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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 868

[Doc. No. AMS–FGIS–18–0088]

RIN 0581–AD85

Fees for Rice Inspection Services and Removal of Specific Fee References

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule revises the regulations governing the sampling, inspection, weighing, and certification of rice performed under authority of the Agricultural Marketing Act of 1946 (AMA), as amended, by decreasing fees by 20 percent for fiscal year (FY) 2020 and by another 20 percent for FY 2021. These revisions are necessary to lower the balance in the program's operating reserve to a level adequate to cover three to six months' expenses. AMS is implementing the standardized AMS user-fee calculations used in other AMS programs for rice inspection services beginning in FY 2022.

DATES: Effective January 30, 2020, and applicable beginning January 1, 2020.

FOR FURTHER INFORMATION CONTACT: Denise Ruggles, FGIS Executive Program Analyst, AMS, USDA; Telephone: (816) 659–8406; Email: *Denise.M.Ruggles@usda.gov*.

SUPPLEMENTARY INFORMATION: The AMA (7 U.S.C. 1621–1638) authorizes the Federal Grain Inspection Service (FGIS) to provide official inspection and weighing services—on a user-fee basis—for rice (7 U.S.C. 1622(h)). The AMA provides for the assessment and collection of reasonable fees from the users of the services to cover, as nearly as practicable, the costs of the services rendered. AMS receives no directly appropriated funds to provide inspection and weighing services. AMS ability to provide these services depend on user fees.

The fees reflect direct and indirect costs of providing services. Direct costs include employee salaries and benefits, and certain operating expenses, such as travel. Indirect overhead costs include expenses related to FGIS and AMS activities supporting the services provided to the industry, including administrative and supervisory expenses, rent, communication, utilities, contractual services, supplies, and equipment. The formula used to calculate the fee rates also includes the cost of building and maintaining an operating reserve, as required by AMS. Reserves are held to meet financial obligations in case of program closure or other unexpected events.

AMS invited comments on the proposed rule identifying changes to the FGIS user fees for rice inspection and weighing services (84 FR 45439). AMS received no comments.

The fees for rice inspection services were last revised in 2007 (72 FR 1931). The fee schedule at 7 CFR 868.91 provides for fee increases at set intervals, the most recent taking effect in October 2010 for the 2011 fiscal year and beyond. Although fees have not increased since then, the current fee structure has generated a recurring annual operating surplus for several years, resulting in an estimated reserve balance at the end of FY 2019 that would cover 21 months of rice inspection program expenses, exceeding AMS's target of maintaining funds to cover 3 to 6 months' expenses. Estimated monthly costs to operate the rice inspection program in FY 2019 are $457,000. Thus, AMS would consider an operating reserve of between $1.37 million and $2.74 million (3 and 6 times the monthly operating cost, respectively) at the end of FY 2019 to be appropriate. Financial data for the rice inspection program for fiscal years 2015 through 2019 is reviewed in Table 1.

TABLE 1—RICE PROGRAM FINANCIAL ANALYSIS

[Millions of Dollars]*

	FY 15	FY 16	FY 17	FY 18	FY 19**
Revenue	$6.93	$5.79	$5.84	$5.50	$5.49
Obligations	5.13	5.36	5.44	5.39	5.48
Annual Surplus or (Deficit)	1.80	0.43	0.40	0.11	0.01
Operating Reserve—running balance	8.45	8.88	9.28	9.38	9.39

* Figures may not sum due to rounding and adjustments of prior year obligations.
** FY 2019 values are projections.

As illustrated by Table 1, even though revenues have generally declined due to varying requests for service and increased efficiencies, and obligations have generally increased over the last five years due to inflation and costs of living adjustments, year-after-year surpluses have continued to increase. The result is an operating reserve running balance exceeding the range AMS deems appropriate.

AMS addresses the surplus by reducing fees for rice inspection services by 20 percent across the board for FY 2020 and by another 20 percent for FY 2021. AMS expects that reducing fees in this manner would gradually reduce the balance in the reserve fund while also allowing FGIS to continue making strategic operational expenditures to meet industry expectations and achieve United States Department of Agriculture (USDA) goals.

The rates in this rule are for Federal inspection services only. Third-party inspection service providers establish their rates independently.

Fees for fiscal years 2020 and 2021 are shown in Tables 2 and 3 below:

TABLE 2—HOURLY RATES/UNIT RATE PER CWT

Service [1]	Regular workday (Monday–Saturday)	Nonregular workday (Sunday and Holiday)
FY 2020 (Effective 01/01/2020):		
Contract (per hour per Service representative)	$49.40	$68.50
Noncontract (per hour per Service representative)	60.20	82.90
Export Port Services (per hundredweight) [2]	0.059	
FY 2021 (Effective 10/01/2020):		
Contract (per hour per Service representative)	39.50	54.80
Noncontract (per hour per Service representative)	48.20	66.30
Export Port Services (per hundredweight) [2]	0.047	

TABLE 3—UNIT RATES SERVICE [3]

Inspection for quality (per lot, sublot, or sample inspection)	FY 2020 effective 01/01/2020	FY 2021 effective 10/01/2020
(a) Rough rice	$37.80	$30.20
(b) Brown rice for processing	32.50	26.00
(c) Milled rice	23.40	18.70
Factor analysis for any single factor (per factor):		
(a) Milling yield (per sample) (Rough or Brown rice)	29.30	23.40
(b) All other factors (per factor) (all rice)	14.10	11.30
Total free and fatty acid	45.80	36.60
Stowage Examination (service-on-request):		
(a) Ship (per stowage space) (minimum 5 spaces per ship)	40.40	32.30
(b) Subsequent ship examination (same as original) (minimum 3 spaces per ship)	40.40	32.30
(c) Barge (per examination)	32.40	25.90
(d) All other carriers (per examination)	12.40	9.90

For FY 2022 and beyond, AMS will determine rice inspection service fees by using the standardized formulas AMS has established for calculating user fees for Cotton, Dairy, Fruits and Vegetables, Meat and Livestock, Poultry, Science and Technology, and Tobacco. Established in 2014 (79 FR 67313), the standardized method enables AMS to use current information about resource needs and projected costs of providing services to update rates for services on an annual basis, thus better avoiding unexpected financial shortfalls or unintended reserve surpluses. AMS announces the fees pertaining to all the AMS inspection-related services for the coming year annually through a notice in the **Federal Register** by the preceding June 1. AMS posts the fees on the Agency's website for customer reference during the year. AMS believes this action for rice would help FGIS adjust the rice inspection reserve account as necessary and provide its customers with information they need for planning purposes. Once the reserve balance has reached an appropriate level, AMS anticipates that the standardized formula for fee rates will appropriately account for increases in the actual costs of providing inspection services.

Currently, 7 CFR 868.91—Fees for certain Federal rice inspection services—provides the fees for rice inspections. Section 868.91 lists the fees in two tables: Hourly rates or per unit rates per hundredweight for contract and noncontract services, and unit rates for inspecting, analyzing, or providing other related services. The tables give annual rates effective in 2007, 2008, 2009, and 2010. The current rates have not been adjusted since October 1, 2010. AMS is removing the two tables from § 868.91 for FY 2020. AMS will publish instead reduced fees—as described in Tables 2 and Table 3 above—on the AMS website for FY 2020 and FY 2021.

For FY 2022 and beyond, AMS adds a new § 868.91(b) specifying the formulas for calculating rice inspection fees on an annual basis. As with other programs, AMS would perform financial analyses each year to determine whether the current fees are adequate to recover the costs incurred by providing rice inspection services. AMS would use historical or prior year cost and workload data, along with applicable projections to generate estimates of future obligations and revenues. On the bases of these analyses and formulas, AMS would determine the rates necessary to sustain rice inspection program services. Using the formulas to calculate the fees, and reviewing the fees on an annual basis, would more accurately reflect the actual cost of providing inspection services each year and would provide greater transparency and predictability to the rice industry. AMS would publish the fees for each upcoming fiscal year in the annual AMS user-fee notice in the **Federal Register** by the preceding June 1. The yearly notice would include both the per-hour rates and the per-unit rates. Updated fees schedules would no longer appear in the Code of Federal Regulations but would be available on the AMS website.

Calculations

AMS will base salary, hours, and most factors used in the calculations on the

[1] Original and appeal inspection services include: Sampling, grading, weighing, and other services requested by the applicant when performed at the applicant's facility.

[2] Services performed at export port locations on lots at rest.

[3] Fees apply to determinations (original or appeals) for kind, class, grade, factor analysis, equal to type, milling yield, or any other quality designation as defined in the U.S. Standards for Rice or applicable instructions, whether performed singly or in combination at other than the applicant's facility.

prior year's actual costs, workload data, projection of expenses impacting program costs, cost of living increase, and inflation. AMS would base cost of living increase and inflation factors on the most recent economic data released by the Office of Management and Budget (OMB) for budget development purposes. AMS would round the final rates up to make the amounts divisible by the quarter hour (15 minutes). Under the rate formulas, the minimum charge for services covered by the inspection fee rates would be for 15 minutes. As explained later in this document, the applicant requesting inspection service would be charged travel costs on an actual basis. AMS chose to use these formulas for rice inspection fees, so they would be consistent with the formulas used agency wide in other AMS programs.

Currently, some rice inspection service fees are charged on a per hour basis, and some are charged on a per unit basis. AMS will continue providing costs on both bases to maintain continuity. As well, AMS would provide the specific amounts used to calculate each year's rates upon request.

AMS adds a new paragraph § 868.91(b)(1) to include the formulas for calculating regular, overtime, and holiday fee rates for FY 2022 and succeeding fiscal years. AMS further adds a new paragraph § 868.91(b)(2) to include the component formulas for benefits, operating, and allowance for bad debt rates.

Finally, AMS adds a new § 868.91(b)(3), which specifies that AMS will use the most recently released OMB economic data to generate the cost of living and inflation factors used in the above formulas.

Travel Expense

One factor that may have contributed to the operating reserve buildup over time is the incorporation of an allowance for travel expenses in the current rice inspection fee rates that may not have reflected actual travel costs. AMS addresses this by specifying in the fee calculation formulas that travel expenses related to providing inspection services, such as commercial transportation costs, mileage, and per diem, will be based on actual travel costs incurred to perform the service. The fee rate calculations in § 868.91(b) will specify that actual travel expenses for rice inspection services may be added to the cost of providing the service, consistent with current practice under most other AMS programs. This change will be applicable to fee rates beginning in FY 2022.

As a conforming change, AMS removes the language in § 868.92(a)(2)—Explanation of service fees and additional fees, which makes specific reference to the inclusion of travel expenses in the current rice inspection fee calculations, as that language would be obsolete.

Effective Date

This is a substantive rule that relieves restrictions and, pursuant to the provisions of 5 U.S.C. 553, may be made effective less than 30 days after publication in the **Federal Register**. Retroactive implementation of this rule is necessary to provide relief to those persons who are adversely affected by being assessed a user fee rate higher than would be collected under this rule. Making this rule effective retroactively will allow interested producers and others in the marketing chain to benefit from the reduced user fee assessment immediately. Therefore, the Administrator of the Agricultural Marketing Service has determined that this rule should be effective retroactively starting January 1, 2020.

Executive Orders 12866, 13563, and 13771

Executive Orders 12866—Regulatory Planning and Review, and 13563—Improving Regulation and Regulatory Review, 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). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits of reducing costs, harmonizing rules, and promoting flexibility. This rule does not meet the criteria of a significant regulatory action under Executive Order 12866 as supplemented by Executive Order 13563. Therefore, OMB has not reviewed this rule under those Orders. Additionally, because this rule does not meet the definition of a significant regulatory action under Executive Order 12866, it does not trigger the requirements contained in Executive Order 13771. See OMB's memorandum titled ''Interim Guidance Implementing Section 2 of the E.O. of January 30, 2017, titled 'Reducing Regulation and Controlling Regulatory Costs''' (February 2, 2017).

AMS considered several alternatives to the changes in this rule, including making larger decreases to the FY 2020 and FY 2021 rates to bring the reserve balance down more quickly or making a larger fee rate decrease for FY 2020 only. Ultimately, AMS determined that the approach of making smaller—but still significant—reductions two years in a row before transitioning to the standardized fee calculations would be the alternative least disruptive to the industry while moving toward desirable reserve levels. AMS expects the changes to benefit the rice industry by reducing rates by 20% for each of the next two years and then adjusting rates as needed annually thereafter to reflect actual expenses related to rice inspections. Under the rule, rice inspection service users would likely enjoy further savings since most inspection sites are near FGIS field offices and charges for travel will be based on actual expenses rather than the standard flat amount incorporated into the current fee rates. AMS does not expect the rule to provide any environmental, public health, or safety benefits. AMS has not identified any costs related to this action.

Executive Order 12988

This rule has been reviewed under Executive Order 12988—Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. No administrative proceedings would be required before parties could file suit in court challenging the provisions of this rule.

Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule as not a major rule, as defined by 5 U.S.C. 804(2).

Regulatory Flexibility Analysis

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–602), AMS has considered the economic impact of this action on small entities. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened.

There are approximately 169 applicants who receive rice inspection services. AMS estimates 42 percent of these users would be considered small businesses based on criteria established by the Small Business Administration (13 CFR 121.201) to differentiate between large and small business entities. SBA uses the North American Industry Classification System (NAICS) to categorize various industry businesses. SBA defines small rice farmers, NAICS code 111160, as those

whose annual receipts do not exceed $750,000 and small rice millers, NAICS code 311212, as those with no more than 500 employees.

When the current rice inspection fees were set in 2007, an 18 percent increase was implemented to cover program deficits caused by increases in employee salaries and benefits, the replacement of aging rice inspection equipment, and upgrading the information technology system used to generate certificates. The increase also was intended to create the operating reserve. However, as explained earlier in this document, revenues have continued to exceed expenditures, indicating that an adjustment to the fee schedule is now warranted. In addition, travel expenses were built into the hourly and unit fees currently charged by the program, resulting in higher than necessary revenues to cover the actual service provided.

Changes to the fees will reduce the cost of rice inspections by 20 percent for all services in FY 2020 across the board, regardless of the business entity's size, for a projected savings of approximately $1.17 million to the industry. A further 20 percent reduction for FY 2021 will net approximately $2.13 million in savings to the industry. All entities using rice inspection services, large and small, would be expected to benefit from reduced expenses for these services. Savings would be proportionate to the number of inspection services an entity requests each year. Use of standardized AMS user-fee rate calculations for FY 2022 and beyond would benefit all inspection applicants, regardless of size, as fees would more closely reflect the current cost of inspections, and the fee calculation process would be more transparent. Through its annual review, AMS would be able to monitor the financial status of the rice inspection program to determine whether further adjustments are necessary.

AMS has determined this rule would not have a significant economic impact on a substantial number of entities as defined under the RFA because fewer than half the applicants for rice inspection services meet the definition of small entities. Further, rice inspection and weighing services are provided upon request, and rice industry businesses are under no obligation to use these services.

Finally, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

Paperwork Reduction Act and E-Government Act

In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection and record keeping requirements of the rice inspection program have previously been approved by OMB under control number 0580–0013. No additional reporting, record keeping, or other compliance requirements would be imposed as a result of this rule.

AMS is committed to complying with the E-Government Act (44 U.S.C. 3601, *et seq.*), to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

List of Subjects in 7 CFR Part 868

Administrative practice and procedure, Agricultural commodities.

For the reasons set out in the preamble, AMS amends 7 CFR part 868 as follows:

PART 868—GENERAL REGULATIONS AND STANDARDS FOR CERTAIN AGRICULTURAL COMMODITIES

■ 1. The authority citation for part 868 continues to read as follows:

Authority: 7 U.S.C. 1621–1627.

■ 2. Revise § 868.91 to read as follows:

§ 868.91 Fees for certain Federal rice inspection services.

The fees for services in paragraph (a) apply to Federal inspection services. Starting with fiscal year 2022, calculations provided in paragraph (b) will be used to determine annual fee rates.

(a) Fees for services are published on the Service's website.

(b) For each fiscal year, starting with 2022, the Administrator will calculate the rates for services, issue a public notice, and publish fees on the Service's website with an effective date of October 1 of each year.

(1) For each year, the Administrator will calculate the rates for services, per hour per inspection program employee using the following formulas:

(i) *Regular rate.* The Service's total inspection program personnel direct pay divided by direct hours, which is then multiplied by the next year's percentage of cost of living increase, plus the benefits rate, plus the operating rate, plus the allowance for bad debt rate. If applicable, actual travel expenses may also be added to the cost of providing the service.

(ii) *Overtime rate.* The Service's total inspection program personnel direct pay divided by direct hours, which is then multiplied by the next year's percentage of cost of living increase and then multiplied by 1.5, plus the benefits rate, plus the operating rate, plus an allowance for bad debt. If applicable, actual travel expenses may also be added to the cost of providing the service.

(iii) *Holiday rate.* The Service's total inspection program personnel direct pay divided by direct hours, which is then multiplied by the next year's percentage of cost of living increase and then multiplied by 2, plus the benefits rate, plus the operating rate, plus an allowance for bad debt. If applicable, actual travel expenses may also be added to the cost of providing the service.

(2) For each year, based on previous year/historical actual costs, the Administrator will calculate the benefits, operating, and allowance for bad debt components of the regular, overtime, and holiday rates as follows:

(i) *Benefits rate.* The Service's total inspection program direct benefits costs divided by the total hours (regular, overtime, holiday) worked, which is then multiplied by the next year's percentage of cost of living increase. Some examples of direct benefits are health insurance, retirement, life insurance, and Thrift Savings Plan (TSP) retirement basic and matching contributions.

(ii) *Operating rate.* The Service's total inspection program operating costs divided by total hours (regular, overtime, and holiday) worked, which is then multiplied by the percentage of inflation.

(iii) *Allowance for bad debt rate.* Total allowance for bad debt, divided by total hours (regular, overtime, holiday) worked.

(3) The Administrator will use the most recent economic factors released by the Office of Management and Budget for budget development purposes to derive the cost of living expenses and percentage of inflation factors used in the formulas in this section.

§ 868.92 [Amended]

■ 3. Amend § 868.92 by removing paragraph (a)(2) and redesignating paragraphs (a)(3) through (5) as paragraphs (a)(2) through (4), respectively.

Dated: January 21, 2020.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2020–01205 Filed 1–29–20; 8:45 am]

BILLING CODE 3410–02–P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 324

RIN 3064–AE91

Regulatory Capital Rule: Capital Simplification for Qualifying Community Banking Organizations; Corrections

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Correcting amendments.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) is correcting an interagency final rule that appeared in the **Federal Register** on Wednesday, November 13, 2019, regarding Capital Simplification for Qualifying Community Banking Organizations. These corrections are necessary to standardize the language in the FDIC regulations with the regulations of the other agencies that issued the final rule.

DATES: Effective January 30, 2020.

FOR FURTHER INFORMATION CONTACT: *FDIC:* Benedetto Bosco, Chief, Capital Policy Section, *bbosco@fdic.gov*; Stephanie Lorek, Senior Capital Markets Policy Analyst, *slorek@fdic.gov*; Dushan Gorechan, Financial Analyst, *dgorechan@fdic.gov*; Kyle McCormick, Financial Analyst, *kmccormick@fdic.gov*; Capital Markets Branch, Division of Risk Management Supervision, (202) 898–6888; or Michael Phillips, Counsel, *mphillips@fdic.gov*; Catherine Wood, Counsel, *cawood@fdic.gov*; Supervision Branch, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION: On November 13, 2019, the Office of the Comptroller of the Currency (OCC), Board of Governors of the Federal Reserve System (Board), and the FDIC (collectively, the agencies) published a final rule ''Regulatory Capital Rule: Capital Simplification for Qualifying Community Banking Organizations.'' [1] The final rule provides for a simple measure of capital adequacy for certain community banking organizations, consistent with section 201 of the Economic Growth, Regulatory Relief, and Consumer Protection Act. Under the final rule, depository institutions and depository institution holding companies that have less than $10 billion in total consolidated assets and meet other qualifying criteria, including a leverage ratio of greater than 9 percent, will be eligible to opt into the community bank leverage ratio framework. Instruction 61 of the **Federal Register** document resulted in the amendment of the entirety of paragraph (b) of 12 CFR 324.403, rather than modifying only § 324.403(b)(1), consistent with the intent of the agencies. Therefore, for the reasons set out in the preamble of the **Federal Register** document for the November 13, 2019, final rule and in this document, the FDIC hereby makes the following correcting amendments to 12 CFR 324.403(b).

[1] 84 FR 61776 (Nov. 13, 2019).

List of Subjects in 12 CFR Part 324

Administrative practice and procedure, Banks, Banking, Capital adequacy, Reporting and recordkeeping requirements, State non-member banks, Savings associations.

Therefore, for the reasons set out in the preamble, the FDIC hereby makes the following correcting amendments to 12 CFR part 324:

PART 324—CAPITAL ADEQUACY OF FDIC-SUPERVISED INSTITUTIONS

■ 1. The authority citation for part 324 continues to read as follows:

Authority: 12 U.S.C. 1815(a), 1815(b), 1816, 1818(a), 1818(b), 1818(c), 1818(t), 1819(Tenth), 1828(c), 1828(d), 1828(i), 1828(n), 1828(o), 1831o, 1835, 3907, 3909, 4808; 5371; 5412; Pub. L. 102–233, 105 Stat. 1761, 1789, 1790 (12 U.S.C. 1831n note); Pub. L. 102–242, 105 Stat. 2236, 2355, as amended by Pub. L. 103–325, 108 Stat. 2160, 2233 (12 U.S.C. 1828 note); Pub. L. 102–242, 105 Stat. 2236, 2386, as amended by Pub. L. 102–550, 106 Stat. 3672, 4089 (12 U.S.C. 1828 note); Pub. L. 111–203, 124 Stat. 1376, 1887 (15 U.S.C. 78o–7 note).

■ 2. Section 324.403(b) is revised as follows:

§ 324.403 Capital measures and capital category definitions.

* * * * *

(b) *Capital categories.* For purposes of section 38 of the FDI Act and this subpart, an FDIC-supervised institution shall be deemed to be:

(1)(i) ''Well capitalized'' if:

(A) Total Risk-Based Capital Measure: The FDIC-supervised institution has a total risk-based capital ratio of 10.0 percent or greater; and

(B) Tier 1 Risk-Based Capital Measure: The FDIC-supervised institution has a tier 1 risk-based capital ratio of 8.0 percent or greater; and

(C) Common Equity Tier 1 Capital Measure: The FDIC-supervised institution has a common equity tier 1 risk-based capital ratio of 6.5 percent or greater; and

(D) The FDIC-supervised institution has a leverage ratio of 5.0 percent or greater; and

(E) The FDIC-supervised institution is not subject to any written agreement, order, capital directive, or prompt corrective action directive issued by the FDIC pursuant to section 8 of the FDI Act (12 U.S.C. 1818), the International Lending Supervision Act of 1983 (12 U.S.C. 3907), or the Home Owners' Loan Act (12 U.S.C. 1464(t)(6)(A)(ii)), or section 38 of the FDI Act (12 U.S.C. 1831o), or any regulation thereunder, to meet and maintain a specific capital level for any capital measure.

(ii) Beginning on January 1, 2018 and thereafter, an FDIC-supervised institution that is a subsidiary of a covered BHC will be deemed to be well capitalized if the FDIC-supervised institution satisfies paragraphs (b)(1)(i)(A) through (E) of this section and has a supplementary leverage ratio of 6.0 percent or greater. For purposes of this paragraph (b)(1)(ii), a covered BHC means a U.S. top-tier bank holding company with more than $700 billion in total assets as reported on the company's most recent Consolidated Financial Statement for Bank Holding Companies (Form FR Y–9C) or more than $10 trillion in assets under custody as reported on the company's most recent Banking Organization Systemic Risk Report (Form FR Y–15).

(iii) A qualifying community banking organization, as defined under § 324.12, that has elected to use the community bank leverage ratio framework under § 324.12 shall be considered to have met the capital ratio requirements for the well capitalized capital category in paragraph (b)(1)(i)(A) through (D) of this section.

(2) ''Adequately capitalized'' if it:

(i) Has a total risk-based capital ratio of 8.0 percent or greater; and

(ii) Has a Tier 1 risk-based capital ratio of 6.0 percent or greater; and

(iii) Has a common equity tier 1 capital ratio of 4.5 percent or greater; and

(iv) Has a leverage ratio of 4.0 percent or greater; and

(v) Does not meet the definition of ''well capitalized'' in this section.

(vi) Beginning January 1, 2018, an advanced approaches FDIC-supervised institution will be deemed to be ''adequately capitalized'' if it satisfies paragraphs (b)(2)(i) through (v) of this section and has a supplementary leverage ratio of 3.0 percent or greater, as calculated in accordance with § 324.11.

(3) ''Undercapitalized'' if it:

(i) Has a total risk-based capital ratio that is less than 8.0 percent; or

(ii) Has a Tier 1 risk-based capital ratio that is less than 6.0 percent; or

(iii) Has a common equity tier 1 capital ratio that is less than 4.5 percent; or

(iv) Has a leverage ratio that is less than 4.0 percent.

