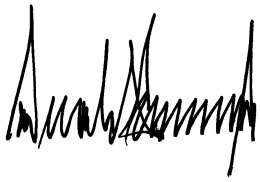
(4) Derivative articles shall not be subject upon entry for consumption to the duty established in clause 1 of this proclamation merely by reason of manufacture in a U.S. foreign trade zone. However, derivative articles admitted into a U.S. foreign trade zone in ''privileged foreign status'' pursuant to clause 3 of this proclamation shall retain that status consistent with 19 CFR 146.41(e).

(5) No drawback shall be available with respect to the duties imposed on any derivative article imposed by clause 1 of this proclamation.

(6) The Secretary, in consultation with CBP and other relevant executive departments and agencies, shall revise the HTSUS so that it conforms to the amendments and effective dates directed in this proclamation. The Secretary shall publish any such modification to the HTSUS in the *Federal Register*.

(7) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of January, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.



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Annex I

Derivatives of Aluminum Articles

Subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified as set forth below, with the material in the new tariff provisions inserted in the columns labeled "Heading/Subheading", "Article Description", "Rates of Duty 1-General", "Rates of Duty 1-Special", and "Rates of Duty 2", respectively. The modifications shall be effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on February 8, 2020.

1. U.S note 19(a) to subchapter III is modified in the first sentence by adding at the end thereof " or described in subdivision (a)(iii) of this note".

2. U.S. note 19(a)(i) to subchapter III is modified by deleting the word "Heading" and by inserting in lieu thereof "Except as provided elsewhere in this note, heading".

3. The following new subdivision (a)(iii) is inserted in numerical sequence in U.S. note 19 to subchapter III:

> "(iii) Heading 9903.85.03 provides the ordinary customs duty treatment of the derivative aluminum products enumerated in this subdivision of all countries other than products of the United States and other than of countries expressly exempted therefrom pursuant to the article description of such heading. For any products covered by heading 9903.85.03 that are eligible for special tariff treatment under any of the free trade agreements or preference programs listed in general note 3(c)(i) to the tariff schedule, the duty provided in heading 9903.85.03 shall be collected in addition to any special rate of duty otherwise applicable under the appropriate tariff subheading, except where prohibited by law. Goods for which entry is claimed under a provision of chapter 98 and which are subject to the additional duties prescribed herein shall be eligible for and subject to the terms of such provision and applicable CBP

regulations, except that duties under subheading 9802.00.60 shall be assessed based upon the full value of the imported article. No claim for entry or for any duty exemption or reduction shall be allowed for the derivative aluminum products enumerated in this subdivision under a provision of chapter 99 that may set forth a lower rate of duty or provide duty-free treatment, taking into account information supplied by CBP, but any additional duty prescribed in any provision of this subchapter or subchapter IV of chapter 99 shall be imposed in addition to the duty in heading 9903.85.03. Heading 9903.85.03 shall apply only to the following derivative aluminum products:

(A) stranded wire, cables, plaited bands and the like, including slings and similar articles, of aluminum and with steel core, not electrically insulated; the foregoing fitted with fittings or made up into articles (described in subheading 7614.10.50);

(B) stranded wire, cables, plaited bands and the like, including slings and similar articles, of aluminum and not with steel core, not electrically insulated; the foregoing comprising electrical conductors, not fitted with fittings or made up into articles (described in subheading 7614.90.20);

(C) stranded wire, cables, plaited bands and the like, including slings and similar articles, of aluminum and not with steel core, not electrically insulated; the foregoing not comprising electrical conductors, not fitted with fittings or made up into articles (described in subheading 7614.90.40);

(D) stranded wire, cables, plaited bands and the like, including slings and similar articles, of aluminum and not with steel core, not electrically insulated; the foregoing fitted with fittings or made up into articles (described in subheading 7614.90.50);

(E) bumper stampings of aluminum, the foregoing comprising parts and accessories of the motor

vehicles of headings 8701 to 8705 (described in subheading 8708.10.30); and

(F) body stampings of aluminum, for tractors suitable for agricultural use (described in subheading 8708.29.21)."

4. Subdivision (c) of U.S. note 19 to subchapter III is modified:

a. by deleting "heading 9903.85.01" and by inserting in lieu thereof "headings 9903.85.01 and 9903.85.03"; and

b. by deleting "individual aluminum products otherwise covered by subdivision (b) of this note" and inserting in lieu thereof "individual derivative aluminum products or individual aluminum products otherwise covered by subdivision (a)(iii) or subdivision (b) of this note, respectively,".

5. Subdivision (d) of U.S. note 19 to subchapter III is modified by inserting after "inclusive," the following: " or any importer of derivative aluminum products covered by this note under heading 9903.85.03,".

6. The article description of heading 9903.85.01 is modified by deleting "Products" and by inserting in lieu thereof "Except for products described in heading 9903.85.03, products".