(v) Beginning January 1, 2018, an advanced approaches FDIC-supervised institution will be deemed to be ''undercapitalized'' if it has a supplementary leverage ratio of less than 3.0 percent, as calculated in accordance with § 324.11.

(4) ''Significantly undercapitalized'' if it has:

(i) A total risk-based capital ratio that is less than 6.0 percent; or

(ii) A Tier 1 risk-based capital ratio that is less than 4.0 percent; or

(iii) A common equity tier 1 capital ratio that is less than 3.0 percent; or

(iv) A leverage ratio that is less than 3.0 percent.

(5) ''Critically undercapitalized'' if the insured depository institution has a ratio of tangible equity to total assets that is equal to or less than 2.0 percent.

* * * * *

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on January 14, 2020.

Annmarie H. Boyd,

Assistant Executive Secretary.

[FR Doc. 2020–00776 Filed 1–29–20; 8:45 am]

BILLING CODE 6714–01–P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 126

RIN 3245–AG86

National Defense Authorization Acts of 2016 and 2017, Recovery Improvements for Small Entities After Disaster Act of 2015, and Other Small Business Government Contracting; Correction

AGENCY: U.S. Small Business Administration.

ACTION: Final rule; correction; correcting amendment.

SUMMARY: The U.S. Small Business Administration (SBA or Agency) is correcting a final rule that appeared in the **Federal Register** on November 29, 2019. The final rule amended SBA's regulations to implement several provisions of the National Defense Authorization Acts (NDAA) of 2016 and 2017 and the Recovery Improvements for Small Entities After Disaster Act of 2015 (RISE Act), as well as to clarify existing regulations. This document corrects the final regulations.

DATES: Effective January 30, 2020.

FOR FURTHER INFORMATION CONTACT: Brenda Fernandez, Office of Policy, Planning and Liaison, 409 Third Street SW, Washington, DC 20416; (202) 205–7337; *brenda.fernandez@sba.gov*.

SUPPLEMENTARY INFORMATION: This is a correction to a final rule published November 29, 2019 (84 FR 65647).

List of Subjects in 13 CFR Part 126

Administrative practice and procedure, Government procurement, Penalties, Reporting and recordkeeping requirements, Small businesses.

Correction

In FR Doc. 2019–25517, appearing on page 65647 in the **Federal Register** of Friday, November 29, 2019, the following correction is made:

§ 126.601 [Corrected]

■ 1. On page 65664, in the third column, remove instructions 17.a. and b. for § 126.601(h)(1)(i) and (ii).

Accordingly, 13 CFR part 126 is corrected by making the following correcting amendments:

PART 126—HUBZONE PROGRAM

■ 1. The authority citation for part 126 continues to read as follows:

Authority: 15 U.S.C. 632(a), 632(j), 632(p), 644 and 657a; Pub. L. 111–240, 24 Stat. 2504.

§ 126.601 [Amended]

■ 2. In § 126.601:

■ a. Redesignate paragraph (i) as paragraph (d);

■ b. Remove the paragraph heading from newly redesignated paragraph (d); and

■ c. Remove reserved paragraphs (e) through (h).

§ 126.619 [Amended]

■ 3. In § 126.619, amend paragraphs (a)(3) and (4) by removing the phrase ''HUBZone contract'' and adding in its place the word ''contract''.

Dated: January 9, 2020.

Robb N. Wong,

Associate Administrator, Government Contracting and Business Development.

[FR Doc. 2020–00756 Filed 1–29–20; 8:45 am]

BILLING CODE 8026–03–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0525; Product Identifier 2019–NM–076–AD; Amendment 39–19824; AD 2020–01–18]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2006–11–11, which applied to all The Boeing Company Model 757 airplanes. AD 2006–11–11 required incorporating a new revision to the Airworthiness Limitations section of the Instructions for Continued Airworthiness to mandate certain repetitive inspections for fatigue cracking of principal structural elements (PSEs). This AD retains those actions and requires revising the existing maintenance or inspection program, as applicable, to incorporate additional new or more restrictive airworthiness limitations. This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 5, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 5, 2020.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of June 30, 2006 (71 FR 30278, May 26, 2006).

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; phone: 562–797–1717; internet: *https://www.myboeingfleet.com*. You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0525.

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–2019–0525; 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 final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Chandraduth Ramdoss, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5239; fax: 562–627–5210; email: *chandraduth.ramdoss@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to revise AD 2006–11–11, Amendment 39–14615 (71 FR 30278, May 26, 2006) (''AD 2006–11–11''). AD 2006–11–11 applied to all The Boeing Company Model 757 airplanes. The NPRM published in the **Federal Register** on July 25, 2019 (84 FR 35840). The NPRM was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The NPRM proposed to continue to require incorporating a new revision to the Airworthiness Limitations section of the Instructions for Continued Airworthiness to mandate certain repetitive inspections for fatigue cracking of PSEs. The NPRM also proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA is issuing this AD to address fatigue cracking of various PSEs; such fatigue cracking could adversely affect the structural integrity of these airplanes.

Comments

The FAA gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM and the FAA's response to each comment.

Support for the NPRM

Boeing and United Airlines concurred with the NPRM. FedEx stated that it has no issues with the proposed requirements of the NPRM.

Request To Clarify the Requirements of Paragraph (i) of the Proposed AD

Delta Airlines (DAL) requested that the FAA clarify the requirements of paragraph (i) of the proposed AD. DAL mentioned that it had complied with the requirements of AD 2006–11–11 in the year 2006. DAL then pointed out that it interprets the requirements of paragraph (i) of the proposed AD to mean that once the NPRM is adopted as a final rule, any alternative actions, intervals, or critical design configuration control limitations (CDCCLs) will require approval of an AMOC. DAL expressed concern that parties other than the FAA ACO branch or the Boeing Company Organization Designation Authorization (ODA) might not be aware that AD 2006–11–11 had been superseded. Additionally, DAL mentioned that the period of time between adoption of a new rule and the effective date of a new rule is typically used to get all required documentation updated. DAL then pointed out that operators attempt to incorporate newly adopted rules by the effective date of the new rule and would not be able to have all of the related documentation updated immediately upon adoption of the new rule. DAL recommended that a ''grace period'' be included in paragraph (i) of the proposed AD by revising to state that ''. . . no alternative actions (*e.g.,* inspections), intervals, or CDCCLs may be used after the effective date of this AD unless. . . .''

The FAA agrees to clarify. AMOCs provide an alternative method of compliance to the methods required to be used in the associated AD. An AMOC may only be approved after an AD has been published and only after data are provided to show that the proposed solution is complete and addresses the unsafe condition. Therefore, once this AD is published, any person may request approval of an AMOC under the provisions of paragraph (l) of this AD. The FAA understands the operator's choice to comply with the AD requirements by the effective date, however, the effective date is not a deadline. The compliance time of the required actions is within 18 months after the effective date of this AD, which means that the compliance time starts on the effective date. The operator's choice to do the required actions early is commendable, but does not necessitate a grace period. Additionally, paragraph (l)(4) of this AD specifically authorizes the use of previously approved AMOCs for AD 2006–11–11 for the corresponding provisions of this AD. The FAA has not changed this AD in this regard.

Request To Clarify the Alternative Method of Compliance (AMOC) Provisions

American Airlines (AAL) requested that, due to differences in verbiage between the requirements of paragraphs (i) and (j) of the proposed AD, and paragraph (l) of the proposed AD, the FAA clarify whether The Boeing Company ODA may approve alternative actions (*e.g.,* inspections), intervals, or CDCCLs.

The FAA agrees that clarification is necessary. The Boeing Company ODA is able to approve AMOCs if they are within the authority delegated to them by the FAA. It is likely that the FAA will delegate some AMOC authority to the Boeing Company ODA for this AD. The FAA does not delegate AMOC authority for CDCCLs. The FAA has not changed this AD in this regard.

Request To Revise the Applicability for Supplemental Type Certificate (STC) ST01518SE

Aviation Partners Boeing (APB) requested that the FAA revise the proposed applicability to specify that STC ST01518SE affects the ability to accomplish the proposed actions. APB pointed out that STC ST01518SE requires alternative actions or inspection intervals for some of the new or updated tasks in Boeing 757 Maintenance Planning Data (MPD) Document, Section 9, Airworthiness Limitations (AWLs) and Certification Maintenance Requirements (CMRs), D622N001–9, Revision October 2018. APB also stated that certain inspections and inspection intervals for the structural significant items (SSIs) contained in APB 757–200 MPD Supplements AP57.2–0604.2 and AP57.2–0604.2–DTR, and for the SSIs contained in APB 757–300 MPD Supplements AP57.3–0604.2 and AP57.3–0604.2–DTR, are alternative to those contained in the Boeing 757 Maintenance Planning Data (MPD) Document, Section 9, Airworthiness Limitations (AWLs) and Certification Maintenance Requirements (CMRs), D622N001–9, Revision October 2018. APB mentioned that it will revise the affected APB MPD supplements and apply for new AMOC(s) in accordance with paragraph (l) of the proposed AD. APB also suggested that paragraph (c) of the proposed AD be redesignated as paragraph (c)(1) of this AD and add paragraph (c)(2) to this AD to state that installation of STC ST01518SE affects the ability to accomplish the actions required by this AD.

The FAA concurs with the commenter. The FAA has redesignated paragraph (c) of the proposed AD as paragraph (c)(1) of this AD and added paragraph (c)(2) to this AD to state that installation of STC ST01518SE affects the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01518SE is installed, a ''change in product'' AMOC approval request is necessary to comply with the requirements of 14 CFR 39.17.

The FAA has also redesignated paragraph (h) of the proposed AD as paragraph (h)(1) of this AD and added paragraph (h)(2) of this AD to require that, within 18 months after the effective date of this AD, airplanes with STC ST01518SE installed, must revise the existing maintenance or inspection program, as applicable, to incorporate a supplemental program to address the effect of STC ST01518SE, approved in accordance with the procedures specified in paragraph (l) of this AD.

Additionally, the FAA emphasizes that for any airplane that is modified by an STC that affects any SSI inspections, an AMOC approval request is necessary to comply with the requirements of 14 CFR 39.17.

Conclusion

The FAA reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD with the changes described previously, and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

The FAA also determined that these changes will not increase the economic burden on any operator or increase the scope of this AD.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing 757 Maintenance Planning Data (MPD) Document, Section 9, Airworthiness Limitations (AWLs) and Certification Maintenance Requirements (CMRs), D622N001–9, Revision October 2018. This service information describes procedures for airworthiness limitations for structural inspections, fuel tank systems, safe life limits, and certification maintenance requirements.

This AD also requires the following service information, which the Director of the Federal Register approved for incorporation by reference as of June 30, 2006 (71 FR 30278, May 26, 2006).

- Boeing 757 Maintenance Planning Data (MPD) Document, Section 9, ''Airworthiness Limitations and Certification Maintenance Requirements,'' Subsection B. of Boeing Document D622N001–9, Revision ''May 2003.''
- Boeing 757 Maintenance Planning Data (MPD) Document, Section 9, ''Airworthiness Limitations and Certification Maintenance Requirements,'' Subsection B. of Boeing Document D622N001–9, Revision ''June 2005.''

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 561 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD.

The retained and new actions specified in this AD have the same cost for revising the existing maintenance or inspection program. The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. In the past, the FAA has estimated that this action takes 1 work-hour per airplane. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the FAA estimates the total cost per operator to be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

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

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

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will 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 that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2006–11–11, Amendment 39–14615 (71 FR 30278, May 26, 2006), and adding the following new AD:

2020–01–18 The Boeing Company: Amendment 39–19824; Docket No. FAA–2019–0525; Product Identifier 2019–NM–076–AD.

(a) Effective Date

This AD is effective March 5, 2020.

(b) Affected ADs

This AD replaces AD 2006–11–11, Amendment 39–14615 (71 FR 30278, May 26, 2006) (''AD 2006–11–11'').

(c) Applicability

(1) This AD applies to all The Boeing Company Model 757–200, –200PF, –200CB, and –300 series airplanes, certificated in any category.

(2) Installation of Supplemental Type Certificate (STC) ST01518SE affects the ability to accomplish the actions required by this AD. Therefore, for airplanes on which

STC ST01518SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is necessary to comply with the requirements of 14 CFR 39.17.

(d) Subject

Air Transport Association (ATA) of America Code 28, Fuel; 53, Fuselage; 57, Wings.

(e) Unsafe Condition

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address fatigue cracking of various principal structural elements (PSEs); such fatigue cracking could adversely affect the structural integrity of these airplanes.

(f) Compliance

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

(g) Retained Revision to the Maintenance or Inspection Program, With No Changes

This paragraph restates the requirements of paragraph (h) of AD 2006–11–11, with no changes. Within 36 months after June 30, 2006 (the effective date of AD 2006–11–11), revise Section 9, ''Airworthiness Limitations and CMRs'' of the Boeing 757 Maintenance Planning Data (MPD) Document to incorporate Subsection B. of Boeing Document D622N001–9, Revision ''May 2003;'' or Revision ''June 2005;'' as applicable.

(h) New Maintenance or Inspection Program Revision

(1) Except for airplanes identified in paragraph (h)(2) of this AD: Within 18 months after the effective date of this AD, revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in Boeing 757 Maintenance Planning Data (MPD) Document, Section 9, Airworthiness Limitations (AWLs) and Certification Maintenance Requirements (CMRs), D622N001–9, Revision October 2018. The initial compliance time for doing the new or updated tasks is at the time specified in Boeing 757 Maintenance Planning Data (MPD) Document, Section 9, Airworthiness Limitations (AWLs) and Certification Maintenance Requirements (CMRs), D622N001–9, Revision October 2018, or within 18 months after the effective date of this AD, whichever occurs later. The compliance time for doing the unchanged tasks is at the time specified in Boeing 757 Maintenance Planning Data (MPD) Document, Section 9, Airworthiness Limitations (AWLs) and Certification Maintenance Requirements (CMRs), D622N001–9, Revision October 2018.

(2) For airplanes with STC ST01518SE installed: Within 18 months after the effective date of this AD, revise the existing maintenance or inspection program, as applicable, to incorporate a supplemental program to address the effect of STC ST01518SE, in accordance with the procedures specified in paragraph (l) of this AD.

(i) No Alternative Actions, Intervals, or Critical Design Configuration Control Limitations (CDCCLs) for Paragraph (g) of This AD

Except as required by paragraph (h) of this AD: After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections), intervals, or CDCCLs may be used unless the actions, intervals, and CDCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (l) of this AD.

(j) No Alternative Actions, Intervals, or CDCCLs for Paragraph (h) of This AD

After the existing maintenance or inspection program has been revised as required by paragraph (h) of this AD, no alternative actions (*e.g.,* inspections), intervals, or CDCCLs may be used unless the actions, intervals, and CDCCLs are approved as an AMOC in accordance with the procedures specified in paragraph (l) of this AD.

(k) Terminating Action for the Requirements of Paragraph (g) of This AD

Accomplishing the revision required by paragraph (h) of this AD terminates the revision required by paragraph (g) of this AD.

(l) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles 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 (m) of this AD. Information may be emailed to: *9-ANM-LAACO-AMOC-Requests@faa.gov*.

(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.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, Los Angeles ACO Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) AMOCs approved previously for AD 2001–20–12, Amendment 39–12460 (66 FR 52492, October 16, 2001) and AD 2006–11–11 are approved as AMOCs for the corresponding provisions of this AD.

(m) Related Information

For more information about this AD, contact Chandraduth Ramdoss, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5239; fax: 562–627–5210; email: *chandraduth.ramdoss@faa.gov*.

(n) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(3) The following service information was approved for IBR on March 5, 2020.

(i) Boeing 757 Maintenance Planning Data (MPD) Document, Section 9, Airworthiness Limitations (AWLs) and Certification Maintenance Requirements (CMRs), D622N001–9, Revision October 2018.

(ii) [Reserved]

(4) The following service information was approved for IBR on June 30, 2006 (71 FR 30278, May 26, 2006).

(i) Boeing 757 Maintenance Planning Data Document, Section 9, ''Airworthiness Limitations and Certification Maintenance Requirements,'' Subsection B. of Boeing Document D622N001–9, Revision ''May 2003.''

(ii) Boeing 757 Maintenance Planning Data Document, Section 9, ''Airworthiness Limitations and Certification Maintenance Requirements,'' Subsection B. of Boeing Document D622N001–9, Revision ''June 2005.''

(5) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; phone: 562–797–1717; internet: *https://www.myboeingfleet.com*.

(6) You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

(7) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov,* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html*.

Issued on January 21, 2020.

Gaetano A. Sciortino,

Deputy Director for Strategic Initiatives, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–01636 Filed 1–29–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–1077; Product Identifier 2019–NM–204–AD; Amendment 39–19818; AD 2020–01–12]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus SAS Model A318 series airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. This AD was prompted by the absence of a requirement to remove a certain Emergency Procedure in the existing Aircraft Flight Manual (AFM) after accomplishing a certain modification or replacement. This AD requires, for airplanes on which a certain modification or replacement is done, revising the AFM by removing a certain Emergency Procedure in the AFM, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective February 14, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of February 14, 2020.

The FAA must receive comments on this 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:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For the material incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 1000; email *ADs@easa.europa.eu*; internet *www.easa.europa.eu*. You may find this IBR material on the EASA website at *https://ad.easa.europa.eu*. You may view this IBR material at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–1077.

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–2019–1077; 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 AD, 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: Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223; email *Sanjay.Ralhan@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019–0309, dated December 19, 2019 (''EASA AD 2019–0309'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus SAS Model A318 series airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –215, –216, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. Model A320–215 airplanes are not certified by the FAA and are not included on the U.S. type certificate data sheet; this AD therefore does not include those airplanes in the applicability.

This AD was prompted by the absence of a requirement to remove Emergency Procedures relating to the undue activation of Alpha Protection (Alpha Prot) in the existing AFM after accomplishing the modification or replacement specified in AD 2017–16–12, Amendment 39–18989 (82 FR 40675, August 28, 2017) (''AD 2017–16–12''). The FAA is issuing this AD to address this condition, which, under certain conditions, could lead to the incorrect application of the procedure by the flight crew, possibly resulting in increased flight crew workload and consequent reduced control of the airplane. See the MCAI for additional background information.

Relationship Between This AD and AD 2017–16–12

AD 2017–16–12 requires, among other actions, revising the AFM to incorporate procedures to advise the flight crew of emergency procedures for abnormal Alpha Prot; and replacement of certain angle of attack (AOA) sensors with certain Thales C16291AA or C16291AB AOA sensors. AD 2017–16–12 also allows certain future approved acceptable parts as a method of compliance for certain actions. This AD requires, for airplanes on which a certain modification or replacement is done, revising the AFM by removing Emergency Procedures relating to the undue activation of Alpha Prot from the existing AFM. Accomplishment of this AD terminates the AFM revision required by paragraph (j) of AD 2017–16–12 for that airplane only.

Related IBR Material Under 1 CFR Part 51

EASA AD 2019–0309 describes procedures, for airplanes on which a certain modification or replacement (installation or replacement of certain AOA sensors) is done, for revising the existing AFM by removing Emergency Procedures relating to the undue activation of Alpha Prot from the existing AFM. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI referenced above. The FAA is issuing this AD because the FAA evaluated all pertinent information and determined the unsafe

condition exists and is likely to exist or develop on other products of the same type design.

Requirements of This AD

This AD requires accomplishing the actions specified in EASA AD 2019–0309 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2019–0309 will be incorporated by reference in the FAA final rule. This AD, therefore, requires compliance with EASA AD 2019–0309 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in the EASA AD. Service information specified in EASA AD 2019–0309 that is required for compliance with EASA AD 2019–0309 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–1077 after the FAA final rule is published.

FAA's Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because it has been determined that for airplanes on which a certain modification or replacement is done, the AFM procedure required by AD 2017–16–12 if not removed, could, under certain conditions, lead to the incorrect application of the procedure by the flight crew, possibly resulting in increased flight crew workload and consequent reduced control of the airplane. In addition, the removal of these AFM emergency procedures for applicable airplanes is relieving on the flight crew workload during an emergency situation. Therefore, the FAA find good cause that notice and opportunity for prior public comment are impracticable. In addition, for the reasons stated above, the FAA finds that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and the FAA did not precede it by notice and opportunity for public comment. The FAA invites you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2019–1077; Product Identifier 2019–NM–204–AD'' at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this AD. The FAA will consider all comments received by the closing date and may amend this AD based on those comments.

The FAA will post all comments, without change, to *https://www.regulations.gov,* including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact the agency receives about this AD.

Costs of Compliance

The FAA estimates that this AD affects 1,553 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hour × $85 per hour = $85	$0	$85	$132,005

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 transport category airplanes and associated appliances to the Director of the System Oversight Division.

Regulatory Findings

The FAA determined that this AD will not have federalism implications under Executive Order 13132. This AD will 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 that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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):

2020–01–12 Airbus SAS: Amendment 39–19818; Docket No. FAA–2019–1077; Product Identifier 2019–NM–204–AD.

(a) Effective Date

This AD becomes effective February 14, 2020.

(b) Affected ADs

This AD affects AD 2017–16–12, Amendment 39–18989 (82 FR 40675, August 28, 2017) (''AD 2017–16–12'').

(c) Applicability

This AD applies to all Airbus SAS airplanes identified in paragraphs (c)(1) through (4), certificated in any category.

(1) Model A318–111, –112, –121, and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes.

(3) Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes.

(4) Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 34, Navigation.

(e) Reason

This AD was prompted by the absence of a requirement to remove a certain Emergency Procedure in the existing Aircraft Flight Manual (AFM) after accomplishing a certain modification or replacement. The FAA is issuing this AD to address this condition, which, under certain conditions, could lead to the incorrect application of the procedure by the flight crew, possibly resulting in increased flight crew workload and consequent reduced control of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2019–0309, dated December 19, 2019 (''EASA AD 2019–0309'').

(h) Exceptions to EASA AD 2019–0309

(1) Where EASA AD 2019–0309 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2019–0309 does not apply to this AD.

(3) Where EASA AD 2019–0309 specifies paragraph (19) of EASA AD 2015–0135R3, for this AD, use paragraph (r) of AD 2017–16–12, except where paragraph (r) of AD 2017–16–12 refers to ''the effective date of this AD,'' use June 1, 2015 (the effective date of EASA AD 2015–0087).

(i) Terminating Action for AD 2017–16–12

Accomplishing the actions required by this AD on an airplane terminates all requirements of paragraph (j) of AD 2017–16–12 for that airplane only.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards 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 International Section, send it to the attention of the person identified in paragraph (k) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov*. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA–authorized signature.

(3) *Required for Compliance (RC)*: For any service information referenced in EASA AD 2019–0309 that contains RC procedures and tests: Except as required by paragraph (j)(2) of this AD, RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(k) Related Information

For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223; email *Sanjay.Ralhan@faa.gov*.

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2019–0309, dated December 19, 2019.

(ii) [Reserved]

(3) For information about EASA AD 2019–0309, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 6017; email *ADs@easa.europa.eu*; internet *www.easa.europa.eu*. You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu*.

(4) You may view this material at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–1077.

(5) You may view this material that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov,* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html*.

Issued on January 15, 2020.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2020–01633 Filed 1–29–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–1080; Product Identifier 2020–NM–002–AD; Amendment 39–19823; AD 2020–01–17]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus SAS Model A318 series airplanes; Model A319 series airplanes; Model A320 series airplanes; and Model A321 series airplanes. This AD was prompted by a report that during airplane boarding a loud bang was heard. A subsequent inspection revealed that one emergency escape slide/raft was found with zero reservoir pressure, due to a burst rupture disk assembly in the inflation reservoir, which was probably caused by a manufacturing defect. This AD requires repetitive checks of the pressure gauges on the inflation reservoir of each emergency escape slide/raft to determine the amount of pressure and, depending on findings, accomplishment of applicable corrective actions, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective February 14, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of February 14, 2020.

The FAA must receive comments on this 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:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For the material incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 1000; email *ADs@easa.europa.eu*; internet *www.easa.europa.eu*. You may find this IBR material on the EASA website at *https://ad.easa.europa.eu*. You may view this IBR material at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–1080.

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–2019–1080; 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 AD, 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: Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223; email *Sanjay.Ralhan@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019–0316, dated December 23, 2019 (''EASA AD 2019–0316'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus SAS Model A318 series airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, –153N, and –171N airplanes; Model A320–211, –212, –214, –215, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N and –273N airplanes; and Model A321 series airplanes. Model A319–153N and A320–215 airplanes are not certified by the FAA and are not included on the U.S. type certificate data sheet; this AD therefore does not include those airplanes in the applicability.

This AD was prompted by a report that during airplane boarding a loud bang was heard. A subsequent inspection revealed that one emergency escape slide/raft was found with zero reservoir pressure, due to a burst rupture disk assembly in the inflation reservoir, which was probably caused by a manufacturing defect. The FAA is issuing this AD to address insufficient reservoir pressure in an emergency escape slide/raft, which would prevent the deployment of the emergency escape slide/raft during an emergency, possibly resulting in injury to the occupants. See the MCAI for additional background information.

Related IBR Material Under 1 CFR Part 51

EASA AD 2019–0316 describes procedures for repetitive checks of the pressure gauge on the inflation reservoir of each emergency escape slide/slide raft to determine the amount of pressure, and applicable corrective actions. The corrective actions include, among other things, replacement of any affected emergency escape slide/raft or inflation reservoir.

This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI referenced above. The FAA is issuing this AD because the FAA evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Requirements of This AD

This AD requires accomplishing the actions specified in EASA AD 2019–0316 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2019–0316 will be incorporated by reference in the FAA final rule. This AD, therefore, requires compliance with EASA AD 2019–0316 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with

this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in the EASA AD. Service information specified in EASA AD 2019–0316 that is required for compliance with EASA AD 2019–0316 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–1080 after the FAA final rule is published.

FAA's Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because if a rupture disk assembly in the inflation reservoir of an emergency escape slide/slide raft burst it would result in a sudden loss of reservoir pressure and prevent the deployment of the emergency escape slide/raft during an emergency, possibly resulting in injury to the occupants. Due to the severity of this problem, the emergency escape slide/slide raft must be inspected to ensure proper deployment using a shorter compliance interval than is practical through the notice and comment rulemaking process. Therefore, the FAA finds good cause that notice and opportunity for prior public comment are impracticable. In addition, for the reasons stated above, the FAA finds that good cause exists for making this amendment effective in less than 30 days.

Regulatory Flexibility Act (RFA)

The requirements of the RFA do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because the FAA has determined that it has good cause to adopt this rule without notice and comment, RFA analysis is not required.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and the FAA did not precede it by notice and opportunity for public comment. The FAA invites you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2019–1080; Product Identifier 2020–NM–002–AD'' at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this AD. The FAA will consider all comments received by the closing date and may amend this AD based on those comments.

The FAA will post all comments, without change, to *https://www.regulations.gov,* including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact the agency receives about this AD.

Interim Action

The FAA considers this AD interim action. If final action is later identified, the FAA might consider further rulemaking at that time.

Costs of Compliance

The FAA estimates that this AD affects 1,553 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hour × $85 per hour = $85	$0	$85	$132,005

The FAA has received no definitive data that would enable the agency to provide cost estimates for the on-condition actions specified in this AD.

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this AD will not have federalism implications under Executive Order 13132. This AD will 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 that this AD:

(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.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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):

2020–01–17 Airbus SAS: Amendment 39–19823; Docket No. FAA–2019–1080; Product Identifier 2020–NM–002–AD.

(a) Effective Date

This AD becomes effective February 14, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies all Airbus SAS airplanes, certificated in any category, as identified in paragraphs (c)(1) through (4) of this AD.

(1) Model A318–111, –112, –121, and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N and –171N airplanes.

(3) Model A320–211, –212, –214, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N and –273N airplanes.

(4) Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –252N, –253N, –271N, –272N, –251NX, –252NX, –253NX, 271NX, and –272NX airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/furnishings.

(e) Reason

This AD was prompted by a report that during airplane boarding a loud bang was heard. A subsequent inspection revealed that one emergency escape slide/raft was found with zero reservoir pressure, due to a burst rupture disk assembly in the inflation reservoir, which was probably caused by a manufacturing defect. The FAA is issuing this AD to address insufficient reservoir pressure in an emergency escape slide/raft, which would prevent the deployment of the emergency escape slide/raft during an emergency, possibly resulting in injury to the occupants.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2019–0316, dated December 23, 2019 (''EASA AD 2019–0316'').

(h) Exceptions to EASA AD 2019–0316

(1) Where EASA AD 2019–0316 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2019–0316 does not apply to this AD.

(3) Where EASA AD 2019–0316 specifies to comply with ''the instructions of the AOT,'' this AD requires compliance with the procedures marked as required for compliance (RC) in the Alert Operators Transmission (AOT).

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards 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 International Section, send it to the attention of the person identified in paragraph (j) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov*. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC)*: For any service information referenced in EASA AD 2019–0316 that contains RC procedures and tests: Except as required by paragraph (i)(2) of this AD, RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Related Information

For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223; email *Sanjay.Ralhan@faa.gov*.

(k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2019–0316, dated December 23, 2019.

(ii) [Reserved]

(3) For information about EASA AD 2019–0316, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 6017; email *ADs@easa.europa.eu*; internet *www.easa.europa.eu*. You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu*.

(4) You may view this material at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–1080.

(5) You may view this material that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov,* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html*.

Issued on January 21, 2020.

Gaetano A. Sciortino,

Deputy Director for Strategic Initiatives, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–01634 Filed 1–29–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0857; Product Identifier 2019–NM–124–AD; Amendment 39–19819; AD 2020–01–13]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2018–19–26, which applied to all Dassault Aviation Model MYSTERE–FALCON 200 airplanes. AD 2018–19–26 required revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive maintenance requirements and airworthiness limitations. This AD continues to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 5, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 5, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of November 5, 2018 (83 FR 49275, October 1, 2018).

ADDRESSES: For service information identified in this final rule, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; internet *https://www.dassaultfalcon.com*. You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des

Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0857.

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–2019–0857; 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 final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3226; email *Tom.Rodriguez@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019–0153, dated July 3, 2019 (''EASA AD 2019–0153'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Dassault Aviation Model MYSTERE–FALCON 200 airplanes. You may examine the MCAI in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0857.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2018–19–26, Amendment 39–19427 (83 FR 49275, October 1, 2018) (''AD 2018–19–26''). AD 2018–19–26 applied to all Dassault Aviation Model MYSTERE–FALCON 200 airplanes. The NPRM published in the **Federal Register** on October 30, 2019 (84 FR 58070). The NPRM was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The NPRM proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA is issuing this AD to address fatigue cracking, damage, and corrosion in principal structural elements; such fatigue cracking, damage, and corrosion could result in reduced structural integrity of the airplane. See the MCAI for additional background information.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The FAA received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

The FAA reviewed the relevant data and determined that air safety and the public interest require adopting this final rule as proposed, except for minor editorial changes. The FAA has determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

Dassault Aviation has issued Chapter 5–40–00, Airworthiness Limitations, Revision 18, dated January 15, 2019, of the Dassault Falcon 200 Maintenance Manual. This service information describes mandatory maintenance tasks that operators must perform at specified intervals.

This AD also requires Chapter 5–40–00, Airworthiness Limitations, Revision 17, dated December 20, 2017, of the Dassault Falcon 200 Maintenance Manual, which the Director of the Federal Register approved for incorporation by reference as of November 5, 2018 (83 FR 49275, October 1, 2018).

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 9 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

The FAA estimates the total cost per operator for the retained actions from AD 2018–19–26 to be $7,650 (90 work-hours × $85 per work-hour).

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the FAA recognizes that this number may vary from operator to operator. In the past, the FAA has estimated that this action takes 1 work-hour per airplane. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the FAA estimates the total cost per operator to be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

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

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

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 transport category airplanes and associated appliances to the Director of the System Oversight Division.

Regulatory Findings

The FAA has determined that this AD will not have federalism implications under Executive Order 13132. This AD will 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 that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities

under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2018–19–26, Amendment 39–19427 (83 FR 49275, October 1, 2018), and adding the following new AD:

2020–01–13 Dassault Aviation: Amendment 39–19819; Docket No. FAA–2019–0857; Product Identifier 2019–NM–124–AD.

(a) Effective Date

This AD is effective March 5, 2020.

(b) Affected ADs

(1) This AD replaces AD 2018–19–26, Amendment 39–19427 (83 FR 49275, October 1, 2018) (''AD 2018–19–26'').

(2) This AD affects AD 2010–26–05, Amendment 39–16544 (75 FR 79952, December 21, 2010) (''AD 2010–26–05'').

(c) Applicability

This AD applies to all Dassault Aviation Model MYSTERE–FALCON 200 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Reason

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address fatigue cracking, damage, and corrosion in principal structural elements; such fatigue cracking, damage, and corrosion could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Retained Revision of Maintenance or Inspection Program, With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2018–19–26, with no changes. Within 90 days after November 5, 2018 (the effective date of AD 2018–19–26), revise the existing maintenance or inspection program, as applicable, to incorporate Chapter 5–40–00, Airworthiness Limitations, Revision 17, dated December 20, 2017, of the Dassault Falcon 200 Maintenance Manual. The initial compliance time for accomplishing the actions is at the applicable time specified in Chapter 5–40–00, Airworthiness Limitations, Revision 17, dated December 20, 2017, of the Dassault Falcon 200 Maintenance Manual; or within 90 days after November 5, 2018; whichever occurs later.

(h) Retained No Alternative Actions or Intervals, With a New Exception

This paragraph restates the requirements of paragraph (h) of AD 2018–19–26, with a new exception. Except as required by paragraph (i) of this AD, after the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (l)(1) of this AD.

(i) New Maintenance or Inspection Program Revision

Within 90 days after the effective date of this AD, revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in Chapter 5–40–00, Airworthiness Limitations, Revision 18, dated January 15, 2019, of the Dassault Falcon 200 Maintenance Manual. The initial compliance time for doing the tasks is at the time specified in Chapter 5–40–00, Airworthiness Limitations, Revision 18, dated January 15, 2019, of the Dassault Falcon 200 Maintenance Manual, or within 90 days after the effective date of this AD, whichever occurs later.

(j) New No Alternative Actions or Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (i) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions or intervals are approved as an AMOC in accordance with the procedures specified in paragraph (l)(1) of this AD.

(k) Terminating Action for Certain Actions in AD 2010–26–05

Accomplishing the actions required by paragraph (g) or (i) of this AD terminates the requirements of paragraph (g)(1) of AD 2010–26–05, for Dassault Aviation Model MYSTERE–FALCON 200 airplanes.

(l) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards 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 International Section, send it to the attention of the person identified in paragraph (m)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.*

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

(ii) AMOCs approved previously for AD 2018–19–26, are approved as AMOCs for the corresponding provisions of this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Union Aviation Safety Agency (EASA); or Dassault Aviation's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2019–0153, dated July 3, 2019, for related information. This MCAI may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0857.

(2) For more information about this AD, contact Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3226; email *Tom.Rodriguez@faa.gov.*

(n) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(3) The following service information was approved for IBR on March 5, 2020.

(i) Chapter 5–40–00, Airworthiness Limitations, Revision 18, dated January 15, 2019, of the Dassault Falcon 200 Maintenance Manual.

(ii) [Reserved]

(4) The following service information was approved for IBR on November 5, 2018 (83 FR 49275, October 1, 2018).

(i) Chapter 5–40–00, Airworthiness Limitations, Revision 17, dated December 20, 2017, of the Dassault Falcon 200 Maintenance Manual.

(ii) [Reserved]

(5) For service information identified in this AD, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; internet *https://www.dassaultfalcon.com.*

(6) You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

(7) You may view this service information that is incorporated by reference at the

National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov,* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued on January 15, 2020.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2020–01638 Filed 1–29–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–0598; Airspace Docket No. 19–ASO–16]

RIN 2120–AA66

Amendment of the Class D and Class E Airspace; Meridian, MS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class D airspace at Joe Williams NOLF, Meridian, MS; Key Field, Meridian, MS; and NAS Meridian/McCain Field, Meridian, MS; the Class E airspace area designated as an extension to Class D airspace at Key Field; and the Class E airspace extending upward from 700 feet above the surface at Key Field, Joe Williams NOLF, and NAS Meridian/McCain Field. This action is due to an airspace review caused by the decommissioning of the Kewanee VHF omnidirectional range (VOR) navigation aid, which provided navigation information for the instrument procedures at these airports, as part of the VOR Minimum Operational Network (MON) Program. The names and geographic coordinates of NAS Meridian/McCain Field and Joe Williams NOLF, and the geographic coordinates of Key Field are also being updated to coincide with the FAA's aeronautical database. Airspace redesign is necessary for the safety and management of instrument flight rules (IFR) operations at these airports.

DATES: Effective 0901 UTC, May 21, 2020. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the Class D airspace at Joe Williams NOLF, Meridian, MS; Key Field, Meridian, MS; and NAS Meridian/McCain Field, Meridian, MS; the Class E airspace area designated as an extension to Class D airspace at Key Field; and the Class E airspace extending upward from 700 feet above the surface at Key Field, Joe Williams NOLF, and NAS Meridian/McCain Field to support IFR operations at these airports.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (84 FR 47909; September 11, 2019) for Docket No. FAA–2019–0598 to amend the Class D airspace at Joe Williams NOLF, Meridian, MS; Key Field, Meridian, MS; and NAS Meridian/McCain Field, Meridian, MS; the Class E airspace area designated as an extension to Class D airspace at Key Field; and the Class E airspace extending upward from 700 feet above the surface at Key Field, Joe Williams NOLF, and NAS Meridian/McCain Field. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One comment was received supporting the proposal. No response is provided.

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

Differences From the NPRM

Subsequent to publication of the NPRM, the FAA discovered a typographic error in the airspace legal description for the Class E airspace extending upward from 700 feet above the surface at Key Field, Meridian, MS. The extension from the Meridian VORTAC 141° to the southeast should extend from the 7-mile radius of Key Field vice the 4.5-mile radius. That typographic error is corrected in this action.

Additionally, the FAA discovered that the proposed airspace legal description for the Class E airspace extending upward from 700 feet above the surface at Meridian, MS, left gaps in the continuity of the airspace. To make the airspace continuous, the following changes are being made: The first extension reading, ''. . . and within 1 mile each side of the 009° bearing from Key Field extending from the 7-mile radius of Key Field to 12.5 miles north of Key Field . . .'' is being changed to, ''. . . and within 1 mile west and 1.6 miles east of the 009° bearing from Key Field extending from the 7-mile radius of Key Field to 12.5 miles north of Key Field . . .'' in this action; and the third extension reading, ''. . . and within 2 miles each side of the 044° bearing from Key Field extending from the 7-mile radius of Key Field to 11.6 miles northeast of Key Field. . .'' is being changed to, ''. . . and within 2.2 miles west and 2 miles east of the 044° bearing from Key Field extending from the 7-mile radius of Key Field to 11.6 miles northeast of Key Field . . .'' in this action. These changes only fill the gaps and complete the continuity of the Class E airspace extending upward from 700 feet above the surface at Meridian, MS, and do not expand the airspace; therefore, these amendments to the Class E airspace extending upward from 700 feet above the surface at Meridian, MS, are included in this action.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71: Amends the Class D airspace at Joe Williams NOLF, Meridian, MS, by updating the geographic coordinates of Joe Williams NOLF to coincide with the FAA's aeronautical database, and replaces the outdated term ''Airport/Facility Directory'' with ''Chart Supplement''; Amends the Class D airspace to within a 4.5-mile radius (reduced from a 5.3-mile radius) of Key Field, Meridian, MS; updates the city in the airspace legal description to Meridian, MS, (previously Meridian Key Field, MS) to comply with changes to FAA Order 7400.2M, Procedures for Handling Airspace Matters; removes the city listed with the airport in the airspace legal description to comply with changes to FAA Order 7400.2M; updates the geographic coordinates of Key Field to coincide with the FAA's aeronautical database; and replaces the outdated term ''Airport/Facility Directory'' with ''Chart Supplement'';

Amends the Class D airspace to within a 5.3-mile radius (reduced from a 5.8-mile radius) of NAS Meridian/McCain Field, Meridian, MS; updates the city in the airspace legal description to Meridian, MS, (previously Meridian NAS-McCain Field, MS) to comply with changes to FAA Order 7400.2M; removes the city listed with the airport in the airspace legal description to comply with changes to FAA Order 7400.2M; updates the name and geographic coordinates of NAS Meridian/McCain Field (previously NAS-McCain Field) to coincide with the FAA's aeronautical database; adds an extension 1 mile each side of the 009° bearing from the airport extending from the 5.3-mile radius to 5.5 miles north of the airport; adds an extension 1.5 miles each side of the 189° bearing from the airport extending from the 5.3-mile radius to 6 miles from the airport; adds an extension 1.6 miles each side of the Meridian TACAN 331° radial extending from the 5.3-mile radius to 5.6 miles northwest of the Meridian TACAN; and replaces the outdated term ''Airport/Facility Directory'' with ''Chart Supplement'';

Amends the Class E airspace area designated as an extension to a Class D airspace at Key Field by updating the city in the airspace legal description to Meridian, MS, (previously Meridian/Key Field, MS) to comply with changes to FAA Order 7400.2M; removes the city listed with the airport in the airspace legal description to comply with changes to FAA Order 7400.2M; updates the geographic coordinates of Key Field and the Meridian VORTAC to coincide with the FAA's aeronautical database; adds an extension 1 mile each side of the 009° bearing from the airport extending from the 4.5-mile radius to 4.9-miles north of the airport; adds an extension 1 mile each side of the 044° bearing from the airport extending from the 4.5-mile radius to 4.6 miles northeast of the airport; adds an extension 2.9 miles each side of the Meridian VORTAC 141° radial extending from the 4.5-mile radius to 11 miles southeast of the Meridian VORTAC; adds an extension 1 mile each side of the 189° bearing from the airport extending from the 4.5-mile radius to 4.6 miles south of the airport; adds an extension 1 mile each side of the 224° bearing from the airport extending from the 4.5-mile radius to 4.6 miles southwest of the airport; removes the extension northwest of the VORTAC; and replaces the outdated term ''Airport/Facility Directory'' with ''Chart Supplement'';

And amends the Class E airspace extending upward from 700 feet above the surface to within a 7-mile radius (reduced from an 8-mile radius) of Key Field; adds an extension within 1 mile west and 1.6 miles east (previously 1 mile each side) of the 009° bearing from Key Field extending from the 7-mile radius to 12.5 miles north of the airport; adds an extension within 3.4 miles each side of the 009° bearing from the Key Field: RWY 19–LOC extending from the 7-mile radius of the airport to 11.1 miles north of the Key Field: RWY 19–LOC; adds an extension within 2.2 miles west and 2 miles east (previously 2 miles each side) of the 044° bearing from the airport extending from the 7-mile radius of the airport to 11.6 miles northeast of the airport; adds an extension within 3.6 miles each side of the Meridian VORTAC 141° radial extending from the 7-mile radius of the airport to 13.9 miles southeast of the Meridian VORTAC; adds an extension within 1 mile each side of the 189° bearing from the airport extending from the 7-mile radius of the airport to 12.6 miles south of the airport; adds an extension within 3.4 miles each side of the 189° bearing from the Key Field: RWY 01–LOC extending from the 7-mile radius of the airport to 11.2 miles south of the Key Field: RWY 01–LOC; amends the extension northwest of the Meridian VORTAC to within 1.5 miles (reduced from 2.5 miles) each side of the Meridian VORTAC 311° (previously 315°) radial extending from the 7-mile radius of the airport to 14.3 miles (increased from 7 miles) northwest of the Meridian VORTAC; within a 6.7 mile radius (decreased from a 7.4-mile radius) of Joe Williams NOLF, Meridian, MS; within a 7.8-mile radius (decreased from an 8-mile radius) of NAS Meridian/McCain Field; removes the extension ''. . . within 4 miles each side of the 020° bearing from lat. 32°33′28″ N, long, 88°33′33″ W, extending from the 8-mile radius to 20 miles north of Meridian TACAN, and within a 25-mile radius of the Meridian VORTAC, extending clockwise from the 341° radial to the 040° radial, and within 8 miles north and 6 miles south of the Kewanee VORTAC 273° radial, extending from the VORTAC to long. 88°45′00″ W''; adds an extension 6.7 miles either side of a line from Joe William NOLF to NAS Meridian/McCain Field; updates the names of Joe William NOLF (previously Joe Williams OLF), and NAS Meridian/McCain Field (previously NAS-McCain Field) and the geographic coordinates of Key Field, Joe Williams NOLF and NAS Meridian/McCain Field to coincide with the FAA's aeronautical database; and removes the Meridian TACAN and Kewanee VORTAC from the airspace legal description.

This action is the result of an airspace review caused by the decommissioning of the Kewanee VOR, which provided navigation information for the instrument procedures at these airports, as part of the VOR MON Program.

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

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated

impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ASO MS D Meridian, MS [Amended]

Joe Williams NOLF, MS
(Lat. 32°47′56″ N, long. 88°50′04″ W)

That airspace extending upward from the surface to and including 3,000 feet MSL within a 4.2-mile radius of Joe Williams NOLF. This Class D airspace area is effective during the specific dates and times established by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

ASO MS D Meridian, MS [Amended]

Key Field, MS
(Lat. 32°19′57″ N, long. 88°45′07″ W)

That airspace extending upward from the surface to and including 2,800 feet MSL within a 4.5-mile radius of Key Field. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

ASO MS D Meridian, MS [Amended]

NAS Meridian/McCain Field, MS
(Lat. 32°33′13″ N, long. 88°33′19″ W)
Meridian TACAN
(Lat. 32°34′42″ N, long. 88°32′43″ W)

That airspace extending upward from the surface to and including 2,800 feet MSL within a 5.3-mile radius of NAS Meridian/McCain Field, and within 1 mile each side of the 009° bearing from the airport extending from the 5.3 mile radius to 5.5 miles north of the airport, and within 1.5 miles each side of the 189° bearing from the airport extending from the 5.3-mile radius to 6 miles south of the airport, and within 1.6 miles each side of the Meridian TACAN 331° radial extending from the 5.3-mile radius to 5.6 miles northwest the Meridian TACAN. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

ASO MS E4 Meridian, MS [Amended]

Key Field, MS
(Lat. 32°19′57″ N, long. 88°45′07″ W)
Meridian VORTAC
(Lat. 32°22′42″ N, long. 88°48′15″ W)

That airspace extending upward from the surface within 1 mile each side of the 009° bearing from Key Field extending from the 4.5-mile radius of Key Field to 4.9 miles north of Key Field, and within 1 mile each side of the 044° bearing from Key Field extending from the 4.5-mile radius of Key Field to 4.6 miles northeast of Key Field, and within 2.9 miles each side of the Meridian VORTAC 141° radial extending from the 4.5-mile radius of Key Field to 11 miles southeast of the Meridian VORTAC, and within 1 mile each side of the 189° bearing from Key Field extending from the 4.5-mile radius of Key Field to 4.6 miles south of Key Field, and within 1 mile each side of the 224° bearing from Key Field extending from the 4.5-mile radius of Key Field to 4.6 miles southwest of Key Field. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

ASO MS E5 Meridian, MS [Amended]

Key Field, MS
(Lat. 32°19′57″ N, long. 88°45′07″ W)
Key Field: RWY 19–LOC
(Lat. 32°18′54″ N, long. 88°45′25″ W)
Meridian VORTAC
(Lat. 32°22′42″ N, long. 88°48′15″ W)
Key Field: RWY 01–LOC
(Lat. 32°20′52″ N, long. 88°45′02″ W)
Joe Williams NOLF, MS
(Lat. 32°47′56″ N, long. 88°50′04″ W)
NAS Meridian/McCain Field, MS
(Lat. 32°33′13″ N, long. 88°33′19″ W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Key Field, and within 1 mile west and 1.6 miles of the 009° bearing from Key Field extending from the 7-mile radius of Key Field to 12.5 miles north of Key Field, and within 3.4 miles each side of the 009° bearing from the Key Field: RWY 19–LOC extending from the 7-mile radius of Key Field to 11.1 miles north of the Key Field: RWY 19–LOC, and within 2.2 miles west and 2 miles east of the 044° bearing from Key Field extending from the 7-mile radius of Key Field to 11.6 miles northeast of Key Field, and within 3.6 miles each side of the Meridian VORTAC 141° radial extending from the 7-mile radius of Key Field to 13.9 miles southeast of the Meridian VORTAC, and within 1 mile each side of the 189° bearing from Key Field extending from the 7-mile radius of Key Field to 12.6 miles south of Key Field, and within 3.4 miles each side of the 189° bearing from the Key Field: RWY 01–LOC extending from the 7-mile radius of Key Field to 11.2 miles south of the Key Field: RWY 01–LOC, and within 1.5 miles each side of the Meridian VORTAC 311° radial extending from the 7-mile radius of Key Field to 14.3 miles northwest of the Meridian VORTAC, and within a 6.7-mile radius of Joe Williams NOLF, and within a 7.8-mile radius of NAS Meridian/McCain Field, and within 6.7 miles each side of a line from Joe Williams NOLF to NAS Meridian/McCain Field.

Issued in Fort Worth, Texas, on January 22, 2020.

Steve Szukula,

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

[FR Doc. 2020–01568 Filed 1–29–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–1011; Airspace Docket No. 19–ASO–25]

RIN 2120–AA66

Amendment of Class E Airspace; Huntsville, AL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E surface airspace and the Class E airspace extending upward from 700 feet above the surface airspace legal descriptions for Huntsville, AL, by

updating the airport reference for Redstone AAF, AL, to include the state identifier ''AL'' to coincide with the FAA's aeronautical database and comply with FAA Order 7400.2M, Procedures for Handling Airspace Matters. This action does not change the boundaries, altitudes, or operating requirements of the airspace.