7. The following new heading is inserted in such subchapter III in numerical sequence:

"9903.85.03	Derivative aluminum products enumerated in U.S. note 19(a)(iii) to this subchapter, except products of Argentina, of			

	Australia, of Canada, of Mexico, or any exclusions that may be determined and announced by the Department of Commerce.....	The duty provided in the applicable subheading + 10%	The duty provided in the applicable subheading + 10%	The duty provided in the applicable subheading + 10%"

Annex II

Derivatives of Steel Articles

Subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified as set forth below, with the material in the new tariff provisions inserted in the columns labeled "Heading/Subheading", "Article Description", "Rates of Duty 1-General", "Rates of Duty 1-Special", and "Rates of Duty 2", respectively. The modifications shall be effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on February 8, 2020.

1. U.S note 16(a) to subchapter III is modified in the first sentence by adding at the end thereof " or described in subdivision (a)(ii) of this note".

2. U.S. note 16(a)(i) to subchapter III is modified by deleting the word "Heading" and by inserting in lieu thereof "Except as provided elsewhere in this note, heading".

3. The following new subdivision (a)(ii) is inserted in numerical sequence in U.S. note 16 to subchapter III:

"(ii) Heading 9903.80.03 provides the ordinary customs duty treatment of the derivative iron or steel products enumerated in this subdivision of all countries other than products of the United States and other than of countries expressly exempted therefrom pursuant to the article description of such heading. For any products covered by heading 9903.80.03 that are eligible for special tariff treatment under any of the free trade agreements or preference programs listed in general note 3(c)(i) to the tariff schedule, the duty provided in heading 9903.80.03 shall be collected in addition to any special rate of duty otherwise applicable under the appropriate tariff subheading, except where prohibited by law. Goods for which entry is claimed under a provision of chapter 98 and which are subject to the additional duties prescribed herein shall be eligible for and subject to the terms of such provision and applicable CBP

regulations, except that duties under subheading 9802.00.60 shall be assessed based upon the full value of the imported article. No claim for entry or for any duty exemption or reduction shall be allowed for the derivative iron or steel products enumerated in this subdivision under a provision of chapter 99 that may set forth a lower rate of duty or provide duty-free treatment, taking into account information supplied by CBP, but any additional duty prescribed in any provision of this subchapter or subchapter IV of chapter 99 shall be imposed in addition to the duty in heading 9903.80.03. Heading 9903.80.03 shall apply only to the following derivative iron or steel products:

(A) nails, tacks (other than thumb tacks), drawing pins, corrugated nails, staples (other than those of heading 8305) and similar articles, of iron or steel, whether or not with heads of other material (excluding such articles with heads of copper), suitable for use in powder-actuated handtools, threaded (described in subheading 7317.00.30); and

(B) nails, tacks (other than thumb tacks), drawing pins, corrugated nails, staples (other than those of heading 8305) and similar articles, of iron or steel, whether or not with heads of other material (excluding such articles with heads of copper), of one piece construction, whether or not made of round wire; the foregoing described in statistical reporting numbers 7317.00.5503, 7317.00.5505, 7317.00.5507, 7317.00.5560, 7317.00.5580 or 7317.00.6560 only and not in other statistical reporting numbers of subheadings 7317.00.55 and 7317.00.65;

(C) bumper stampings of steel, the foregoing comprising parts and accessories of the motor vehicles of headings 8701 to 8705 (described in subheading 8708.10.30); and

(D) body stampings of steel, for tractors suitable for agricultural use (described in subheading 8708.29.21)."

4. Subdivision (c) of U.S. note 16 to subchapter III is modified:

   a. by deleting "heading 9903.80.01" and by inserting in lieu thereof "headings 9903.80.01 and 9903.80.03,"; and

   b. by deleting "individual iron or steel products otherwise covered by subdivision (b) of this note" and inserting in lieu thereof "individual derivative iron or steel products or individual iron or steel products otherwise covered by subdivision (a)(ii) or subdivision (b) of this note, respectively,".

5. Subdivision (d) of U.S. note 16 to subchapter III is modified by inserting after "inclusive," the following: " or any importer of derivative iron or steel products covered by this note under heading 9903.80.03,".

6. The article description of heading 9903.80.01 is modified by deleting "Products" and by inserting in lieu thereof "Except for derivative iron or steel products described in heading 9903.80.03, products".

7. The following new heading is inserted in such subchapter III in numerical sequence:

"9903.80.03	Derivative iron or steel products enumerated in U.S. note 16(a)(ii) to this subchapter, except products of Argentina, of Australia, of Brazil, of Canada, of Mexico, of South Korea, or any exclusions that may be determined and announced by the Department of Commerce.....	The duty provided	The duty provided	The duty provided

		in the applicable subheading + 25%	in the applicable subheading + 25%	in the applicable subheading + 25%"

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[FR Doc. 2020–01806

Filed 1–28–20; 11:15 a.m.]

Billing code 7020–02–C

Presidential Documents

Proclamation 9981 of January 24, 2020

National Day of Remembrance of the 75th Anniversary of the Liberation of Auschwitz, 2020

By the President of the United States of America

A Proclamation

On the 75th anniversary of the liberation of Auschwitz, we remember the 6 million Jews who perished in the Holocaust and pay tribute to the American soldiers and other Allied Forces who fought tirelessly to defeat the Nazi regime. We also recommit ourselves to the fight against anti-Semitism and to the two words that cannot be repeated often enough: Never Again.