DATES: Effective 0901 UTC, March 26, 2020. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a Final Rule in the **Federal Register** (84 FR 49012; September 18, 2019) for Docket No. FAA–2019–0530 amending the Class E surface airspace and the Class E airspace extending upward from 700 feet above the surface and establishing a Class E airspace area designated as an extension to a Class C surface area at Huntsville International-Carl T. Jones Field, Huntsville, AL. In that action, the state identifier ''AL'' associated with Redstone AAF was inadvertently omitted from the airspace legal descriptions. This action corrects that error.

This is an administrative change updating the airport reference for Redstone AAF to include the state identified ''AL'' in the airspace legal descriptions to coincide with the FAA's aeronautical database and comply with FAA Order 7400.2M, and does not affect the boundaries, altitudes, or operating requirements of the airspace.

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

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by amending the Class E surface airspace and the Class E airspace extending upward from 700 feet above the surface airspace legal descriptions for Huntsville, AL, by updating the airport references for Redstone AAF to include the state identifier ''AL'' to coincide with the FAA's aeronautical database and comply with FAA Order 7400.2M.

Section 553(b)(3)(B) of the Administrative Procedures Act (5. U.S.C.) authorizes agencies to dispense with notice and comment procedure when the agency for ''good cause'' finds that these procedures are ''impracticable, unnecessary, or contrary to the public interest.'' This is an administrative change amending the name of Redstone AAF, AL, to coincide with the FAA's aeronautical database and comply with FAA Order 7400.2M and does not affect the boundaries, altitudes, or operating requirements of the airspace; therefore, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

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

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6002 Class E Airspace Areas Designated as a Surface Area.

* * * * *

ASO AL E2 Huntsville, AL [Amended]

Huntsville International-Carl T. Jones Field, AL
(Lat. 34°38′14″ N, long. 86°46′30″ W)
Redstone AAF, AL
(Lat. 34°40′43″ N, long. 86°41′05″ W)

Within a 5-mile radius of the Huntsville International-Carl T. Jones Field, excluding that airspace within a 1-mile radius of the Redstone AAF. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

ASO AL E5 Huntsville, AL [Amended]

Huntsville International-Carl T. Jones Field, AL
(Lat. 34°38′14″ N, long. 86°46′30″ W)
Huntsville International-Carl T. Jones Field: RWY 36L–LOC
(Lat. 34°39′20″ N, long. 86°46′55″ W)
Redstone AAF, AL
(Lat. 34°40′43″ N, long. 86°41′05″ W)
Pryor Field Regional Airport, AL
(Lat. 34°39′15″ N, long. 86°56′43″ W)
Huntsville Executive Tom Sharp Jr. Field, AL
(Lat. 34°51′34″ N, long. 86°33′27″ W)

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Huntsville International-Carl T. Jones Field, and within 3 miles each side of the 001° bearing from Huntsville International-Carl T. Jones Field extending from the 7.5-mile radius to 12.3 miles north of Huntsville International-Carl T. Jones Field, and within 1.3 miles each side of the 181° bearing from the Huntsville International-Carl T. Jones Field: RWY 36L–LOC extending from the 7.5 mile radius of Huntsville International-Carl T. Jones Field to 8.3 miles south of the Huntsville International-Carl T. Jones Field: RWY 36L–LOC, and within a 9.5-mile radius of Redstone AAF, and within a 7-mile radius of Pryor Field Regional Airport, and within a 6.3-mile radius of Huntsville Executive Tom Sharp Jr. Field.

Issued in Fort Worth, Texas, on January 22, 2020.

Steve Szukala,

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

[FR Doc. 2020–01567 Filed 1–29–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–0476; Airspace Docket No. 19–AGL–7]

RIN 2120–AA66

Amendment of VOR Federal Airways V–148, V–177, and V–345 in the Vicinity of Ely, MN, and Hayward, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends VHF Omnidirectional Range (VOR) Federal airways V–148 and V–345 in the vicinity of Hayward, WI, and removes V–177 in the vicinity of Ely, MN, and Hayward, WI. The VOR Federal airways modifications and removal are necessary due to the planned decommissioning of the Ely, MN, and Hayward, WI, VOR navigation aids (NAVAIDs), which provide navigation guidance for portions of the affected air traffic service (ATS) routes. The Ely and Hayward VORs are being decommissioned as part of the FAA's VOR Minimum Operational Network (MON) program.

DATES: Effective date 0901 UTC, March 26, 2020. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11D, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/*. For further information, you can contact the Rules and Regulations 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: Colby Abbott, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

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 the 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 modifies the air traffic service route structure in the National Airspace System as necessary to preserve the safe and efficient flow of air traffic.

History

The FAA published a notice of proposed rulemaking for Docket No. FAA–2019–0476 in the **Federal Register** (84 FR 34078; July 17, 2019) amending VOR Federal airways V–148 and V–345, and removing V–177. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

VOR Federal airways are published in paragraph 6010(a) 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 VOR Federal airway listed in this document will be subsequently published in the Order.

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

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists

Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

The FAA is amending Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying VOR Federal airways V–148 and V–345, and removing VOR Federal airway V–177. The planned decommissioning of the Ely, MN, and Hayward, WI, VORs has made these actions necessary. The VOR Federal airway changes are outlined below.

V–148: V–148 extends between the Falcon, CO, VORTAC and the Houghton, MI, VOR/DME. The airway segment between the Gopher, MN, VORTAC and the Ironwood, MI, VOR/DME is removed. The unaffected portions of the existing airway would remain as charted.

V–177: V–177 extends between the Joliet, IL, VOR/DME and the Ely, MN, VORTAC. The airway is removed in its entirety.

V–345: V–345 extends between the Dells, WI, VORTAC and the Hayward, WI, VOR/DME. The airway segment between the Eau Claire, WI, VORTAC and the Hayward, WI, VOR/DME is removed. The unaffected portions of the existing airway would remain as charted.

All radials in the route descriptions below are unchanged and stated in True degrees.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this airspace action of modifying VOR Federal airways V–148 and V–345, and removing VOR Federal airway V–177 has no potential to cause any significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment. Therefore, this airspace action has been categorically excluded from further environmental impact review in accordance with the National Environmental Policy Act (NEPA) and its implementing regulations at 40 CFR parts 1500–1508, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V–148 [Amended]

From Falcon, CO; Thurman, CO; 65 MSL INT Thurman 067° and Hayes Center, NE, 246° radials; Hayes Center; North Platte, NE; O'Neill, NE; Sioux Falls, SD; Redwood Falls, MN; to Gopher, MN. From Ironwood, MI; to Houghton, MI.

* * * * *

V–177 [Removed]

* * * * *

V–345 [Amended]

From Dells, WI; INT Dells 321° and Eau Claire, WI, 134° radials; to Eau Claire.

* * * * *

Issued in Washington, DC, on January 23, 2020.

Rodger A. Dean, Jr.,

Manager, Rules and Regulations Group.

[FR Doc. 2020–01569 Filed 1–29–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–565]

Schedules of Controlled Substances: Extension of Temporary Placement of cyclopentyl fentanyl, isobutyryl fentanyl, para-chloroisobutyryl fentanyl, para-methoxybutyryl fentanyl, and valeryl fentanyl in Schedule I of the Controlled Substances Act

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Temporary rule; temporary scheduling order; extension.

SUMMARY: The Acting Administrator of the Drug Enforcement Administration is issuing this temporary scheduling order to extend the temporary schedule I status of cyclopentyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylcyclopentanecarboxamide), isobutyryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylisobutyramide), *para*-chloroisobutyryl fentanyl (*N*-(4-chlorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide), *para*-methoxybutyryl fentanyl (*N*-(4-methoxyphenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide), and valeryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylpentanamide) including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers. The schedule I status of cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl

fentanyl currently is in effect until February 1, 2020. This temporary order will extend the temporary scheduling of cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl for one year, or until the permanent scheduling action for these substances is completed, whichever occurs first.

DATES: This temporary scheduling order, which extends the order (83 FR 4580, February 1, 2018), is effective February 1, 2020, and expires on February 1, 2021. If this order is made permanent, the DEA will publish a document in the **Federal Register** on or before February 1, 2021.

FOR FURTHER INFORMATION CONTACT: Scott A. Brinks, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (202) 598–6812.

SUPPLEMENTARY INFORMATION:

Background and Legal Authority

On February 1, 2018, the former Acting Administrator of the Drug Enforcement Administration (DEA) published a temporary scheduling order in the **Federal Register** (83 FR 4580) placing cyclopentyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylcyclopentanecarboxamide), isobutyryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylisobutyramide), *para*-chloroisobutyryl fentanyl (*N*-(4-chlorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide), *para*-methoxybutyryl fentanyl (*N*-(4-methoxyphenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide), and valeryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylpentanamide), along with two other substances, in schedule I of the Controlled Substances Act (CSA) pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h).[1] That order was effective on the date of publication, and was based on findings by the former Acting Administrator of DEA (Acting Administrator) that the temporary scheduling of cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, valeryl fentanyl, and the two other substances was necessary to avoid an imminent hazard to the public safety pursuant to 21 U.S.C. 811(h)(1).

Section 201(h)(2) of the CSA, 21 U.S.C. 811(h)(2), provides that the temporary control of these substances expires two years from the effective date of the scheduling order, *i.e.,* on February 1, 2020. However, the CSA also provides that during the pendency of proceedings under 21 U.S.C. 811(a)(1) for permanent scheduling of a substance, DEA can extend the temporary scheduling[2] of that substance for up to one year. Proceedings for the permanent scheduling of a substance under 21 U.S.C. 811(a) may be initiated by the Attorney General (delegated to the Administrator of DEA pursuant to 28 CFR 0.100) on his own motion, at the request of the Secretary of Health and Human Services, or on the petition of any interested party.

The Acting Administrator, on his own motion pursuant to 21 U.S.C. 811(a), has initiated proceedings under 21 U.S.C. 811(a)(1) to permanently schedule cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl. The DEA has gathered and reviewed the available information regarding the pharmacology, chemistry, trafficking, actual abuse, pattern of abuse, and the relative potential for abuse for these substances. On November 5, 2018, the DEA submitted a request to the Department of Health and Human Services (HHS) to provide the DEA with a scientific and medical evaluation of available information and a scheduling recommendation for cyclopropyl fentanyl, *para*-fluorobutyryl fentanyl, cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl in accordance with 21 U.S.C. 811(b) and (c). In a letter dated September 6, 2019, DEA notified the HHS that it no longer needed scientific and medical evaluations and scheduling recommendations for cyclopropyl fentanyl and *para*-fluorobutyryl fentanyl. Subsequently, the DEA permanently placed those two substances in schedule I of the CSA on October 25, 2019, pursuant to a different scheduling authority in 21 U.S.C. 811(d)(1). See 84 FR 57323.

After evaluating the scientific and medical evidence, on November 12, 2019, the HHS submitted to the Acting Administrator its scientific and medical evaluation and scheduling recommendation for cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl.[3] Upon receipt of the scientific and medical evaluation and scheduling recommendation from the HHS, in accordance with 21 U.S.C. 811(c) the DEA reviewed the documents and all other relevant data, and conducted its own eight-factor analysis of the abuse potential of cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl. DEA published a notice of proposed rulemaking for the permanent placement of cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl in schedule I elsewhere in this issue of the **Federal Register**. If that proposed rule is finalized, the DEA will publish a final rule in the **Federal Register**.

Pursuant to 21 U.S.C. 811(h)(2), the Acting Administrator orders that the temporary scheduling of cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, be extended for one year, or until the permanent scheduling proceeding is completed, whichever occurs first.

Regulatory Matters

The CSA provides for issuance of an expedited temporary scheduling order to schedule a substance in schedule I on a temporary basis, where such action is necessary to avoid an imminent hazard to the public safety. (21 U.S.C. 811(h)). That section also provides that the temporary scheduling of a substance shall expire at the end of two years from the date of the issuance of the order scheduling such substance, except that the Attorney General may, during the pendency of proceedings to permanently schedule the substance, extend the temporary scheduling for up to one year.

Inasmuch as 21 U.S.C. 811(h) directs that temporary scheduling actions be issued by order and sets forth the procedures by which such orders are to be issued and extended, DEA believes

[1] The order also temporarily placed ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(phenethylpiperidin-4-yl)acetamide) and *para*-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide) in schedule I. DEA issued a final order to permanently place ocfentanil and *para*-fluorobutyryl fentanyl in schedule I on November 29, 2018 (83 FR 61320) and October 25, 2019 (84 FR 57327), respectively, pursuant to 21 U.S.C. 811(d)(1).

[2] Though DEA has used the term ''final order'' with respect to temporary scheduling orders in the past, this notice adheres to the statutory language of 21 U.S.C. 811(h), which refers to a ''temporary scheduling order.'' No substantive change is intended.

[3] Although HHS also provided information on cyclopropyl fentanyl and *para*-fluorobutyryl fentanyl, those two substances will not be discussed further in this temporary scheduling order, because they have already been permanently controlled.

that the notice and comment requirements of section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553, which are applicable to rulemaking, do not apply to this extension of the temporary scheduling order. Under 21 U.S.C. 811(h), temporary scheduling orders are not subject to notice and comment rulemaking procedures. In the alternative, even assuming that this action might be subject to section 553 of the APA, the Acting Administrator finds that there is good cause to forgo the notice and comment requirements of section 553, as any further delays in the process for extending the temporary scheduling order would be impracticable and contrary to the public interest in view of the manifest urgency to avoid an imminent hazard to the public safety. Further, DEA believes that this order extending the temporary scheduling action is not a ''rule'' as defined by 5 U.S.C. 601(2), and, accordingly, is not subject to the requirements of the Regulatory Flexibility Act (RFA). The requirements for the preparation of a regulatory flexibility analysis in 5 U.S.C. 603(a) and 604(a) are not applicable where, as here, DEA is not required by section 553 of the APA or any other law to publish a general notice of proposed rulemaking.

Additionally, this action is not a significant regulatory action as defined by Executive Order 12866 (Regulatory Planning and Review), and section 3(f), and, accordingly, this action has not been reviewed by the Office of Management and Budget (OMB).

This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132 (Federalism) it is determined that this action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

As noted above, this action is an order, not a rule. Accordingly, the Congressional Review Act (CRA) is inapplicable, as it applies only to rules. However, even if this were a rule, pursuant to the CRA, ''any rule for which an agency for good cause finds that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, shall take effect at such time as the federal agency promulgating the rule determines.'' (5 U.S.C. 808(2)). It is in the public interest to maintain the temporary placement of cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl in schedule I because they pose an imminent public health risk. The temporary scheduling action was taken pursuant to 21 U.S.C. 811(h), which is specifically designed to enable the DEA to act in an expeditious manner to avoid an imminent hazard to the public safety. The DEA understands that the CSA frames temporary scheduling actions as orders rather than rules to ensure that the process moves swiftly, and this extension of the temporary scheduling order continues to serve that purpose. For the same reasons that underlie 21 U.S.C. 811(h), that is, the need to place these substances in schedule I because they pose an imminent hazard to public safety, it would be contrary to the public interest to delay implementation of this extension of the temporary scheduling order. Therefore, in accordance with section 808(2) of the CRA, this order extending the temporary scheduling order shall take effect immediately upon its publication. The DEA has submitted a copy of this temporary order to both Houses of Congress and to the Comptroller General, although such filing is not required under the Congressional Review Act, 5 U.S.C. 801–808, because, as noted above, this action is an order, not a rule.

Dated: January 23, 2020.

Uttam Dhillon,

Acting Administrator.

[FR Doc. 2020–01683 Filed 1–29–20; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 31

[TD 9892]

RIN 1545–BN12

Return Due Date and Extended Due Date Changes

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations that update the due dates and available extensions of time to file certain tax returns and information returns. The dates are updated to reflect the statutory requirements set by section 2006 of the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 and section 201 of the Protecting Americans from Tax Hikes Act of 2015. Additionally, the regulations remove a provision for electing large partnerships that was made obsolete by section 1101(b)(1) of the Bipartisan Budget Act of 2015. These regulations affect taxpayers who file Form W–2 (series, except Form W–2G), Form W–3, Form 990 (series), Form 1099–MISC, Form 1041, Form 1041–A, Form 1065, Form 1065–B, Form 1120 (series), Form 4720, Form 5227, Form 6069, Form 8804, or Form 8870.

DATES: *Effective Date:* These regulations are effective January 30, 2020.

Applicability Date: For dates of applicability, see §§ 1.1446–3(g), 1.6012–6(c), 1.6031(a)–1(f), 1.6032–1(b), 1.6033–2(k), 1.6041–2(d), 1.6041–6(c), 1.6072–2(g), 1.6081–1(c), 1.6081–2(h), 1.6081–3(g), 1.6081–5(f), 1.6081–6(g), 1.6081–9(f), and 31.6071(a)–1(g).

FOR FURTHER INFORMATION CONTACT: Isaac Brooks Fishman, (202) 317–6845 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains final regulations that reflect changes in tax return due dates enacted by section 2006 of the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015, Public Law 114–41, 129 Stat. 443 (2015), as well as changes to information return due dates enacted by section 201 of the Protecting Americans from Tax Hikes Act of 2015, Public Law 114–113, Div. Q, 129 Stat. 2242 (2015). On July 20, 2017, the IRS published in the **Federal Register** temporary regulations (TD 9821 (82 FR 33441)) that conformed the due dates and the available extensions of time to file various tax returns and information returns to those provided by statute. The temporary regulations were applicable for tax returns and information returns filed after July 20, 2017, with an expiration date of July 17, 2020.

The IRS published a notice of proposed rulemaking (REG–128483–15 (82 FR 33467)) cross-referencing the temporary regulations in the **Federal Register** the same day it published the temporary regulations. The IRS received no comments on the notice of proposed rulemaking, and no public hearing was requested or held.

This Treasury Decision removes the temporary regulations and adopts the proposed regulations as final regulations with only nonsubstantive revisions. The revisions are discussed in the Explanation of Provisions.

Explanation of Provisions

A detailed explanation of these regulations can be found in the

preamble to the temporary regulations. One additional provision of these regulations that is not discussed in the preamble to the temporary regulations is explained below.

Section 1.6081–2(a)(1) of the proposed regulations addresses the extension of time for a partnership to file Form 1065, ''U.S. Partnership Return of Income,'' or Form 8804, ''Annual Return for Partnership Withholding Tax.'' Similarly, § 1.6081–2(a)(2) of the final regulations in place prior to the publication of this Treasury Decision addressed the extension of time to file Form 1065–B, ''U.S. Return of Income for Electing Large Partnerships.'' Section 1101(b)(1) of the Bipartisan Budget Act of 2015, Public Law 114–74, 129 Stat. 625 (2015), repealed part IV of subchapter K of chapter 1 of subtitle A of the Internal Revenue Code (Code), which, prior to repeal, provided in former sections 771 through 777 for the treatment of certain partnerships as electing large partnerships. The amendment was effective for returns filed for partnership taxable years beginning after December 31, 2017. As a consequence, electing large partnerships do not exist and Forms 1065–B will not be filed for taxable years beginning after December 31, 2017.

Because § 1.6081–2(a)(2) is therefore obsolete, and the only remaining effective provision in § 1.6081–2(a) was § 1.6081–2(a)(1), this Treasury Decision removes § 1.6081–2(a)(2) and redesignates proposed § 1.6081–2(a)(1) as § 1.6081–2(a). This change is purely ministerial and has no substantive effect. Accordingly, the IRS finds good cause for dispensing with notice and public comment pursuant to 5 U.S.C. 553(b) and (c) and with a delayed effective date pursuant to 5 U.S.C. 553(d) for this change.

Special Analyses

These regulations are not subject to review under section 6(b) of Executive Order 12866 pursuant to the Memorandum of Agreement (April 11, 2018) between the Department of the Treasury and the Office of Management and Budget regarding review of tax regulations.

Pursuant to the Regulatory Flexibility Act (5 U.S.C. chapter 6) it is hereby certified that this final rule will not have a significant economic impact on a substantial number of small entities. These regulations only update the due dates and extensions of time to file certain collections of information and include some existing regulatory language concerning collections of information that affect small entities for the convenience of the reader.

Pursuant to section 7805(f) of the Code, the notice of proposed rulemaking preceding these regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business. No comments were received from the Small Business Administration.

Drafting Information

The principal author of these regulations is Jonathan R. Black formerly of the Office of the Associate Chief Counsel (Procedure and Administration).

List of Subjects

26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 31

Employment taxes, Income taxes, Penalties, Pensions, Railroad retirement, Reporting and recordkeeping requirements, Social security, Unemployment compensation.

Amendments to the Regulations

Accordingly, 26 CFR parts 1 and 31 are amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** Revise paragraphs (b)(2)(v)(C) and (g) of § 1.1446–3 to read as follows:

§ 1.1446–3 Time and manner of calculating and paying over the 1446 tax.

* * * * *

(b) * * *

(2) * * *

(v) * * *

(C) *Period of underpayment.* The period of the underpayment set forth in section 6655(b)(2) shall end on the earlier of the date the partnership is required to file Form 8804 (as provided in paragraph (d)(1)(iii) of this section and without regard to extensions), or with respect to any portion of the underpayment, the date on which such portion is paid.

* * * * *

(g) *Applicability date.* This section applies to returns filed on or after January 30, 2020. Section 1.1446–3T (as contained in 26 CFR part 1, revised April 2019) applies to returns filed before January 30, 2020.

§ 1.1446–3T [Removed]

■ **Par. 3.** Section 1.1446–3T is removed.

■ **Par. 4.** Revise paragraph (a)(1) and add paragraph (c) to § 1.6012–6 to read as follows:

§ 1.6012–6 Returns by political organizations.

(a) * * * (1) *In general.* For taxable years beginning after December 31, 1974, every political organization described in section 527(e)(1), and every fund described in section 527(f)(3) or section 527(g), and every organization described in section 501(c) and exempt from taxation under section 501(a) shall, if a tax is imposed on such an organization or fund by section 527(b), make a return of income on or before the fifteenth day of the fourth month following the close of the taxable year.

* * * * *

(c) *Applicability date.* This section applies to returns filed on or after January 30, 2020. Section 1.6012–6T (as contained in 26 CFR part 1, revised April 2019) applies to returns filed before January 30, 2020.

§ 1.6012–6T [Removed]

■ **Par. 5.** Section 1.6012–6T is removed.

■ **Par. 6.** Revise paragraphs (e)(2) and (f) of § 1.6031(a)–1 to read as follows:

§ 1.6031(a)–1 Return of partnership income.

* * * * *

(e) * * *

(2) *Time for filing.* The return of a partnership must be filed on or before the date prescribed by section 6072(b).

* * * * *

(f) *Applicability date.* This section applies to returns filed on or after January 30, 2020. Section 1.6031(a)–1T (as contained in 26 CFR part 1, revised April 2019) applies to returns filed before January 30, 2020.

§ 1.6031(a)–1T [Removed]

■ **Par. 7.** Section 1.6031(a)–1T is removed.

■ **Par. 8.** Revise § 1.6032–1 to read as follows:

§ 1.6032–1 Returns of banks with respect to common trust funds.

(a) Every bank (as defined in section 581) maintaining a common trust fund shall make a return of income of the common trust fund, regardless of the amount of its taxable income. Member banks of an affiliated group that serve as co-trustees with respect to a common trust fund must act jointly in making a return for the fund. If a bank maintains more than one common trust fund, a separate return shall be made for each.

No particular form is prescribed for making the return under this section, but Form 1065 may be used if it is designated by the bank as the return of a common trust fund. The return shall be made for the taxable year of the common trust fund and shall be filed on or before the date prescribed by section 6072(b) with the service center prescribed in the relevant Internal Revenue Service revenue procedure, publication, form, or instructions to the form (see § 601.601(d)(2) of this chapter). Such return shall state specifically with respect to the fund the items of gross income and the deductions allowed by subtitle A of the Internal Revenue Code, shall include each participant's name and address, the participant's proportionate share of taxable income or net loss (exclusive of gains and losses from sales or exchanges of capital assets), the participant's proportionate share of gains and losses from sales or exchanges of capital assets, and the participant's share of items which enter into the determination of the tax imposed by section 56. See §§ 1.584–2 and 1.58–5. If the common trust fund is maintained by two or more banks that are members of the same affiliated group, the return must also identify the member bank in the group that has contributed each participant's property or money to the fund. A copy of the plan of the common trust fund must be filed with the return. If, however, a copy of such plan has once been filed with a return, it need not again be filed if the return contains a statement showing when and where it was filed. If the plan is amended in any way after such copy has been filed, a copy of the amendment must be filed with the return for the taxable year in which the amendment was made. For the signing of a return of a bank with respect to common trust funds, see § 1.6062–1, relating to the manner prescribed for the signing of a return of a corporation.

(b) This section applies to returns filed on or after January 30, 2020. Section 1.6032–1T (as contained in 26 CFR part 1, revised April 2019) applies to taxable years beginning before January 30, 2020.

§ 1.6032–1T [Removed]

■ **Par. 9.** Section 1.6032–1T is removed.

■ **Par. 10.** Revise paragraphs (e) and (k) of § 1.6033–2 to read as follows:

§ 1.6033–2 Returns by exempt organizations (taxable years beginning after December 31, 1969) and returns by certain nonexempt organizations (taxable years beginning after December 31, 1980).

* * * * *

(e) *Time and place for filing.* The annual return required by this section shall be filed on or before the 15th day of the fifth month following the close of the period for which the return is required to be filed. The annual return on Form 1065 required to be filed by a religious or apostolic association or corporation shall be filed on or before the date prescribed by section 6072(b). Each such return shall be filed in accordance with the instructions applicable thereto.

* * * * *

(k) *Applicability date.* This section applies to returns filed on or after January 30, 2020. Section 1.6033–2T (as contained in 26 CFR part 1, revised April 2019) applies to returns filed before January 30, 2020.

§ 1.6033–2T [Removed]

■ **Par. 11.** Section 1.6033–2T is removed.

■ **Par. 12.** Revise paragraph (a)(3)(ii) and add paragraph (d) to § 1.6041–2 to read as follows:

§ 1.6041–2 Return of information as to payments to employees.

(a) * * *

(3) * * *

(ii) *Exception.* In a case where an employer is not required to file Forms W–3 and W–2 under § 31.6011(a)–4 or § 31.6011(a)–5 of this chapter, returns on Forms W–3 and W–2 required under this paragraph (a) for any calendar year shall be filed on or before January 31 of the following year.

* * * * *

(d) *Applicability date.* This section applies to returns filed on or after January 30, 2020. Section 1.6041–2T (as contained in 26 CFR part 1, revised April 2019) applies to returns filed before January 30, 2020.

§ 1.6041–2T [Removed]

■ **Par. 13.** Section 1.6041–2T is removed.

■ **Par. 14.** Revise § 1.6041–6 to read as follows:

§ 1.6041–6 Returns made on Forms 1096 and 1099 under section 6041; contents and time and place for filing.

(a) *In general.* Except as provided in paragraph (b) of this section, returns made under section 6041 on Forms 1096 and 1099 for any calendar year shall be filed on or before February 28 (March 31 if filed electronically) of the following year with any of the Internal Revenue Service Centers, the addresses of which are listed in the instructions for such forms. The name and address of the person making the payment and the name and address of the recipient of the payment shall be stated on Form 1099. If the present address of the recipient is not available, the last known post office address must be given. See section 6109 and the regulations in part 301 of this title under section 6109 for rules requiring the inclusion of identifying numbers in Form 1099.

(b) *Exception.* Returns made on Form 1099 reporting nonemployee compensation shall be filed on or before January 31 of the year following the calendar year to which such returns relate.

(c) *Applicability date.* This section applies to returns filed on or after January 30, 2020. Section 1.6041–6T (as contained in 26 CFR part 1, revised April 2019) applies to returns filed before January 30, 2020.

§ 1.6041–6T [Removed]

■ **Par. 15.** Section 1.6041–6T is removed.

■ **Par. 16.** Revise paragraphs (a) and (d)(1) and (2) and add paragraph (g) to § 1.6072–2 to read as follows:

§ 1.6072–2 Time for filing returns of corporations.

(a) *Domestic and certain foreign corporations*—(1) *In general*—(i) *C corporations.* Except as provided in paragraph (a)(2) of this section, the income tax return required under section 6012 of a domestic C corporation (as defined in section 1361(a)(2)) or of a foreign C corporation having an office or place of business in the United States shall be filed on or before the fifteenth day of the fourth month following the close of the taxable year.

(ii) *S corporations.* The income tax return required under sections 6012 and 6037 of an S corporation (as defined in section 1361(a)(1)) shall be filed on or before the fifteenth day of the third month following the close of the taxable year.

(2) *Exception.* For taxable years beginning before January 1, 2026, the income tax return of a C corporation described in paragraph (a)(1)(i) of this section that has a taxable year that ends on June 30 shall be filed on or before the fifteenth day of the third month following the close of the taxable year. For purposes of this paragraph (a)(2), the return for a short period (within the meaning of section 443) that ends on any day in June shall be treated as the return for a taxable year that ends on June 30.

* * * * *

(d) * * *

(1) *Section 521 associations.* A farmers', fruit growers', or like

association, organized and operated in compliance with the requirements of section 521 and § 1.521–1; and

(2) *Section 1381 corporations.* For a taxable year beginning after December 31, 1962, a corporation described in section 1381(a)(2), which is under a valid enforceable written obligation to pay patronage dividends (as defined in section 1388(a) and § 1.1388–1(a)) in an amount equal to at least 50 percent of its net earnings from business done with or for its patrons, or which paid patronage dividends in such an amount out of the net earnings from business done with or for patrons during the most recent taxable year for which it had such net earnings. Net earnings for purposes of this paragraph (d)(2) shall not be reduced by any taxes imposed by subtitle A of the Internal Revenue Code and shall not be reduced by dividends paid on capital stock or other proprietary interest.

* * * * *

(g) *Applicability date.* This section applies to returns filed on or after January 30, 2020. Section 1.6072–2T (as contained in 26 CFR part 1, revised April 2019) applies to returns before January 30, 2020.

§ 1.6072–2T [Removed]

■ **Par. 17.** Section 1.6072–2T is removed.

■ **Par. 18.** Revise paragraphs (a) and (c) of § 1.6081–1 to read as follows:

§ 1.6081–1 Extension of time for filing returns.

(a) *In general.* The Commissioner is authorized to grant a reasonable extension of time for filing any return, declaration, statement, or other document that relates to any tax imposed by subtitle A of the Internal Revenue Code (Code) and that is required under the provisions of subtitle A or F of the Code. However, other than in the case of taxpayers who are abroad or as specified in section 6081(b), such extensions of time shall not be granted for more than six months, and the extension of time for filing the return of a DISC (as defined in section 992(a)), as specified in section 6072(b), shall not be granted. Except in the case of an extension of time pursuant to § 1.6081–5, an extension of time for filing an income tax return shall not operate to extend the time for the payment of the tax unless specified to the contrary in the extension. For rules relating to extensions of time for paying tax, see § 1.6161–1.

* * * * *

(c) *Applicability date.* This section applies to requests for extension of time to file returns on or after January 30, 2020. Section 1.6081–1T (as contained in 26 CFR part 1, revised April 2019) applies to requests for extension of time to file returns before January 30, 2020.

§ 1.6081–1T [Removed]

■ **Par. 19.** Section 1.6081–1T is removed.

■ **Par. 20.** Revise paragraphs (a) and (h) of § 1.6081–2 to read as follows:

§ 1.6081–2 Automatic extension of time to file certain returns filed by partnerships.

(a) *In general.* A partnership required to file Form 1065, ''U.S. Partnership Return of Income,'' or Form 8804, ''Annual Return for Partnership Withholding Tax,'' for any taxable year will be allowed an automatic six-month extension of time to file the return after the date prescribed for filing the return if the partnership files an application under this section in accordance with paragraph (b) of this section. No additional extension will be allowed pursuant to § 1.6081–1(b) beyond the automatic six-month extension provided by this section. In the case of a partnership described in § 1.6081–5(a)(1), the automatic extension of time to file allowed under this section runs concurrently with an extension of time to file granted pursuant to § 1.6081–5.

* * * * *

(h) *Applicability date.* This section applies to applications for an automatic extension of time to file the partnership returns listed in paragraph (a) of this section on or after January 30, 2020. Section 1.6081–2T (as contained in 26 CFR part 1, revised April 2019) applies to applications for an automatic extension of time to file before January 30, 2020.

§ 1.6081–2T [Removed]

■ **Par. 21.** Section 1.6081–2T is removed.

■ **Par. 22.** Revise paragraphs (a) introductory text and (e) through (g) of § 1.6081–3 to read as follows:

§ 1.6081–3 Automatic extension of time for filing corporation income tax returns.

(a) *In general.* Except as provided in paragraphs (e) and (f) of this section, a corporation or an affiliated group of corporations filing a consolidated return will be allowed an automatic 6-month extension of time to file its income tax return after the date prescribed for filing the return if the following requirements are met.

* * * * *

(e) *Exception.* In the case of any return for a taxable year of a C corporation that ends on June 30 and begins before January 1, 2026, the first sentence of paragraph (a) of this section shall be applied by substituting ''7-month'' for ''6-month.'' For purposes of this paragraph (e), the return for a short period (within the meaning of section 443) that ends on any day in June shall be treated as the return for a taxable year that ends on June 30.

(f) *Cross reference.* For provisions relating to extensions of time to file Form 1120–POL, ''U.S. Income Tax Return for Certain Political Organizations,'' see § 1.6081–9.

(g) *Applicability date.* This section applies to requests for extension of time to file corporation income tax returns on or after January 30, 2020. Section 1.6081–3T (as contained in 26 CFR part 1, revised April 2019) applies to applications for an automatic extension of time to file before January 30, 2020.

§ 1.6081–3T [Removed]

■ **Par. 23.** Section 1.6081–3T is removed.

■ **Par. 24.** Revise paragraphs (a)(1) and (f) of § 1.6081–5 to read as follows:

§ 1.6081–5 Extensions of time in the case of certain partnerships, corporations and U.S. citizens and residents.

(a) * * *

(1) Partnerships, which are required under section 6072(b) to file returns on the fifteenth day of the third month following the close of the taxable year of the partnership, that keep their records and books of account outside the United States and Puerto Rico;

* * * * *

(f) This section applies to returns filed on or after January 30, 2020. Section 1.6081–5T (as contained in 26 CFR part 1, revised April 2019) applies to applications for an automatic extension of time to file returns before January 30, 2020.

§ 1.6081–5T [Removed]

■ **Par. 25.** Section 1.6081–5T is removed.

■ **Par. 26.** Revise paragraphs (a)(1) and (g) of § 1.6081–6 to read as follows:

§ 1.6081–6 Automatic extension of time to file estate or trust income tax return.

(a) * * * (1) Except as provided in paragraph (a)(2) of this section, any estate, including but not limited to an estate defined in section 2031, or trust required to file an income tax return on Form 1041, ''U.S. Income Tax Return for Estates and Trusts,'' will be allowed an automatic five and one-half month extension of time to file the return after the date prescribed for filing the return if the estate or trust files an application under this section in accordance with

paragraph (b) of this section. No additional extension will be allowed pursuant to § 1.6081–1(b) beyond the automatic five and one-half month extension provided by this section.

* * * * *

(g) *Applicability date.* This section applies to applications for an automatic extension of time to file an estate or trust income tax return on or after January 30, 2020. Section 1.6081–6T (as contained in 26 CFR part 1, revised April 2019) applies to applications for an automatic extension of time to file a return before January 30, 2020.

§ 1.6081–6T [Removed]

■ **Par. 27.** Section 1.6081–6T is removed.

■ **Par. 28.** Revise paragraphs (a), (b)(1) and (3), and (c) through (f) of § 1.6081–9 to read as follows:

§ 1.6081–9 Automatic extension of time to file exempt or political organization returns.

(a) *In general.* An entity required to file a return on a form in the Form 990 series (Form 990, ''Return of Organization Exempt From Income Tax,'' Form 990–BL, ''Information and Initial Excise Tax Return for Black Lung Benefit Trusts and Certain Related Persons,'' Form 990–EZ, ''Short Form Return of Organization Exempt From Income Tax,'' Form 990–PF, ''Return of Private Foundation,'' and Form 990–T, ''Exempt Organization Business Tax Return''), Form 1041–A, ''U.S. Information Return-Trust Accumulation of Charitable Amounts,'' Form 1120–POL, ''U.S. Income Tax Return for Certain Political Organizations,'' Form 4720, ''Return of Certain Excise Taxes Under Chapters 41 and 42 of the Internal Revenue Code,'' Form 5227, ''Split-Interest Trust Information Return,'' Form 6069, ''Return of Excise Tax on Excess Contributions to Black Lung Benefit Trust Under Section 4953 and Computation of Section 192 Deduction,'' and Form 8870, ''Information Return for Transfers Associated With Certain Personal Benefit Contracts,'' will be allowed an automatic six-month extension of time to file the return after the date prescribed for filing if the entity files an application in accordance with paragraph (b) of this section.

(b) * * *

(1) Be submitted on Form 7004, ''Application for Automatic Extension of Time to File Certain Business Income Tax, Information, and Other Returns'' (in the case of an extension of time to file Form 1120–POL), Form 8868, ''Application for Automatic Extension of Time to File an Exempt Organization Return'' (in the case of an extension of time to file any other return listed in paragraph (a) of this section), or in any other manner as may be prescribed by the Commissioner;

* * * * *

(3) Show the full amount properly estimated as tentative tax for the entity for the taxable year; and

* * * * *

(c) *Termination of automatic extension.* The Commissioner may terminate an automatic extension at any time by mailing to the entity a notice of termination. The notice must be mailed at least 10 days prior to the termination date designated in such notice. The notice of termination must be mailed to the address shown on the application for extension or to the entity's last known address. For further guidance regarding the definition of last known address, see § 301.6212–2 of this chapter.

(d) *Penalties.* See sections 6651 and 6652(c) for failure to file a return or failure to pay the amount shown as tax on the return.

(e) *Coordination with § 1.6081–1.* No extension of time will be granted under § 1.6081–1 for filing a return listed in paragraph (a) of this section until an automatic extension has been allowed pursuant to this section.

(f) *Applicability date.* This section applies to requests for extensions of time to file returns listed in paragraph (a) of this section on or after January 30, 2020. Sections 1.6081–3T and 1.6081–9T (as contained in 26 CFR part 1, revised April 2019) apply to requests for extensions before January 30, 2020.

§ 1.6081–9T [Removed]

■ **Par. 29.** Section 1.6081–9T is removed.

PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT THE SOURCE

■ **Par. 30.** The authority citation for part 31 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 31.** Revise paragraph (a)(3) and add paragraph (g) to § 31.6071(a)–1 to read as follows:

§ 31.6071(a)–1 Time for filing returns and other documents.

(a) * * *

(3) *Information returns*—(i) *General rule.* Each information return in respect of wages as defined in the Federal Insurance Contributions Act or of income tax withheld from wages as required under § 31.6051–2 must be filed on or before January 31 of the year following the calendar year for which it is made, except that, if a tax return under § 31.6011(a)–5(a) is filed as a final return for a period ending prior to December 31, the information return must be filed on or before the last day of the first month following the period for which the tax return is filed.

(ii) *Expedited filing.* If an employer who is required to make a return pursuant to § 31.6011(a)–1 or § 31.6011(a)–4 is required to make a final return on Form 941, or a variation thereof, under § 31.6011(a)–6(a)(1) (relating to the final return for Federal Insurance Contributions Act taxes and income tax withholding from wages), the return which is required to be made under § 31.6051–2 must be filed on or before the last day of the first month following the period for which the final return is filed. The requirements set forth in this paragraph (a)(3)(ii) do not apply to employers with respect to employees whose wages are for domestic service in the private home of the employer. See § 31.6011(a)–1(a)(3).

* * * * *

(g) *Applicability date.* This section applies to returns filed on or after January 30, 2020. Section 31.6071(a)–1T (as contained in 26 CFR part 31, revised April 2019) applies to returns filed before January 30, 2020.

§ 31.6071(a)–1T [Removed]

■ **Par. 32.** Section 31.6071(a)–1T is removed.

Sunita Lough,

Deputy Commissioner for Services and Enforcement.

Approved: November 25, 2019.

David J. Kautter,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2020–00467 Filed 1–29–20; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2019–0163; FRL–10003–37–Region 8]

Approval and Promulgation of Implementation Plans; State of Montana; State Implementation Plan Revisions for Open Burning

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the State of Montana on

May 24, 2018. The revisions remove a prohibition on the open burning of asbestos and asbestos-containing materials located in the SIP-approved Administrative Rules of Montana (ARM) Title 17, chapter 8, subchapter 6 and the similar provision in the SIP-approved Lincoln County Air Pollution Control Program. The revisions also remove a corresponding cross-reference located in SIP-approved ARM Title 17, chapter 8, subchapter 3 (concerning wood-waste burners). The EPA is taking this action pursuant to the Clean Air Act (CAA).

DATES: This rule is effective on March 2, 2020.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2019–0163. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *http://www.regulations.gov,* or please contact the person identified in the ''**FOR FURTHER INFORMATION CONTACT**'' section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Crystal Ostigaard, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD–IO, 1595 Wynkoop Street, Denver, Colorado, 80202–1129, (303) 312–6602, *ostigaard.crystal@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' means the EPA.

I. Background

On October 15, 2019 (84 FR 55104), the EPA proposed to approve revisions to the State of Montana's SIP that would remove a prohibition on the open burning of asbestos and asbestos-containing materials located in the SIP-approved ARM Title 17, chapter 8, subchapter 6 (ARM located at 17.8.604(1)(w)) and the similar provision in the SIP-approved Lincoln County Air Pollution Control Program (located at 75.1.405(2)(w)). The revision would also remove a corresponding cross-reference located in SIP-approved ARM Title 17, chapter 8, subchapter 3 (concerning wood-waste burners) (reference located at 17.8.320(9)).

We received four comments on our proposed rule. Section II of this final rule provides a summary of the comments that were received and our corresponding responses.

II. Response to Comments

Comment: The first commenter discusses the general physical and chemical characteristics of asbestos and the consequences to human health when inhaled. In addition, the commenter provides a brief discussion on where asbestos has been banned and that only a few developed countries, including the United States, currently have no ban. The commenter briefly mentions that the EPA has attempted to ban asbestos but has faced lawsuits against this prohibition. Additionally, the commenter provides brief information from a July 1, 2019 Reuters article that claimed that several states filed a lawsuit against the EPA to enact stricter requirements for asbestos. The commenter cites Libby, Montana as a prime example of the consequences of having asbestos in the air and provides a quote from the *Asbestos.com* website that describes Libby, Montana as ''the site of one of America's worst man-made environmental disasters.'' Furthermore, the commenter reiterates that the EPA even declared a Public Health Emergency in 2008 in Libby, Montana, due to the asbestos dust from the mining of vermiculite and only recently (2018) announced a decline in clean-up efforts. The commenter concludes that the EPA should not approve the revisions.

Response: The EPA is concerned about the potential for adverse health effects of asbestos based on established sound scientific data indicating that asbestos is a known human carcinogen. Indeed, the Agency administers several laws and regulations pertaining to asbestos, see *https://www.epa.gov/asbestos/asbestos-laws-and-regulations,* including the CAA. For example, the CAA requires that the EPA establish national emission standards for hazardous air pollutants (NESHAP), including asbestos. To that end, asbestos was one of the first hazardous air pollutants regulated under the air toxics program, currently found at 40 CFR part 61, subpart M. That regulation has been amended several times, see *https://www.epa.gov/stationary-sources-air-pollution/asbestos-national-emission-standards-hazardous-air-pollutants*. Nevertheless, while the commenter raises concerns with asbestos generally and with asbestos mining in Libby, Montana, specifically, the comment does not identify any material issues pertaining to the EPA's review of a SIP revision under the National Ambient Air Quality Standards (NAAQS) program. Accordingly, the EPA is finalizing its approval of Montana's SIP revision. The EPA notes, nonetheless, that Montana is not removing the burning prohibitions from state law and this action does not exempt any sources from compliance with the national emission standards for asbestos in Subpart M.

Comment: The second commenter discusses the general health effects of asbestos reported from the World Health Organization and that, even though the NESHAP have in place regulations on burning of asbestos materials, the EPA should have as many regulations as possible to discourage burning of this material. Additionally, the commenter discusses that the safety of the City of Libby, neighboring states, and the nation of Canada should have been considered to verify that these populations were protected from harmful asbestos particulates. Furthermore, the commenter mentions that particles from asbestos will not remain as air pollution but could contaminate local water systems (lakes, rivers, reservoirs, and groundwater). The commenter concludes that the EPA should reject the revisions.

Response: As discussed above, asbestos is regulated under several EPA-administered laws and regulations, including the CAA's air toxics program. The NESHAP regulates hazardous air pollutants (HAPs), which are pollutants that are known or suspected to cause cancer or other serious health effects; to that end, EPA has established national emission standards for asbestos and certain asbestos-containing materials in 40 CFR part 61, subpart M. Nevertheless, the comment does not identify any CAA provisions that the commenter believes either the EPA or the State failed to address with respect to interstate emissions, international emissions, or water pollution, nor does the comment identify any material issues pertaining to the EPA's review of a SIP revision under the NAAQS program. Accordingly, the EPA is finalizing its approval of Montana's SIP revision.

Comment: The third commenter discusses the general consequences to human health when asbestos is inhaled. The commenter also provides information from the World Health Organization and the International Labor Organization about global estimates that 125 million are exposed to asbestos each year and 107,000 workers die every year from occupational exposure to airborne asbestos, respectively. The commenter concludes that the EPA should not approve the revisions.

Response: As discussed above, the EPA is concerned about the potential health risks associated with asbestos

and administers several laws and regulations pertaining to asbestos. Nonetheless, the comment does not identify any material issues pertaining to the EPA's review of a SIP revision under the NAAQS program. Accordingly, the EPA is finalizing its approval of Montana's SIP revision.

Comment: The fourth commenter briefly discusses the consequences to human health when asbestos is inhaled and provides a quote from the American Cancer Society that the U.S. Occupational Health and Safety Administration estimates that over a million American employees in construction and general industries face asbestos exposure on the job. Additionally, the commenter provides a quote from an article discussion on mesothelioma settlements that the mass asbestos exposure from the vermiculite mines in Libby resulted in two payouts: (1) 2011, $43 million settlement covering more than 1,300 miners and their estates; and, (2) 2017, $25 million settlement to more than 1,000 people. The commenter concludes that the State of Montana and the EPA are not concerned with the dangers of asbestos, nor the consequences on public health; therefore, the EPA should not approve the revisions.

Response: As discussed above, the EPA is concerned about the potential health risks associated with asbestos and administers several laws and regulations pertaining to asbestos. Nonetheless, the comment does not identify any material issues pertaining to the EPA's review of a SIP revision under the NAAQS program. Accordingly, the EPA is finalizing its approval of Montana's SIP revision.

III. Final Action

We are finalizing our approval of the following revisions to the Montana SIP that were submitted on May 24, 2018: (1) Removal of ARM 17.8.604(1)(w); (2) removal of the reference to ARM17.8.604(1)(w) in ARM 17.8.320(9); and (3) removal of 75.1.405(2)(w) in the Lincoln County Air Pollution Control Program.

IV. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the SIP amendments described in Section I and III of this preamble. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 8 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the State implementation plan, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[1]

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 30, 2020. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Greenhouse gases, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

[1] 62 FR 27968 (May 22, 1997).

Dated: December 31, 2019.

Debra Thomas,

Acting Regional Administrator, Region 8.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart BB—Montana

■ 2. In § 52.1370, the table in paragraph (c) is amended by revising the entries for ''17.8.320,'' ''17.8.604,'' and ''1660 Resolution.''

The revisions read as follows:

§ 52.1370 Identification of plan.

* * * * *

(c) * * *

State citation	Rule title	State effective date	EPA final rule date	Final rule citation	Comments
*	*	*	*	*	*
17.8.320	Wood-waste Burners		1/30/2020	[Insert **Federal Register** citation].	Removed (1)(w).
*	*	*	*	*	*
17.8.604	Materials Prohibited from Open Burning.		1/30/2020	[Insert **Federal Register** citation].	Removed cross-reference to ARM17.8.604(1)(w).
*	*	*	*	*	*
1660 Resolution	Lincoln County Health and Environment Regulations.		1/30/2020	[Insert **Federal Register** citation].	Removed 75.1.405(2)(w).
*	*	*	*	*	*

* * * * *

[FR Doc. 2020–00196 Filed 1–29–20; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 81

[Docket Number CDC–2019–0050; NIOSH–329]

RIN 0920–AA74

Guidelines for Determining the Probability of Causation Under the Energy Employees Occupational Illness Compensation Program Act of 2000; Technical Amendments

AGENCY: Centers for Disease Control and Prevention, HHS.

ACTION: Final rule.

SUMMARY: In August 2019, the Department of Health and Human Services (HHS) published an interim final rule to revise its regulations to update references to the International Classification of Disease (ICD) codes from ICD–9–CM to ICD–10–CM, and remove outdated references to chronic lymphocytic leukemia from Energy Employees Occupational Illness Compensation Program regulations. These technical amendments have no effect on the cancer eligibility requirement under the Program because all cancer types are eligible to receive a dose reconstruction from NIOSH. Thus, no eligible claimant will be adversely impacted by the rulemaking finalized in this document.

DATES: This rule is effective on January 30, 2020.