Driven by virulent hatred and unspeakable cruelty, the Nazis implemented a systematic and methodical plan to exterminate the Jewish people and others they deemed undesirable. Two out of three Jews in Europe and millions of other people were murdered. They were sent to ghettos, concentration camps, and death camps where they were persecuted, imprisoned, starved, tortured, and executed. It is simply unthinkable that such barbarity occurred just 75 years ago.

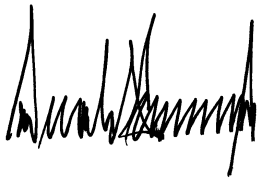
The courageous survivors of the Holocaust continuously relive the nightmares of their experience. But they have persevered to bear witness so that all of us today and in the future never forget the Nazis' unconscionable attempt to destroy the Jewish people. Their undaunted spirit compels us to ensure that their stories live on. Those who are filled with hate must never succeed in their efforts to minimize, deny, or erase the Holocaust from our memories or our history books. We have a fundamental and collective duty to ensure that each new generation knows the truth. The lessons of the Holocaust must forever be engrained in the consciousness of humanity so that we can fulfill our solemn and sacred promise that such evil and hatred will never again come to power.

In the ultimate act of defiance, the Jewish people rose up from the ashes of the Holocaust to found and build the modern State of Israel. As I have said in the past, the State of Israel is an eternal monument to the undying strength of the Jewish people. To those who will seek the destruction of Israel and the Jewish people, we say: Never Again.

Today, we honor the memory of those who were killed in the Holocaust. We cherish the survivors who ensured the perpetuation of the Jewish people. And we offer a debt of gratitude that can never be repaid to our brave soldiers who sacrificed everything for freedom.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 27, 2020, as a National Day of Remembrance of the 75th Anniversary of the Liberation of Auschwitz. On this day, I call upon all Americans to observe this day with programs, ceremonies, prayers, and commemorations to honor the memory of the victims of the Holocaust and Nazi persecution and also acknowledge the sacrifices of those men and women who helped liberate the victims of this atrocity.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of January, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.



[FR Doc. 2020–01814
Filed 1–28–20; 11:15 am]
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Presidential Documents

Proclamation 9982 of January 24, 2020

National School Choice Week, 2020

By the President of the United States of America

A Proclamation

Each child is a gift from God who has boundless potential and deserves a fair shot at the American Dream. To have that fair shot, children and their families must be free to pursue an educational environment that matches their individual learning style, develops their unique talents, and prepares them with the knowledge and character needed for fulfilling and productive lives. During National School Choice Week, we ensure America's brightest days are ahead by again committing to fighting for every student's freedom to pursue the best possible education.

Sadly, for decades, we have tolerated an education system that continues to fail too many children. At a time when our students need the skills to succeed in an ever-changing world, the ''Nation's Report Card'' shows that about two-thirds of our children are not Proficient readers. That means nearly two out of three students are not where they need to be. Our great Nation can no longer accept a two-tiered education system in which opportunity is decided by a child's neighborhood.

The success of future generations determines the success of our Nation. With school choice, we can ensure the underserved children of our Nation are forgotten no more.

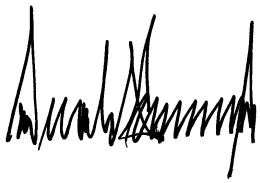
Education freedom helps inspire and educate students by providing a learning environment that best fits their unique needs, and it allows families to make choices based on their individual situations. A growing number of States and their communities are taking bold action to ensure all students, regardless of background or socioeconomic status, can receive a great education. I applaud State, local, and tribal leaders who are actively working to empower more families with educational choice. The expansion of school choice, including out-of-district public, charter, magnet, private, religious, home, and online education programs, has provided life-changing opportunities to millions of students.

My Administration is protecting and building upon efforts to expand access to a wide range of high-quality education options. Today, I renew my call on the Congress to focus on what is best for children and pass a Federal tax credit to support State-based educational choice programs. Through this historic investment, more than one million more students will receive an education that meets their needs, all without taking a single dollar from America's great public schools. I also renew the call for the Congress to expand and make permanent the highly successful DC Opportunity Scholarship Program, which has achieved historic success under my Administration.

Education can open any door. During this National School Choice Week, we are heartened by the many students whose lives have been changed by the freedom to make their own educational choices. And we are motivated to continue to advance educational choice by the millions who are still denied the opportunity to choose the educational path that best meets their needs. We challenge all lawmakers to work to ensure that every child has the opportunity to fulfill their potential and achieve the American Dream.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 26 to February 1, 2020, as National School Choice Week.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of January, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.



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H.R. 263/P.L. 116–110

To rename the Oyster Bay National Wildlife Refuge as the Congressman Lester Wolff Oyster Bay National Wildlife Refuge. (Jan. 27, 2020; 134 Stat. 6)

H.R. 434/P.L. 116–111
Emancipation National Historic Trail Study Act (Jan. 27, 2020; 134 Stat. 8)

S. 457/P.L. 116–112
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