FOR FURTHER INFORMATION CONTACT: Rachel Weiss, Program Analyst; 1090 Tusculum Ave., MS: C–48, Cincinnati, OH 45226; telephone (855) 818–1629 (this is a toll-free number); email *NIOSHregs@cdc.gov*.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Interested persons or organizations were invited to participate in this rulemaking by submitting written views, arguments, recommendations, and data. Comments were invited on any topic related to this rulemaking.

HHS received one public comment for this rulemaking from a professional organization of health physicists.

II. Review by the Advisory Board on Radiation and Worker Health

As discussed in the August 2019 interim final rule (84 FR 37587), the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) [1] requires that HHS obtain a review by of that rulemaking the Advisory Board on Radiation and Worker Health. The Board conducted its review and submitted a letter to the docket stating its concurrence with the interim final rule as published.

[1] 42 U.S.C. 7384n(c).

III. Background

As described in the August 2019 interim final rule, EEOICPA was established to provide financial compensation and prospective medical benefits to employees for illness caused by exposure to radiation, beryllium, silica, and toxic substances during their employment at facilities of the Department of Energy, its predecessor agencies, and certain of its contractors and vendors. It is administered by the Department of Labor's Office of Workers' Compensation Programs (OWCP) with radiation dose reconstructions for claims involving radiogenic cancers provided by CDC's National Institute for Occupational Safety and Health (NIOSH). HHS regulations in 42 CFR part 81 govern the NIOSH dose reconstructions.

IV. Summary of Final Rule

In the August 2019 interim final rule, HHS updated the International Classification of Disease (ICD) codes required to identify specific cancer types used in determining the likelihood that an individual's cancer is associated with workplace radiation exposures using a number of factors, including the radiation doses estimated by NIOSH. Both the public commenter and the Board concurred with updating

references from ICD–9–CM to ICD–10–CM.

Although supportive of the rulemaking, the public commenter objected to HHS's explanation in the interim final rule preamble that ''the definition of the term 'non-radiogenic cancer' is removed because all cancers are considered radiogenic.'' According to the commenter,

> [t]his is a very claimant-favorable policy decision which is not supported by scientific evidence. According to UNSCEAR [citation omitted], '. . . for about 30% of tumour types . . . there is only a weak or no relationship between radiation exposure and risk at any age of exposure.' To be consistent with scientific evidence we recommend a revision to remove the assertion that there are no non-radiogenic [cancers].

HHS agrees that the explanation should properly have stated that the definition is being removed because there are no types of cancer ineligible for NIOSH dose reconstruction; accordingly, the revision is accepted and the explanation for the removal of the definition is revised below. No other changes are made to the rulemaking preamble or regulatory text.

With this final rule, and for the reasons discussed in the August 2019 interim final rule, HHS adopts as final amendments to the regulations in 42 CFR part 81 allowing NIOSH to update references and ICD codes. No substantive changes are made to part 81.

In the existing definitions section, § 81.4, the term ''specified cancer'' includes a reference to a corresponding DOL regulation (*i.e.,* 20 CFR 30.5(dd)). DOL has recently conducted a rulemaking to revise 20 CFR part 30 that resulted in the reordering of this reference from 20 CFR 30.5(dd) to 20 CFR 30.5(gg).[2] Therefore, in § 81.4, HHS has revised the reference to read ''20 CFR 30.5(gg).'' In addition, the definition of the term ''non-radiogenic cancer'' is removed because there are no longer any types of cancer ineligible for receiving a dose reconstruction from NIOSH. Finally, § 81.4 is revised by adding a new definition of ''ICD–10–CM,'' to include a reference and web link.

In existing § 81.5(b), the term ''ICD–9'' is replaced with ''ICD–10–CM.'' In §§ 81.21, 81.23, and 81.24, all references to ICD–9 codes are changed to ICD–10–CM codes. In §§ 81.21(a) and 81.24(a), outdated references to chronic lymphocytic leukemia are also removed.

Finally, Appendix A is removed in its entirety because it is a glossary of ICD–9 codes and their cancer descriptions, and such reference tables, including tables of ICD–10 codes and their cancer descriptions, are readily available online.

[2] 84 FR 3026 (February 8, 2019).

V. Regulatory Assessment Requirements

A. Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review)

Executive Orders 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 final rule is not being treated as a ''significant'' action under E.O. 12866. It updates references and ICD codes in existing 42 CFR part 81 to allow better administrative efficiency in the processing of dose reconstruction claims. The rule does not result in costs to the Program, claimants, or any other interested parties. Accordingly, HHS has not prepared an economic analysis and the Office of Management and Budget (OMB) has not reviewed this rulemaking.

The rule does not interfere with State, local, or tribal governments in the exercise of their governmental functions.

B. Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs)

Executive Order 13771 requires executive departments and agencies to eliminate at least two existing regulations for every new significant regulation that imposes costs. HHS has determined that this rulemaking is cost-neutral because it does not require any new action by stakeholders. The rulemaking ensures that the dose reconstructions developed by the Program can be conducted efficiently.

Because OMB has determined that this rulemaking is not significant, pursuant to E.O. 12866, and because it does not impose costs, OMB has determined that this rulemaking is exempt from the requirements of E.O. 13771. Thus it has not been reviewed by OMB.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* requires each agency to consider the potential impact of its regulations on small entities including small businesses, small governmental units, and small not-for-profit organizations. The rule affects only Federal agencies and certain individuals covered by EEOICPA. Therefore, HHS certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

D. Paperwork Reduction Act

The Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.,* requires an agency to invite public comment on and to obtain OMB approval of any rule of general applicability that requires recordkeeping, reporting, or disclosure requirements.

NIOSH has obtained approval from OMB to collect information from claimants under ''Energy Employees Occupational Illness Compensation Program Act Dose Reconstruction Interviews and Forms (EEOICPA)'' (OMB Control No. 0920–0530, exp. January 31, 2022), which covers information collected under 42 CFR part 81. This rulemaking does not change the reporting burden on any respondents.

E. Small Business Regulatory Enforcement Fairness Act

As required by Congress under the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*), the Department will report the promulgation of this rule to Congress prior to its effective date. The report will state that the Department has concluded that this rule is not a ''major rule'' because it is not likely to result in an annual effect on the economy of $100 million or more.

F. Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531 *et seq.*) directs agencies to assess the effects of Federal regulatory actions on State, local, and tribal governments, and the private sector ''other than to the extent that such regulations incorporate requirements specifically set forth in law.'' For purposes of the Unfunded Mandates Reform Act, this rule does not include any Federal mandate that may result in increased annual expenditures in excess of $100 million by State, local, or tribal governments in the aggregate, or by the private sector.

G. Executive Order 12988 (Civil Justice)

This rule has been drafted and reviewed in accordance with Executive Order 12988, ''Civil Justice Reform,'' and will not unduly burden the Federal court system. This rule has been

reviewed carefully to eliminate drafting errors and ambiguities.

H. Executive Order 13132 (Federalism)

The Department has reviewed this rule in accordance with Executive Order 13132 regarding federalism, and has determined that it does not have ''federalism implications.'' The rule does not ''have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

I. Executive Order 13045 (Protection of Children From Environmental Health Risks and Safety Risks)

In accordance with Executive Order 13045, HHS has evaluated the environmental health and safety effects of this rule on children. HHS has determined that the rule would have no effect on children.

J. Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use)

In accordance with Executive Order 13211, HHS has evaluated the effects of this rule on energy supply, distribution or use, and has determined that the rule will not have a significant adverse effect.

K. Plain Writing Act of 2010

Under Public Law 111–274 (October 13, 2010), executive Departments and Agencies are required to use plain language in documents that explain to the public how to comply with a requirement the Federal Government administers or enforces. HHS has attempted to use plain language in promulgating the final rule consistent with the Federal Plain Writing Act guidelines.

List of Subjects in 42 CFR Part 81

Cancer, Government employees, Nuclear materials, Occupational safety and health, Radiation protection, Radioactive materials, Workers' compensation.

Final Rule

For the reasons discussed in the preamble, the Department of Health and Human Services adopts as final the interim final rule published on August 1, 2019, at 84 FR 37587 and further amends 42 CFR part 81 as follows:

PART 81—GUIDELINES FOR DETERMINING PROBABILITY OF CAUSATION UNDER THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT OF 2000

■ 1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7384n(c); E.O. 13179, 65 FR 77487, 3 CFR, 2000 Comp., p. 321.

Appendix A to Part 81—[Removed]

■ 2. Amend part 81 by removing Appendix A.

Dated: January 10, 2020.

Alex M. Azar II,

Secretary, Department of Health and Human Services.

[FR Doc. 2020–00636 Filed 1–29–20; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 1302

RIN 0970–AC63

Secretarial Determination To Lower Head Start Center-Based Service Duration Requirements

AGENCY: Office of Head Start (OHS), Administration for Children and Families (ACF), Department of Health and Human Services (HHS).

ACTION: Notification; Head Start center-based service duration requirements.

SUMMARY: The Secretary of Health and Human Services has the authority, on or before February 1, 2020, to lower the percentage of center-based funded enrollment slots for which Head Start programs must provide 1,020 annual hours of planned class operations, based on an assessment of the availability of sufficient funding to mitigate a substantial reduction in funded enrollment. The Secretary hereby gives notice of his exercise of that authority to reduce the percentage from 100 percent (all) of a Head Start program's center-based slots, to 45 percent of a Head Start program's center-based slots.

DATES: This action is effective January 30, 2020.

ADDRESSES: Office of Head Start, Mary Switzer Bldg., 330 C Street SW, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Colleen Rathgeb, Division Director for Planning, Oversight and Policy, Office of Head Start, *OHS_duration@acf.hhs.gov,* (202) 358–3263 (not a toll-free call). Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 between 8 a.m. and 7 p.m. Eastern Standard Time.

SUPPLEMENTARY INFORMATION:

I. Background

Head Start Duration Requirements

The Office of Head Start (OHS) has long established performance requirements for Head Start programs in regulation, including duration requirements. For more than two decades, Head Start programs have been required to meet a minimum service duration of 3.5 hours per day, 4 days per week, for 128 days per year for center-based funded slots.[1] 45 CFR 1302.21(c)(2((i). However, in September 2016, OHS revised the regulations governing the Head Start program, known as the Head Start Program Performance Standards. *See* 81 FR 61293 (Sept. 6, 2016). Those standards required Head Start programs [2] to provide,

(1) By August 1, 2019, 1,020 annual hours of planned class operations over the course of at least eight months per year for at least 50 percent of its Head Start center-based funded enrollment; and

(2) By August 1, 2021, a program must provide 1,020 annual hours of planned class operations over the course of at least eight months per year for all of its Head Start center-based funded enrollment. *See* 45CFR 1302.21(c)(2).

Under the new regulations, this requirement is a minimum; programs can choose to operate some or all slots at a greater number of annual hours. The 1,020 hours requirement represents an increase from the existing minimum requirement of 3.5 hours per day, 4 days per week, for 128 days per year, which is equivalent to 448 annual hours. The regulation, however, authorized the Secretary to reduce those requirements, by February 1, 2018 and February 1, 2020, respectively, based on an assessment of the availability of sufficient funding to mitigate a substantial reduction in funded enrollment. *See* 45 CFR 1302.21(c)(3).

As noted, the 100 percent service duration standard is one of two requirements OHS included in the performance standards to phase-in full day, full school year services for all

[1] ''Center-based slots'' refers to Head Start-funded slots.

[2] In this notice, ''Head Start'' refers to programing services to preschool-age children, and does not refer to Early Head Start services.

Head Start center-based slots over five years. OHS based its decision to require Head Start programs to provide 1,020 annual hours of service to all center-based slots, by August 1, 2021, on a body of research that suggests children in poverty benefit from longer exposure to high-quality early learning programs than what is provided by part-day and/or part-year programs. Research on full-day programs, instructional time, summer learning loss, and attendance all indicate longer service duration is linked with improved child outcomes [3] and increased parental workforce participation.[4] Moreover, increased service duration allows teachers more time to provide individualized and content-rich learning that is important for positive child outcomes, and also better supports working families who need a safe, nurturing care environment for their children during the day.

The January 2018 Notice

On January 19, 2018, the Secretary issued a document, under 45 CFR 1302.(c)(3)(i), reducing to zero the percent of Head Start center-based slots required to provide 1,020 annual hours of service by August 1, 2019. *See* 83 FR 2743 (Jan. 19, 2018). As explained at the time, the decision was made due to insufficient funding to support the implementation of the 50 percent service duration requirement without significant slot loss.

The March 2019 Notice of Proposed Rulemaking

OHS has also revisited the merits of the 100 percent service duration standard and became concerned that this requirement may be too prescriptive to afford programs flexibility to design and operate service models that best meet the needs of the families they serve, especially in light of insufficient federal appropriations for all programs to meet this requirement. Although research points to the benefits of increased service duration for an individual child and family, research cannot answer whether the population as a whole benefits more when fewer children are served for a longer period of time in high-quality early education programs as compared to more children being served for a shorter time in high-quality early education programs. Therefore, OHS issued a Notice of Proposed Rulemaking (NPRM) on March 26, 2019, that proposed to remove the 100 percent service duration standard. OHS issued the NPRM with the goals of reducing regulatory burden and restoring flexibility to Head Start grantees to design programs that best meet the needs of their local communities. The public comment period has since ended, and OHS is currently reviewing the comments and considering its next steps.

In the meantime, if the 100 percent service duration standard were to go into effect without additional funding from Congress to support it, Head Start programs would be required to decrease, significantly, the number of center-based slots available in Head Start programs because they would have to extend the number of hours for which they provide classroom services. The performance standards regulation authorizes the Secretary to lower this requirement by February 1, 2020, based on an assessment of available funding, to avoid significant slots loss in Head Start due to this requirement. As OHS considers the next steps for the overall policy direction on service duration, OHS needs to consider the impact that the 100 percent service duration standard would have on the number of children that each Head Start grantee services and address any significant slot loss in those Head Start programs.

Authority

The requirements under 45 CFR 1302.21(c)(3)(ii) of the Head Start Program Performance Standards allows the Secretary to lower the 100 percent service duration requirement described in 45 CFR 1302.21(c)(2)(iv), on or before February 1, 2020, based on an assessment of the availability of sufficient funding to mitigate a substantial reduction in funded enrollment in Head Start. That section provides, On or before February 1, 2020, the Secretary may lower the required percentage described in paragraph (c)(2)(iv) of this section [establishing the 100 percent service duration requirement], based on an assessment of the availability of sufficient funding to mitigate a substantial reduction in funded enrollment. 45 CFR 1302.21(c)(3)(ii).

In the January 2018 **Federal Register** document, HHS and OHS removed the parallel provision that required at least 50 percent of a Head Start program's center-based slots provide 1,020 hours of classroom operations per year—meaning that Head Start grantees did not have to significantly reduce slots in order to meet this requirement.

Funding Assessment

Based on the information and the Head Start program assessment provided to him, the Secretary concludes that Head Start appropriations are not sufficient to allow the requirement at 45 CFR 1302.21(c)(2)(iv), for 100 percent of each Head Start program's center-based slots to operate for 1,020 annual hours, to go into effect without resulting in a substantial reduction in Head Start center-based slots.

In fiscal year (FY) 2016, Congress appropriated $294 million to support an increase in hours of program operations across Head Start and Early Head Start. At that time, the 100 percent service duration standard was not in effect. However, eligible programs that wished to voluntarily increase hours of program operations for their Head Start or Early Head Start center-based slots could submit an application to receive supplemental funds. Head Start programs operating less than 40 percent of their center-based slots for 1,020 hours were eligible to apply for funding. Due to the limited availability of funding, OHS used the 40 percent threshold to prioritize those Head Start programs operating the fewest full day, full school year slots and to help ensure all Head Start programs had at least 40 percent of their slots operating at 1,020 annual hours. Over 600 Head Start programs were able to increase service duration for their center-based slots through this funding opportunity.

Subsequently, in FY 2018, Congress appropriated an additional $260 million to further support an increase in hours of operation for Head Start programs. Head Start programs that operated less than 45 percent of their center-based slots at 1,020 hours, and wished to increase hours of program operation, were eligible to submit an application to receive funds. Over 500 programs were able to increase service duration for 45 percent of their Head Start center-based

[3] *Advisory Committee on Head Start Research and Evaluation: Final Report.* (2012). Washington, DC: Office of Head Start, Administration for Children and Families, U.S. Department of Health and Human Services.; Li, W. (2012). *Effects of Head Start hours on children's cognitive, pre-academic, and behavioral outcomes: An instrumental variable analysis.* Presented at Fall 2012 Conference of the Association for Public Policy Analysis and Management.; Robin, K.B., Frede, E.C., Barnett, W.S. (2006.) *NIEER Working Paper—Is More Better? The Effects of Full-Day vs Half-Day Preschool on Early School Achievement.* NIEER.; Walston, J.T., and West, J. (2004). *Full-day and Half-day Kindergarten in the United States: Findings from the Early Childhood Longitudinal Study, Kindergarten Class of 1998–99 (NCES 2004–078).* U.S. Department of Education, National Center for Education Statistics. Washington, DC: U.S. Government Printing Office.; Wasik, B. & Snell, E. (2015). *Synthesis of Preschool Dosage: Unpacking How Quantity, Quality and Content Impacts Child Outcomes.* Temple University, Philadelphia, PA.

[4] Gibbs, C.R. (2014). A Matter of Time? Impact of Statewide Full-day Kindergarten Expansions on Later Academic Skills and Maternal Employment. *The Department of Labor 2013–2014 Scholars Program,* 2.; Morrissey, T.W. (2017). Child care and parent labor force participation: A review of the research literature. *Review of Economics of the Household, 15*(1), 1–24.

slots to 1,020 hours per year. Some eligible programs chose not to apply for one or both rounds of additional funding to support longer service duration.

OHS has conducted an assessment of available funding and the percentages of slots individual programs currently operate at 1,020 annual hours. Approximately 30 percent of Head Start center-based programs currently operate all of their slots for 1,020 hours or longer per year. Conversely, approximately 10 percent of Head Start center-based programs do not operate any of their slots for 1,020 hours per year. Approximately 78 percent of Head Start center-based programs operate at least 45 percent of their slots at 1,020 hours per year. Approximately 59 percent of Head Start center-based programs operate at least 50 percent of their slots at 1,020 hours per year.

Based on this assessment, ACF/OHS estimates that full implementation of the requirement at 45 CFR 1302.21(c)(2)(iv) for the remaining programs to operate 100 percent of their Head Start center-based slots for 1,020 annual hours would cost approximately $730 million in additional funding. In the absence of additional appropriations to support longer duration, Head Start programs would have to adjust (reduce) the number of slots available, in order to be able to operate the remaining slots at 1,020 hours per year. The requirement would result in a loss of approximately 73,800 Head Start slots, which represents roughly 11 percent of existing Head Start slots. This loss would constitute a substantial reduction in Head Start funded enrollment, and therefore makes lowering the 100 percent requirement necessary.

The FY 2020 President's Budget did not request an increase in appropriations to support longer service duration in Head Start. OHS does not expect sufficient funding to become available for Head Start programs to meet the Head Start Program Performance Standards 100 percent duration standard by August 2021. However, currently 78 percent of Head Start programs (1,050 programs) operate at least 45 percent of their center-based slots at 1,020 hours. In contrast, 410 Head Start programs operate less than 45 percent of their center-based slots at 1,020 hours. If OHS were to require all Head Start programs to operate at least 45 percent of their center-based slots at 1,020, OHS assumes that approximately 20 percent of all Head Start center-based programs (290 programs, or approximately 70 percent of Head Start programs that operate less than 45 percent of their center-based slots at 1,020 hours on an annual basis) would apply for and receive a waiver of this requirement.[5] This would leave 120 programs (representing 6,600 center-based slots) that would likely need to increase duration for some of their slots in order to meet a requirement to operation 45 percent of their center-based slots at 1,020 hours per year. OHS estimates that it would cost $25.5 million for these programs to meet such a requirement; to meet the requirement, without an increase in funding, would require such programs to decrease the number of center-based Head Start slots by less than 1 percent or approximately 2,600 Head Start slots.

OHS believes lowering the 1,020 annual hour requirement from 100 percent to 45 percent reflects prior Congressional appropriations because the most recent appropriations allowed programs to increase the percentage of slots that operate for 1,020 hours up to 45 percent. This will mitigate the chance of substantial slot loss that would likely occur under a 100 percent requirement.

Based on this assessment presented by OHS, the Secretary of Health and Human Services determines that there is insufficient funding for Head Start programs to implement a 100 percent service duration requirement of 1,020 hours per year, without a substantial reduction in funded enrollment. Accordingly, the Secretary exercises his authority to lower the required percentage from 100 percent to 45 percent, based on the assessment that there is sufficient Head Start funding available such that a requirement that 45% of center-funded slots operate at 1,020 hours per year would not result in a substantial reduction in funded enrollment. Accordingly, by this notice, HHS lowers the 100 percent duration requirement to 45 percent.

Conclusion

In accordance with 45 CFR 1302.21(c)(3)(ii), the Secretary determines that there is not sufficient funding available to mitigate a substantial reduction in funded enrollment resulting from the requirement described in 45 CFR 1302.21(c)(2)(iv), that 100 percent of a Head Start program's center-based funded enrollment operate for 1,020 annual hours of planned classroom operations by August 1, 2021, and hereby lowers that percentage from 100 percent to 45 percent. This determination is effective immediately. Because the performance standards govern the Secretary's discretion in this matter, and authorize the Secretary to take this action, no public comment process is required.

The service duration requirements for Head Start center-based programs described in 45 CFR 1302.21(c)(2)(i) and (ii) also remain in effect for those slots not operating at 1,020 annual hours. Under these requirements, a Head Start center-based program must provide, at a minimum, at least 160 days per year of planned class operations if it operates for five days per week, or at least 128 days per year if it operates four days per week. Classes must operate for a minimum of 3.5 hours per day. These requirements are minimums, and programs can choose to operate some slots longer each day and/or for more days per year. Additionally, the requirement that Early Head Start programs provide 1,380 annual hours of planned class operations for all center-based enrollment remains in effect.

Dated: December 19, 2019.

Alex M. Azar II,

Secretary, Department of Health and Human Services.

[FR Doc. 2020–00635 Filed 1–29–20; 8:45 am]

BILLING CODE 4181–01–P

[5] In order to receive a waiver of the 100 percent duration requirement, a program would have to demonstrate the their proposed program design effectively supports children's development and progress in early learning outcomes and better meets the needs of parents.

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 6101, 6103, 6104, and 6105

[CBCA–TA–2020–01; Docket No. 2020–0007; Sequence No. 1]

Rules of Procedure of the Civilian Board of Contract Appeals; Technical Amendment

AGENCY: Civilian Board of Contract Appeals; General Services Administration (GSA).

ACTION: Final rule.

SUMMARY: This document makes amendments to the Rules of Procedure of the Civilian Board of Contract Appeals.

DATES: *Effective:* January 30, 2020.

FOR FURTHER INFORMATION CONTACT: Mr. James Johnson, Chief Counsel, Civilian Board of Contract Appeals, 1800 M Street NW, Suite 600, Washington, DC 20036; at 202–606–8788; or email at *jamesa.johnson@cbca.gov,* for clarification of content. For information on status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755.

SUPPLEMENTARY INFORMATION:

A. Background

The Civilian Board of Contract Appeals was established within the General Services Administration (GSA) by Section 847 of the National Defense Authorization Act for Fiscal Year 2006, Pub. L. 109–163 (now codified at 41 U.S.C. 7105(b)). This document updates the CFR to reflect a change in the Board's mailing address. This final rule amends sections 6101.1(e), 6103.302(b), 6104.402(a)(3), and 6105.502(a)(2)(iv) to provide that the physical location and mailing address for the Board are the same.

B. Regulatory Flexibility Act

The General Services Administration certifies that 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.,* because the rule does not impose any additional costs on large or small businesses.

C. Executive Orders 12866 and 13563

Executive Orders 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). Executive Order 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 Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes do not impose recordkeeping or information collection requirements, or otherwise collect information from offerors, contractors, or members of the public that require approval of the Office of Management and Budget.

E. Congressional Review Act

The final rule is exempt from Congressional review under Pub. L. 104–121 because it relates solely to agency organization, procedure, and practice and does not substantially affect the rights or obligations of non-agency parties.

F. Executive Order 13771

This final rule is not an E.O. 13771 regulatory action because this rule is not significant under E.O. 12866.

List of Subjects in 48 CFR Parts 6101, 6103, 6104, and 6105

Administrative practice and procedure, Freight forwarders, Government procurement, Travel and relocation expenses.

Jeri Kaylene Somers,

Chair, Civilian Board of Contract Appeals, General Services Administration.

Therefore, GSA amends 48 CFR parts 6101, 6103, 6104, and 6105 as set forth below:

PART 6101—CONTRACT DISPUTE CASES

■ 1. The authority citation for 48 CFR part 6101 continues to read as follows:

Authority: 41 U.S.C. 7101–7109.

■ 2. Amend section 6101.1 by revising the first sentence of paragraph (e) to read as follows:

6101.1 General information; definitions [Rule 1].

* * * * *

(e) * * * The Board's physical and mailing address is 1800 M Street NW, 6th Floor, Washington, DC 20036. * * *

* * * * *

PART 6103—TRANSPORTATION RATE CASES

■ 3. The authority citation for 48 CFR part 6103 continues to read as follows:

Authority: 31 U.S.C. 3726(i)(1); 41 U.S.C. 7101–7109; Sec. 201(o), Pub. L. 104–316, 110 Stat. 3826.

■ 4. Amend section 6103.302 by removing the second sentence and revising the new second sentence of paragraph (b) to read as follows:

6103.302 Filing claims [Rule 302].

* * * * *

(b) * * * The Board will accept hand-delivered and mailed filings during business hours at 1800 M Street NW, 6th Floor, Washington, DC 20036. * * *

* * * * *

PART 6104—TRAVEL AND RELOCATION EXPENSES CASES

■ 5. The authority citation for 48 CFR part 6104 continues to read as follows:

Authority: Secs. 202(n), 204, Pub. L. 104–316, 110 Stat. 3826; Sec. 211, Pub. L. 104–53, 109 Stat. 535; 31 U.S.C. 3702; 41 U.S.C. 7101–7109.

■ 6. Amend section 6104.402 by removing the second sentence and revising the new second sentence of paragraph (a)(3) to read as follows:

6104.402 Filing claims [Rule 402].

(a) * * *

(3) * * * The Board will accept hand-delivered and mailed filings during business hours at 1800 M Street NW, 6th Floor, Washington, DC 20036. * * *

* * * * *

PART 6105—DECISIONS AUTHORIZED UNDER 31 U.S.C. 3529

■ 7. The authority citation for 48 CFR part 6105 continues to read as follows:

Authority: 31 U.S.C. 3529; 31 U.S.C. 3702; 41 U.S.C. 7101–7109; Secs. 202(n), 204, Pub. L. 104–316, 110 Stat. 3826; Sec. 211, Pub. L. 104–53, 109 Stat. 535.

■ 8. Amend section 6105.502 by removing the second sentence and revising the new second sentence of paragraph (a)(2)(iv) to read as follows:

6105.502 Request for decision [Rule 502].

(a) * * *

(2) * * *

(iv) * * * The Board will accept hand-delivered and mailed filings during business hours at 1800 M Street NW, 6th Floor, Washington, DC 20036. * * *

* * * * *

[FR Doc. 2020–00762 Filed 1–29–20; 8:45 am]

BILLING CODE 6820–AL–P

Proposed Rules

Federal Register
Vol. 85, No. 20
Thursday, January 30, 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.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 708a and 741

RIN 3313–AF10

Combination Transactions With Non-Credit Unions; Credit Union Asset Acquisitions

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: The NCUA Board (Board) proposes to add subpart D to part 708a of its regulations. This will clarify and make transparent the procedures and requirements currently in place related to combination transactions. Combination transactions include those where a federally insured credit union (FICU) proposes to assume liabilities from a non-credit union, including a bank. They also include a FICU's merger or consolidation with a non-credit union entity. Further, the proposed rule clarifies the scope of section 741.8 of the NCUA's regulations, which currently requires the NCUA to grant approval before a FICU may purchase loans or assume an assignment of deposits, shares, or liabilities from any institution that is not insured by the National Credit Union Share Insurance Fund (NCUSIF).

DATES: Comments must be received by March 30, 2020.

ADDRESSES: You may submit comments by any of the following methods (Please send comments by one method only). *Please note that the NCUA is now accepting electronic comments only through the Federal eRulemaking portal, Regulations.gov:*

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (703) 518–6319. Use the subject line ''[Your name] Comments on Combination Transactions'' on the transmission cover sheet.
- *Mail:* Address to Gerard Poliquin, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.
- *Hand Delivery/Courier:* Same as mail address.

Public inspection: All public comments are available on the agency's website at *http://www.ncua.gov/RegulationsOpinionsLaws/comments* as submitted, except as may not be possible for technical reasons. Public comments will not be edited to remove any identifying or contact information. Paper copies of comments may be inspected in NCUA's law library, at 1775 Duke Street, Alexandria, Virginia 22314, by appointment weekdays between 9:00 a.m. and 3:00 p.m. To make an appointment, call (703) 518–6540 or send an email to *OGCMail@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Elizabeth Wirick, Senior Staff Attorney, Office of General Counsel, 1775 Duke Street, Alexandria, Virginia 22314, or by telephone at (703) 518–6540.

SUPPLEMENTARY INFORMATION:

I. Background
II. Legal Authority
III. Summary of the Proposed Rule
IV. Section-by-Section Analysis
V. Regulatory Procedures

I. Background

The NCUA has historically seen a relatively small but consistent number of applications from FICUs seeking to engage in merger or purchase and assumption transactions with banks or other types of financial institutions. As the table below shows, the number of these transactions the NCUA approved each year [1] was small and fairly constant from 2013 to 2017 with a modest uptick in 2018 and 2019.

NCUA-approved transactions between FICUs and other types of institutions for calendar years 2013–2019 are as follows. None of these transactions involve the purchase of, or operation under, a bank's charter.

	Transactions that include all of a non-FICU's assets and liabilities	Transactions that include part of a non-FICU's assets and liabilities [2]
2020	0 approved, 9 pending	0 approved, 8 pending.
2019	11	4.
2018	7	1.
2017	3	1.
2016	2	4.
2015	2	1.
2014	1	1.
2013	2	3.

Because these transactions occur in relatively small numbers, the Board has not previously promulgated a detailed rule addressing them.[3] Even with the increase over the past two years, these transactions still constitute only a small fraction of merger and acquisition transactions involving banks.[4] Nevertheless, because of a desire to add even more transparency, and the questions the NCUA has received recently from FICUs, the Board believes

[1] The numbers reported in this table are based on the date of the NCUA's approval of the transaction, not the closing date. Accordingly, other publicly reported data may have slightly different figures by year, if they track by transaction close date.

[2] These are transactions where the non-FICU remains in business, such as when a FICU acquires the loans and deposits of only certain branches of a bank.

[3] The NCUA's only regulation on point states that the NCUA's approval is required before an FICU can purchase loans or assume liabilities or deposits of a noninsured credit union or another type of financial institution. 12 CFR 741.8.

[4] See Robert Klingler, ''The So-Called Rise of Credit Union Buyers'' (Sept. 24, 2019), *https://bankbclp.com/2019/09/the-so-called-rise-of-credit-union-buyers.*

it would be beneficial to clarify the processes and requirements related to FICU applications for these transactions. This increased transparency will assist FICUs seeking to engage in these transactions to meet the NCUA's requirements.

The experience the NCUA has gained in recent years while considering each of these transactions on a case-by-case basis informs this rulemaking. This experience has allowed the agency to identify the various issues most frequently presented in these transactions and develop processes for considering these applications. Accordingly, the Board has determined to formalize some of these requirements in this rulemaking.

During the process of developing this new regulatory language, the Board has determined that § 741.8 of the NCUA's regulations also needs to be revised to update its scope and improve its clarity. The Board is proposing to apply § 741.8 to all asset purchases, not only loan purchases and liability assumptions. The Board adopted the regulatory language currently in § 741.8 primarily to address concerns about loan purchases from institutions not insured by the NCUSIF; at the time it believed that encompassing all assets would be unnecessarily burdensome.[5] In the course of reviewing combination transactions with non-FICUs, however, agency staff have occasionally identified non-loan assets that are problematic, either because they are impermissible for FICUs or because they would pose undue risk to the FICU. In light of this experience, and the potential for risk to the FICU or the NCUSIF, the Board proposes to extend the scope of § 741.8 to all assets purchased from entities other than FICUs. When impermissible assets are identified, the FICU proposing the transaction must explain how the parties to the transaction plan to exclude the assets from the purchase transaction.

II. Legal Authority

Section 205 of the Federal Credit Union Act (FCU Act) permits FICUs to engage in merger and purchase and assumption transactions with other types of financial institutions, as follows: Except as provided in a separate paragraph,[6] no FICU shall, without the prior approval of the Board merge or consolidate with any noninsured credit union or institution; assume liability to pay any member accounts in, or similar liabilities of, any noninsured credit union or institution;[7] transfer assets to any noninsured credit union or institution in consideration of the assumption of liabilities for any portion of the member accounts in such insured credit union; or convert into a noninsured credit union or institution.[8]

In granting or withholding this approval, the Board must consider six factors, which are the history, financial condition, and management policies of the credit union; the adequacy of the credit union's reserves; the economic advisability of the transaction; the general character and fitness of the credit union's management; the convenience and needs of the members to be served by the credit union; and whether the credit union is a cooperative association organized for the purpose of promoting thrift among its members and creating a source of credit for provident or productive purposes.[9]

Under the authority of this section, the NCUA has already issued detailed regulations governing the merger of a FICU into a bank other than a mutual savings bank[10] and conversion of a FICU into a noninsured credit union.[11] The Board has delegated some authority to approve and disapprove certain combination transactions to Regional Directors and the Director of the Office of National Examinations and Supervision.[12]

III. Summary of the Proposed Rule

The proposed rule adds new subpart D to part 708a. The new subpart specifies the basic requirements applicable to the above-referenced combination transactions between a FICU and another type of financial institution. All transactions require NCUA approval, and state-chartered FICUs must also obtain their state regulator's approval. The proposed rule also includes provisions ensuring that the directors of a FICU proposing a combination transaction understand the nature and ramifications of the proposed transaction. Finally, the proposed rule amends § 741.8 of the NCUA's regulations. The proposed amendments to § 741.8 make the regulation's provisions applicable to all asset purchases and list the other NCUA regulations that apply to each particular type of transaction.

Section-by-Section Summary

708a.401, Definitions

This section defines several terms used in subpart D. The term ''combination transaction'' includes several of the types of transactions authorized by Section 205(b)(1) of the FCU Act including the following: (1) A merger or consolidation with anon-credit union; (2) the assumption of liabilities from anon-credit union; or (3) the transfer of assets to anon-credit union in consideration of the assumption of certain of its liabilities. The use of the distinct term ''combination transaction'' differentiates these transactions from other types of transactions such as mergers between FICUs, mergers between FICUs and noninsured credit unions, FICU conversions to banks, and FICU purchases of loans that are not part of a merger or consolidation.[13]

The Board has determined to exclude mergers where one party is a FICU and one party is a noninsured credit union from the definition of combination transaction because part 708b of the NCUA's regulations already addresses these mergers.

[5] 56 FR 35808, 35809 (July 29, 1991).

[6] This paragraph, added to the Act in 1998, governs the process for FICUs to convert to mutual savings banks.

[7] The FCU Act defines a ''noninsured credit union'' as a credit union not insured by the NCUSIF. 12 U.S.C. 1752(1). The NCUA interprets the similar phrase ''noninsured credit union or institution'' to mean one not insured by the NCUSIF.

[8] 12 U.S.C. 1785(b)(1).

[9] *Id.* 1785(c).

[10] 12 CFR part 708a, subpart C.

[11] *Id.* part 708b, subparts B–C.

[12] The Board has delegated approval and disapproval authority to Regional Directors and the Director of the Office of National Examinations and Supervision for transactions in which both the fair market value of the acquired shares or deposits and the fair market value of the purchased loans and other assets are each less than $500 million. If the fair market value of the acquired shares or deposits and the fair market value of the purchased loans and other assets are each greater than $100 million, the Director of the Office of Examination and Insurance must concur. NCUA Delegations of Authority, SUP 24.

[13] New Subpart D does not address the requirements for FICU purchases of loan assets from institutions that are not FICUs when the proposed purchase is not part of a merger or consolidation. Section 205(b)(1) of the Act does not include authority to purchase assets, such as loans, other than as part of a merger or consolidation. A merger or consolidation generally means that at least one entity's charter is extinguished in the transaction. Accordingly, FICUs seeking to purchase loans from entities other than FICUs, where the other entity is not merging or consolidating with the FICU, must do so under other authorities. For FISCUs, state law or regulation may permit these purchases. For FCUs, this authority would be the NCUA's eligible obligations rule, 12 CFR 701.23. Generally, if an FCU is purchasing loans from an entity other than a FICU, the eligible obligations rule requires the borrower to be a member of the purchasing credit union before the purchase is made. *Id.* Just as in the deposit context, the NCUA has historically interpreted this provision to mean that the borrower must have taken some affirmative action to join the FCU before the transaction closes. Purchases of student loans or mortgages to complete a pool of loans for sale on the secondary market are exempt from the membership requirement. The eligible obligations rule also allows FCUs to purchase eligible obligations from FICUs ''without regard to whether they are obligations of its members.'' *Id.* 701.23(a)(2)(i).

The term ''credit union'' means any credit union insured by the NCUSIF, so the rule generally applies to both federally insured state-chartered credit unions (FISCUs) and federal credit unions (FCUs).[14] The rule text in the proposal uses this term and definition to be consistent with the rest of Part 708a, but it has the same meaning as FICU as used in other parts of the NCUA's regulations.

The term ''non-credit union'' means any institution that is not an FCU or a state credit union (whether or not federally insured), as those terms are defined in the FCU Act. Most of the combination transactions contemplated under this proposal have been between FICUs and other depository institutions, such as banks. In a few cases, however, FICUs have proposed a transaction with a non-depository financial company, such as a mortgage bank. The plain language of the FCU Act does not limit the types of institutions with which FICUs can combine, but allows transactions with any ''noninsured credit union or institution.'' [15] Accordingly, as long as such acquisitions comply with all other legal standards and limitations, there is no legal bar to, for example, a combination transaction between a FICU and a mortgage bank.

The Board invites comments on the terms it proposes to use to address the transactions and the parties to these transactions under Section 205(b) of the FCU Act. The Board particularly solicits comments regarding the comprehensiveness and scope of the various terms, and whether commenters would recommend alternative, or additional, defined terms.

708a.402, Approval Required for Combination Transactions

Paragraph (a) of this section requires the NCUA's advance approval of combination transactions, and it requires a FICU proposing a combination transaction to submit its request to the Regional Director. FISCUs must obtain the advance approval of their state regulator in addition to the NCUA's approval.

Paragraph (b) of this section recites the statutory factors the NCUA must weigh in its consideration of a combination transaction application. While the first four of the six statutory factors relate to safety and soundness, the list also includes other considerations. In particular, the last two factors on the list require the NCUA to consider the proposed transaction's effect on FICU members and potential FICU members and whether the proposed transaction is in keeping with the FICU's mission. Accordingly, the NCUA reserves the right to object to a transaction, or portions of a transaction, even absent safety and soundness concerns.

Paragraph (c) of this section clarifies that the FICU's board of directors must vote to approve a proposed combination transaction before the FICU submits its application package. While board of directors' votes are a common practice in these transactions, the NCUA believes that an explicit requirement will ensure that FICU management continues to keep the FICU's directors informed. In similar circumstances, the FICU-to-FICU merger rule in part 708b requires a vote of the board of directors of the continuing credit union.[16] The Board believes a proposed transaction with an institution other than a FICU should receive at least the same level of review from a credit union's board of directors as a proposed merger with a FICU.

The proposal does not impose a limit on the length of time the NCUA may take to consider combination transactions. While the agency continues to gain experience with these transactions, it may be preferable to approach each transaction without a deadline that could impede the NCUA's full understanding of the transaction's potential consequences. In this regard, the Board notes there is also no deadline for agency action in the FICU-to-FICU merger rule. Because, however, the Board is also aware that a specified timeline can be helpful for planning purposes, the Board seeks comment on whether there should be a deadline for agency action after receipt of a complete application package and, if so, what would be the appropriate period for agency action.

The Board also invites comment on the other requirements for approval of a combination transaction. In particular, the Board asks commenters to consider whether the proposed requirements provide sufficient detail for applicants to understand the process and the criteria by which the NCUA evaluates applications.

708a.403, Submission to the NCUA

This section highlights critical elements of the application package. In particular, it addresses requirements related to features that distinguish FICUs from other types of financial institutions. These features include FICU membership, permissible powers, and the duties of FICU boards.

The applying FICU must specify how it plans to make non-credit union customers FICU members. Membership is important because, with limited exceptions, FICUs may only serve members. The Board determined to include this reminder in the regulatory text so that FICUs do not lose sight of the importance of membership, particularly in light of NCUSIF insurance coverage limitations discussed later in this proposal. Even where the FCU Act would permit service to non-members, such as the acceptance of public unit deposits or the acceptance of non-member deposits by low-income designated FICUs, the FICU's goal should always be to make the customers of the other institution members.[17]

The applying FICU must provide basic information about the transaction that enables NCUA staff to evaluate it. NCUA Regional Office staff involved in evaluating these transactions have observed that an application often lacks a succinct summary of very basic information. The NCUA's National Supervision and Policy Manual will detail more specific requirements in this regard, but the Board agrees with NCUA staff that the regulation should list the minimum information required to be disclosed in connection with every transaction. This information includes the balance sheet and income statements for both institutions; a combined financial statement showing the transaction's potential impact on the FICU's net worth; information about the FICU's due diligence assessment of the proposed transaction, including analysis to support the proposed transaction price; a delinquent loan summary; analysis of the adequacy of the FICU's allowance for loan and lease losses; and a list of the other institution's assets that would be impermissible for the FICU to hold under the FCU Act or state law, with the plan for excluding these assets.

This section also includes a requirement that each member of the FICU's board of directors that votes in favor of the combination transaction

[14] Section 708a.405 of the proposed rule applies to FCUs only, because it addresses FCU membership requirements. The state supervisory agencies, not the NCUA, determine membership eligibility and status for state-chartered credit unions.

[15] 12 U.S.C. 1785(b)(1)(A)–(D).

[16] 12 CFR 708b.104(a)(2). Additionally, the other rules promulgated under the authority of section 205 of the FCU Act require board of directors' votes. 12 CFR 708a.103, 303 (board of credit union converting to bank); 12 CFR 708b.202(a) (board of directors of FICU converting to noninsured status).

[17] The NCUA's Chartering and Field of Membership Manual discusses FCU membership requirements. In addition, the Office of Credit Union Resources and Expansion can provide additional guidance on membership for FCUs.

must certify that the FICU's management has explained how the combination transaction will affect the FICU's net worth and balance sheet, as well as how the FICU determined the purchase price. This board member certification must also state that management explained to the board of directors how the transaction would benefit the current members of the FICU as well as the prospective members to be gained in the transaction. Finally, the board member certification mirrors the conflict of interest provision of the FCU bylaws and requires directors to certify that they do not have a personal or pecuniary interest in the transaction.

The Board seeks comment on all aspects of the requirements for combination transaction applications set forth in this section. The Board particularly solicits commenters' views on whether it would be helpful to have more detailed information in the regulation.

708a.404, Insurance of Deposits

Paragraph (a) of this section requires a FICU proposing a combination transaction to demonstrate that any customer deposits it assumes will be insured by the NCUSIF as of the transaction close. With certain limited exceptions, FICUs do not have authority to hold non-insured deposits. Further, the NCUA understands that the Federal Deposit Insurance Corporation will not approve a transaction in which a bank transfers customer deposits to a FICU unless it ascertains that the deposits transferred will have immediate NCUSIF coverage. The availability of federal insurance is a critical consideration in determining whether a proposed transaction meets the ''convenience and needs of the members.''

Paragraph (b) of this section describes methods by which a FICU proposing a combination transaction can ensure consumer deposits will have NCUSIF coverage. First, a FICU with a low-income designation may hold non-member deposits from any source and they are insured up to applicable limits. FICUs may also hold public unit deposits that are insured up to applicable limits, to the extent permitted by state law for state-chartered FICUs. Also, the state regulator of a state-chartered FICU can provide a statement confirming that the customers of the institution will become members of the FICU, pursuant to state law, at the transaction close. Finally, an FCU that does not have a low-income designation must demonstrate that the depositors are within its field of membership and that they have taken action to become members of the FCU.

708a.405, Federal Credit Union Membership

This section reiterates the two-step process for joining an FCU. The first step, covered in paragraph (a), is determining that a potential member falls within the FCU's field of membership. The second step, covered in paragraph (b), is how the potential member becomes an actual member.

The NCUA's long held position has generally required that to become a member of the FCU the other entity's customer must affirmatively act through an authoritative vote or individual consent before the closing of a combination transaction. In the case of a vote, the other entity's regulator, charter and bylaws must permit such a process, whereby the vote of a certain percentage of customers will demonstrate affirmative approval for all affected customers and thereby meet the requirement to subscribe to FCU membership. This approach is analogous to the voting required in FICU-to-FICU merger transactions, where a majority vote of the whole allows the transaction to proceed without an affirmative act by each individual. The Board invites comments on this aspect of the proposed rule.

Section 741.8

Section 741.8 is the implementing regulation for some of the transactions permitted by § 205(b) of the FCU Act. Section 741.8 also addresses loan purchases, as permitted for FCUs under § 107(13) of the FCU Act. The proposal amends paragraph (a) to include purchases of assets other than loans to the list of authorized transactions. The proposal also revises paragraph (c) to delineate the other NCUA regulations that apply to each particular type of transaction. The NCUA's longstanding position is that § 741.8, on its own, is not additional or separate authority, but simply states that the NCUA must approve certain types of transactions that are otherwise permitted by the FCU Act and other NCUA regulations.[18] The revisions to § 741.8(c) will make it clear to FICUs considering a transaction which additional regulations may apply.

The proposal also adds a paragraph (d) to § 741.8 to enumerate the statutory factors the NCUA must consider when evaluating transactions. The FCU Act requires the NCUA to consider these factors when evaluating transactions authorized under § 205(b) of the FCU Act. The loan and asset purchase transactions addressed in § 741.8, which are authorized by the investment and eligible obligations authority of the FCU Act, do not currently require analysis of these factors. Nonetheless, these factors address the two major issues at stake in any transaction: (1) Whether it is safe and sound, and (2) whether it helps the credit union serve its members. Accordingly, the Board has determined that it is prudent and appropriate to use these factors in evaluating all transactions under § 741.8.

The Board seeks comment on all aspects of the proposed amendments to § 741.8, including whether additional amendments to § 741.8 would improve transparency or clarity.

V. Regulatory Procedures

A. Regulatory Flexibility Act

The Regulatory Flexibility Act requires the NCUA to prepare an analysis to describe any significant economic impact a regulation may have on a substantial number of small entities.[19] For purposes of this analysis, the Board considers small credit unions to be those having under $100 million in assets.[20] This rule will affect only those FICUs that propose to engage in certain transactions with non-FICUs. The NCUA's records indicate none of the FICUs proposing such transactions from 2013 to the present had less than $100 million in assets. In fact, the smallest FICU making such a request had $258 million in assets. Accordingly, the NCUA certifies the rule will not have a significant economic impact on a substantial number of small credit unions.

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA)[21] applies to rulemakings in which an agency by rule creates a new paperwork burden on regulated entities or modifies an existing burden. For purposes of the PRA, a paperwork burden may take the form of a reporting, recordkeeping, or a third-party disclosure requirement, referred to as an information collection.

NCUA proposes to add new Subpart D to Part 708a to clarify and make transparent the procedures and requirement currently related to combination transactions with an institution other than a FICU and

[18] As stated in a previous rulemaking regarding Part 741.8, ''other regulations may limit or otherwise regulate those transactions, for example, the member business lending rule, the fixed asset rule, the eligible obligations rule, and so forth.'' 70 FR 75723 (Dec. 21, 2005).

[19] 5 U.S.C. 603(a).

[20] Interpretive Ruling and Policy Statement 15–1, 80 FR 57512 (Sept. 24, 2015).

[21] 44 U.S.C. 3501 *et seq.*

specifies the basic requirements for these type of transactions. All transactions require NCUA approval, and state-chartered FICUs must also obtain their state regulator's approval. The NCUA estimates there will be approximately 20 transactions under this rule every year. While the NCUA currently requires affected FICUs to submit all of the information required in the rule as part of an application, the NCUA is requesting a new OMB control number to cover information collection requirements proposed by new Subpart D to Part 708a.

Current § 741.8 prescribes that a credit union must submit a request to NCUA for approval to purchase assets and assumption of liabilities. This section is being revised to delineate the other NCUA regulations that apply to each particular type of transaction. The information collection requirements associated the submission of a request under subpart D will be covered by the new OMB control number. The information collection requirements currently cleared under OMB control number 3133–0169 will continue to address of the reporting requirement outside of those covered by subpart D, with no changes at this time.

This is a request for a new OMB control number to cover the information collection requirements of Subpart D to Part 708a.

OMB Control Number: 3133–NEW.

Title of information collection: Combinations of Credit Unions and Other Types of Financial Institutions, Subpart D to Part 708a.

Estimated number of respondents: 20.

Estimated number of responses per respondent: 2.7.

Estimated total annual responses: 54.

Estimated burden per response: 74.37.

Estimated total annual burden: 4,016.

The NCUA invites comments on: (a) 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; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and cost of operation, maintenance, and purchase of services to provide information.

All comments are a matter of public record. Comments regarding the information collection requirements of this rule should be sent to (1) Dawn Wolfgang, NCUA PRA Clearance Officer, 1775 Duke Street, Suite 6032, Alexandria, VA 22314, or email at *PRAComments@ncua.gov* and the (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for NCUA, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov*.

C. Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. The NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the Executive Order to adhere to fundamental federalism principles. The proposed rule does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. The NCUA has, therefore, determined that this rule does not constitute a policy that has federalism implications for purposes of the Executive Order.

D. Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this rule will not affect family well-being within the meaning of § 654 of the Treasury and General Government Appropriations Act, 1999, Public Law 105–277, 112 Stat. 2681 (1998).

List of Subjects

12 CFR Part 708a

Charter conversions, Credit unions.

12 CFR Part 741

Bank deposit insurance, Credit unions.

By the National Credit Union Administration Board on January 23, 2020.

Gerard Poliquin,

Secretary of the Board.

For the reasons stated above, the NCUA proposes to amend 12 CFR parts 708a and 741 as follows:

PART 708a—BANK CONVERSIONS AND MERGERS

■ 1. The authority citation for part 708a continues to read as follows:

Authority: 12 U.S.C. 1766, 1785(b), and 1785(c).

■ 2. Add subpart D, consisting of §§ 708a.401 through 708a.405, to read as follows:

Subpart D—Combinations of Credit Unions and Other Types of Financial Institutions

Sec.

708a.401 Definitions.
708a.402 Approval Required for Combination Transactions.
708a.403 Submission to the NCUA.
708a.404 Assumption of Deposits; Federal Share Insurance Required.
708a.405 Federal Credit Union Membership

§ 708a.401 Definitions.

As used in this subpart D:

Combination transaction means any transaction in which a credit union does one or more of the following: Merges or consolidates with any non-credit union; assumes liability to pay any deposits in, or similar liabilities of, any non-credit union; or transfers assets to any non-credit union in consideration of the assumption of liabilities for any portion of the member accounts in the insured credit union.

Credit union has the same meaning as insured credit union in section 101 of the Federal Credit Union Act, 12 U.S.C. 1752.

Non-credit union means any financial institution that is not a Federal credit union or a State credit union, as those terms are defined in section 101 of the Federal Credit Union Act, 12 U.S.C. 1752.

Regional director means the director of the NCUA Regional Office for the region where a natural person credit union's main office is located. For corporate credit unions and natural person credit unions with $10 billion or more in assets at the time of application, *Regional Director* means the Director of NCUA's Office of National Examinations and Supervision.

§ 708a.402 Approval Required for Combination Transactions.

(a) *General.* The NCUA's prior approval is required before a credit union may engage in a combination transaction. A state-chartered credit union must also obtain the prior approval of its State Supervisory Authority to engage in a combination transaction.

(b) *Factors.* The NCUA will assess each of the below factors in considering applications for combination transactions:

(1) The history, financial condition, and management policies of the credit union;

(2) The adequacy of the credit union's reserves;

(3) The economic advisability of the transaction;

(4) The general character and fitness of the credit union's management;

(5) The convenience and needs of the members to be served by the credit union; and

(6) How the transaction fits into the credit union's purpose as a cooperative association organized for the purpose of promoting thrift among its members and creating a source of credit for provident or productive purposes.

(c) *Credit union board of directors.* A credit union proposing a combination transaction must conduct a vote of its board of directors on the proposed transaction before submitting a request under paragraph (a) of this section.

§ 708a.403 Submission to the NCUA.

(a) *General.* A credit union proposing a combination transaction must submit its request to the Regional Director.

(b) *Credit union membership.* The request to the NCUA must explain the credit union's plan for obtaining credit union membership for the customers of the non-credit union.

(c)(1) *Information required.* The request to the NCUA must, at a minimum, include the following items:

(i) A balance sheet and income statement for each institution;

(ii) A combined financial statement showing the transaction's potential impact on the credit union's net worth;

(iii) A summary of the credit union's due diligence assessment process for the proposed transaction, including analysis to support the proposed transaction price;

(iv) A delinquent loan summary for any assets involved in the transaction;

(v) An analysis of the adequacy of the credit union's allowance for loan and lease losses;

(vi) A list of the other institution's assets that would be impermissible for a credit union to hold under the Act and, for state-chartered credit unions, state law, and an explanation of the plan to dispose of these assets in advance of, or separately from, the transaction; and

(vii) A list of bank shareholders.

(2) *Other information.* Notwithstanding paragraph (c)(1) of this section the Regional director may also request any additional information the Regional director, in his or her discretion, deems necessary to evaluate the proposed transaction.

(d) *Certification of board of directors.* The request to the Regional director must include a certification, signed by each member of the credit union's board of directors that voted in favor of the proposed transaction, that contains the following:

(1) A statement that each director signing the certification supports the proposed combination transaction and believes the proposed combination transaction is in the best interests of the current and potential members of the credit union;

(2) A statement that credit union management has adequately explained the transaction's expected effect on the credit union's net worth and balance sheet, as well as how the purchase price was determined;

(3) A description of all materials submitted to the Regional Director with the notice and certification;

(4) A statement that each director signing the certification had the opportunity to review all relevant facts about the transaction before voting on it; and

(5) A statement that each director signing the certification, as well as any corporation, partnership or association (other than the credit union) in which the director has a direct or indirect interest, does not have a pecuniary or personal interest in the transaction.

§ 708a.404 Assumption of Deposits; Federal Share Insurance Required.

(a) *Share insurance required.* A credit union proposing to engage in a combination transaction under this subpart must demonstrate to the NCUA that any customer deposits that the credit union is seeking to assume will qualify for coverage up to applicable limits under the National Credit Union Share Insurance Fund (NCUSIF) immediately upon the transaction close.

(b) *Qualifications for share insurance.* Deposits that the credit union is seeking to assume qualify for NCUSIF coverage up to applicable limits in any of the following instances:

(1) The credit union has a low-income designation, as permitted by § 701.34 of this chapter.

(2) The deposits are from a public unit or a political subdivision thereof, as those terms are defined in § 745.1 of this chapter.

(3) The State Supervisory Authority of a state-chartered credit union provides a written statement confirming, subject to the NCUA's satisfaction, that the depositors will be credit union members at the transaction close under the relevant state law.

(4) A federal credit union demonstrates, pursuant to § 708a.405, that the depositors are within the federal credit union's field of membership and that the depositors have consented to become members of the federal credit union.

§ 708a.405 Federal Credit Union Membership.

Requirements. The following requirements apply to federal credit union membership:

(a) *Eligibility.* The federal credit union must confirm that each customer of the non-credit union involved in the proposed transaction is within the federal credit union's field of membership. A federal credit union may not assume the deposits of a customer that is outside the federal credit union's field of membership, except as permitted by § 701.32 of this chapter and § 708a.404(b)(1) and (2). A federal credit union may not acquire the loans of a customer that is outside the federal credit union's field of membership, except as permitted by § 701.23 of this chapter.

(b) *Consent to federal credit union membership.* The federal credit union must confirm that the customers of the non-credit union who are within the federal credit union's field of membership have consented to become members of the federal credit union.

PART 741—REQUIREMENTS FOR INSURANCE

■ 3. The authority citation for part 741 continues to read as follows:

Authority: 12 U.S.C. 1757, 1766(a), 1781–1790, and 1790d; 31 U.S.C. 3717.

■ 4. Amend § 741.8 by revising paragraph (a) introductory text, paragraph (c) and adding paragraph (d) to read as follows:

§ 741.8 Purchase of assets and assumption of liabilities.

(a) Except as provided in paragraph (b) of this section, any credit union insured by the National Credit Union Share Insurance Fund (NCUSIF) must receive approval from the NCUA before purchasing assets, including loans, or assuming an assignment of deposits, shares, or liabilities from:

* * * * *

(c) *General.* A credit union proposing a transaction under paragraph (a) of this section must submit its request to the Regional Director. A credit union must also comply with all requirements of other applicable portions of this chapter, as noted below. A state-chartered federally insured credit union must also comply with any applicable state law or regulations.

(1) For a transaction that is a merger or consolidation with an institution of the type listed in paragraph (a)(2) of this section, the credit union must comply with subpart D of part 708a of this chapter.

(2) For a transaction that is a merger or consolidation with an institution of the type listed in paragraph (a)(1) of this section, the credit union must comply with part 708b of this chapter.

(3) For assumptions of deposits or other liabilities, not part of a merger or consolidation, from an institution of the type listed in paragraph (a)(2) of this section, the credit union must comply with subpart D of part 708a.

(4) For purchases of loans, not part of a merger or consolidation, from an institution of the type listed in paragraphs (a)(1) and (a)(2) of this section, the credit union must comply with § 701.23 of this chapter.

(5) For purchase of other assets, not part of a merger or consolidation, from an institution of the type listed in paragraphs (a)(1) and (a)(2) of this section, the credit union must comply with parts 703 or 721 of this chapter, as applicable.

(d) *Factors.* The NCUA will assess each of the below factors in considering applications for transactions under this section:

(1) The history, financial condition, and management policies of the credit union;

(2) The adequacy of the credit union's reserves;

(3) The economic advisability of the transaction;

(4) The general character and fitness of the credit union's management;

(5) The convenience and needs of the members to be served by the credit union; and

(6) How the transaction fits into the credit union's purpose as a cooperative association organized for the purpose of promoting thrift among its members and creating a source of credit for provident or productive purposes.

[FR Doc. 2020–01538 Filed 1–29–20; 8:45 am]

BILLING CODE 7535–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–1041; Airspace Docket No. 19–AGL–27]

RIN 2120–AA66

Proposed Amendment of Class E Airspace; Cadiz, Caldwell, and Cambridge, OH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class E airspace extending upward from 700 feet above the surface at Harrison County Airport, Cadiz, OH; Noble County Airport, Caldwell, OH; and Cambridge Municipal Airport, Cambridge, OH. The FAA is proposing these actions as the result of airspace reviews caused by the decommissioning of the Newcomerstown VHF omnidirectional range (VOR) navigation aid, which provided navigation information for the instrument procedures at these airports, as part of the VOR Minimum Operational Network (MON) Program. The geographic coordinates of Harrison County Airport and Noble County Airport would also be updated to coincide with the FAA's aeronautical database. Airspace redesign is necessary for the safety and management of instrument flight rules (IFR) operations at these airports.

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, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2019–1041/Airspace Docket No. 19–AGL–27, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov*. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class E airspace extending upward from 700 feet above the surface at Harrison County Airport, Cadiz, OH; Noble County Airport, Caldwell, OH; and Cambridge Municipal Airport, Cambridge, OH, to support IFR operations at these airports.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2019–1041/Airspace Docket No. 19–AGL–27.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the

internet at *https://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/*.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the ''**ADDRESSES**'' section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by:

Amending the Class E airspace extending upward from 700 feet above the surface to within a 6.4-mile radius (decreased from a 7-mile radius) of the Harrison County Airport, Cadiz, OH; removing the city associated with the airport to comply with a change to FAA Order 7400.2M, Procedures for Handling Airspace Matters; updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database; and removing the exclusionary language from the airspace legal description as it is no longer required;

Amending the Class E airspace extending upward from 700 feet above the surface at Noble County Airport, Caldwell, OH, by updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database; removing the city associated with the airport to comply with a change to FAA Order 7400.2M; and removing the exclusionary language from the airspace legal description as it is no longer required;

And amending the Class E airspace extending upward from 700 feet above the surface to within a 6.4-mile radius (decreased from a 7.5-mile radius) of Cambridge Municipal Airport, Cambridge, OH.

These actions are the result of an airspace review caused by the decommissioning of the Newcomerstown VOR, which provided navigation information for the instrument procedures at these airports, as part of the VOR MON Program.

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

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

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

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

* * * * *

AGL OH E5 Cadiz, OH [Amended]

Harrison County Airport, OH
(Lat. 40°14′18″ N, long. 81°00′46″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Harrison County Airport.

AGL OH E5 Caldwell, OH [Amended]

Noble County Airport, OH
(Lat. 39°48′03″ N, long. 81°32′11″ W)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Noble County Airport.

AGL OH E5 Cambridge, OH [Amended]

Cambridge Municipal Airport, OH
(Lat. 39°58′30″ N, long. 81°34′39″ W)

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

Issued in Fort Worth, Texas, on January 22, 2020.

Steve Szukala,

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

[FR Doc. 2020–01582 Filed 1–29–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–1030; Airspace Docket No. 19–ASW–17]

RIN 2120–AA66

Proposed Amendment of Class D and E Airspace; Dallas-Fort Worth, Fort Worth, and Stephenville, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class D airspace at Fort Worth Spinks Airport, Fort Worth, TX, and the Class E airspace extending upward from 700 feet above the surface at Bourland Field, Fort Worth, TX, and Mesquite Metro Airport, Mesquite, TX, which are contained within the Dallas-Fort Worth, TX, airspace legal description, and Stephenville Clark Regional Airport, Stephenville, TX. The FAA is proposing these actions as the result of airspace reviews caused by the decommissioning of the Glen Rose VHF omnidirectional range (VOR) navigation aid, which provided navigation information for the instrument procedures at Bourland Field and Stephenville Clark Regional Airport, as part of the VOR Minimum Operational Network (MON) Program, and to bring the airspace legal description for Mesquite Metro Airport into compliance with FAA Order 7400.2M, Procedures for Handling Airspace Matters. The geographic coordinates for Fort Worth Spinks Airport; Bridgeport Municipal Airport, Bridgeport, TX; and Stephenville Clark Regional Airport and the names of Dallas-Fort Worth International Airport, Dallas-Fort Worth, TX; Lancaster Regional Airport, Lancaster, TX; Bourland Field, and Stephenville Clark Regional Airport would also be updated to coincide with the FAA's aeronautical database.

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, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2019–1030, Airspace Docket No. 19–ASW–17 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov*. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class D airspace at Fort Worth Spinks Airport, Fort Worth, TX, and the Class E airspace extending upward from 700 feet above the surface at Bourland Field, Fort Worth, TX, and Mesquite Metro Airport, Mesquite, TX, which are contained in the Dallas-Fort Worth, TX, airspace legal description, and Stephenville Clark Regional Airport, Stephenville, TX, to support instrument flight rule operations at these airports.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2019–1030, Airspace Docket No. 19–ASW–17.'' 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 http://www.regulations.gov. Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/*.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by:

Amending the Class D airspace at Fort Worth Spinks Airport, Fort Worth, TX, by updating the header of the airspace legal description from ''Fort Worth Spinks Airport, TX'' to ''Fort Worth, TX'' to coincide with the FAA's aeronautical database and comply with FAA Order 7400.2M; updating the geographic coordinates of the airport; and replacing the outdated term

''Airport/Facility Directory'' with ''Chart Supplement;''

Amending the Class E airspace extending upward from 700 feet above the surface for Dallas-Fort Worth, TX, by updating the header of the airspace legal description from ''Dallas/Fort Worth, TX'' to ''Dallas-Fort Worth, TX'' to coincide with the FAA's aeronautical database; updating the name of Dallas-Fort Worth International Airport (previously Dallas/Fort Worth International Airport), Dallas-Fort Worth, TX, to coincide with the FAA's aeronautical database; removing the cities associated with McKinney National Airport, McKinney, TX; Ralph M. Hall/Rockwall Municipal Airport, Rockwall, TX; and Mesquite Metro Airport, Mesquite, TX, contained in the Dallas-Fort Worth, TX, airspace legal description to comply with FAA Order 7400.2M; removing the Mesquite NDB and the associated extension from the airspace legal description as the associated instrument procedure has been cancelled and the extension is no longer needed; updating the name of the Mesquite Metro: RWY 18–LOC (previously Mesquite Metro ILS Localizer) to coincide with the FAA's aeronautical database; removing the extension south of the airport associated with the Mesquite Metro ILS Localizer; adding an extension 4 miles west and 7.9 miles east of the 001° bearing from the Mesquite Metro: RWY 18–LOC extending from the 6.5-mile radius of the Mesquite Metro Airport to 10 miles north of the Mesquite Metro: RWY 18–LOC; updating the name of Lancaster Regional Airport (previously Lancaster Airport), Lancaster, TX, to coincide with the FAA's aeronautical database and removing the city associated with Lancaster Regional Airport contained in the Dallas-Fort Worth, TX, airspace legal description to comply with FAA Order 7400.2M; removing the city associate with Fort Worth Spinks Airport, Fort Worth, TX, contained in the Dallas-Fort Worth, TX, airspace legal description to comply with FAA Order 7400.2M and updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database; removing the city associated with Cleburne Regional Airport, Cleburne, TX, contained in the Dallas-Fort Worth, TX, airspace legal description to comply with FAA Order 7400.2M; updating the name of Bourland Field (previously Bourland Field Airport), Fort Worth, TX, to coincide with the FAA's aeronautical database and removing the city associated with the airport contained in the Dallas-Fort Worth, TX, airspace legal description to comply with FAA Order 7400.2M; removing the cities associated with Granbury Regional Airport, Granbury, TX, and Parker County Airport, Weatherford, TX, contained in the Dallas-Fort Worth, TX, airspace legal description to comply with FAA Order 7400.2M; removing the city associated with Bridgeport Municipal Airport, Bridgeport, TX, contained in the Dallas-Fort Worth, TX, airspace legal description to comply with FAA Order 7400.2M and updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database; and removing the city associated with the Decatur Municipal Airport, Decatur, TX, contained in the Dallas-Fort Worth, TX, airspace legal description to comply with FAA Order 7400.2M;

And updating the Class E airspace extending upward from 700 feet above the surface at Stephenville Clark Regional Airport (previously Clark Field Municipal Airport), Stephenville, TX, by updating the name and geographic coordinates of the airport to coincide with the FAA's aeronautical database; removing the city associated with the airport in the airspace legal description to comply with FAA Order 7400.2M; and adding an extension 4 miles each side of the 329° bearing from the airport extending from the 6.4-mile radius to 10.5 miles northwest of the airport.

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

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 5000 Class D Airspace.

* * * * *

ASW TX D Fort Worth, TX [Amended]

Fort Worth Spinks Airport, TX
(Lat. 32°33′55″ N, long. 97°18′30″ W)

That airspace extending upward from the surface up to but not including 3,000 feet MSL within a 4.1-mile radius of Fort Worth Spinks Airport, and within 1 mile each side of the 173° bearing from the airport extending from the 4.1-mile radius to 4.8 miles south of the airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

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

* * * * *

ASW TX E5 Dallas-Fort Worth, TX [Amended]

Dallas-Fort Worth International Airport, TX
(Lat. 32°53′50″ N, long. 97°02′16″ W)
McKinney National Airport, TX
(Lat. 33°10′37″ N, long. 96°35′20″ W)

Ralph M. Hall/Rockwall Municipal Airport, TX
(Lat. 32°55′50″ N, long. 96°26′08″ W)
Mesquite Metro Airport, TX
(Lat. 32°44′49″ N, long. 96°31′50″ W)
Mesquite Metro: RWY 18–LOC
(Lat. 32°44′03″ N, long. 96°31′50″ W)
Lancaster Regional Airport, TX
(Lat. 32°34′39″ N, long. 96°43′03″ W)
Point of Origin
(Lat. 32°51′57″ N, long. 97°01′41″ W)
Fort Worth Spinks Airport, TX
(Lat. 32°33′55″ N, long. 97°18′30″ W)
Cleburne Regional Airport, TX
(Lat. 32°21′14″ N, long. 97°26′02″ W)
Bourland Field, TX
(Lat. 32°34′55″ N, long. 97°35′27″ W)
Granbury Regional Airport, TX
(lat. 32°26′40″ N, long. 97°49′01″ W)
Parker County Airport, TX
(Lat. 32°44′47″ N, long. 97°40′57″ W)
Bridgeport Municipal Airport, TX
(Lat. 33°10′26″ N, long. 97°49′42″ W)
Decatur Municipal Airport, TX
(Lat. 33°15′15″ N, long. 97°34′50″ W)

That airspace extending upward from 700 feet above the surface within a 30-mile radius of Dallas-Fort Worth International Airport, and within a 6.6-mile radius of McKinney National Airport, and within 1.8 miles each side of the 002° bearing from McKinney National Airport extending from the 6.6-mile radius to 9.2 miles north of the airport, and within a 6.3-mile radius of Ralph M. Hall/Rockwall Municipal Airport, and within 1.6 miles each side of the 010° bearing from Ralph M. Hall/Rockwall Municipal Airport extending from the 6.3-mile radius to 10.8 miles north of the airport, and within a 6.5-mile radius of Mesquite Metro Airport, and within 4 miles west and 7.9 miles east of the 001° bearing from the Mesquite Metro: RWY 18–LOC extending from the 6.5-mile radius of the Mesquite Metro Airport to 10 miles north of the Mesquite Metro: RWY 18–LOC, and within a 6.6-mile radius of Lancaster Regional Airport, and within 1.9 miles each side of the 140° bearing from Lancaster Regional Airport extending from the 6.6-mile radius to 9.2 miles southeast of the airport, and within 8 miles northeast and 4 miles southwest of the 144° bearing from the Point of Origin extending from the 30-mile radius of Dallas-Fort Worth International Airport to 35 miles southeast of the Point of Origin, and within a 6.5-mile radius of Fort Worth Spinks Airport, and within 8 miles east and 4 miles west of the 178° bearing from Fort Worth Spinks Airport extending from the 6.5-mile radius to 21 miles south of the airport, and within a 6.9-mile radius of Cleburne Regional Airport, and within 3.6 miles each side of the 292° bearing from the Cleburne Regional Airport extending from the 6.9-mile radius to 12.2 miles northwest of airport, and within a 6.5-mile radius of Bourland Field, and within a 6.3-mile radius of Granbury Regional Airport, and within a 6.3-mile radius of Parker County Airport, and within 8 miles east and 4 miles west of the 177° bearing from Parker County Airport extending from the 6.3-mile radius to 21.4 miles south of the airport, and within a 6.3-mile radius of Bridgeport Municipal Airport, and within 1.6 miles each side of the 040° bearing from Bridgeport Municipal Airport extending from the 6.3-mile radius to 10.6 miles northeast of the airport, and within 4 miles each side of the 001° bearing from Bridgeport Municipal Airport extending from the 6.3-mile radius to 10.7 miles north of the airport, and within a 6.3-mile radius of Decatur Municipal Airport, and within 1.5 miles each side of the 263° bearing from Decatur Municipal Airport extending from the 6.3-mile radius to 9.2 miles west of the airport.

* * * * *

ASW TX E5 Stephenville, TX [Amended]

Stephenville Clark Regional Airport, TX
(Lat. 32°12′55″ N, long. 98°10′40″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Stephenville Clark Regional Airport, and within 4 miles each side of the 329° bearing from the airport extending from the 6.4-mile radius to 10.5 miles northwest of the airport.

Issued in Fort Worth, Texas, on January 22, 2020.

Steve Szukala,

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

[FR Doc. 2020–01587 Filed 1–29–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–0787; Airspace Docket No. 19–ASW–11]

RIN 2120–AA66

Proposed Amendment of Class E Airspace; Sweetwater, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace areas extending upward from 700 feet or more above the surface of the earth at Avenger Field Airport, Sweetwater, TX. The FAA is proposing this action as the result of an airspace review caused by the decommissioning of the Sweetwater non-directional radio beacon (NDB). The geographic coordinates for the airport and the name of the airport would be updated to coincide with the FAA's aeronautical database. Airspace redesign is necessary for the safety and management of instrument flight rules (IFR) operations at these airports.

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, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2019–0787; Airspace Docket No. 19–ASW–11, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov*. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5857.

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 Avenger Field Airport, in support of standard instrument approach procedures for 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. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2019–0787; Airspace Docket No. 19–ASW–11.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air-traffic/publications/airspace-amendments/*.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by amending Class E airspace extending upward from 700 feet above the surface within a 6.6-mile radius of the Avenger Field Airport, Sweetwater, TX, and within 2 miles each side of the 174° bearing from the airport extending from the 6.6-mile radius to 12.1 miles southeast of the airport, and by removing the Sweetwater NDB and associated extension from the airspace legal description; and removing the city associated with the airport from the airspace legal description to comply with FAA Order 7400.2L, Procedures for Handling Airspace Matters and updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database. This action would enhance safety and the management of IFR operations at the airport.

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

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

Regulatory Notices and Analyses

The FAA has determined that this proposed 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 proposed rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

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

* * * * *

ASW TX E5 Sweetwater, TX [Amended]

Avenger Field Airport, TX
(Lat. 32°28′03″ N, long 100°27′00″ W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of the Avenger Field Airport, and within 2 miles each side of the 174° bearing from the airport extending from the 6.6-mile radius to 12.1 miles southeast of the airport.

Issued in Fort Worth, Texas, on January 23, 2020.

Steve Szukala,

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

[FR Doc. 2020–01586 Filed 1–29–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0012; Airspace Docket No. 19–AWP–86]

RIN 2120–AA66

Proposed Establishment of Class E Airspace; Owyhee, NV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace extending upward from 700 feet or more above the surface at Owyhee Airport, Owyhee, NV. The establishment of airspace facilitates the airport's transition from visual flight rules to instrument flight rules (IFR) operations. The airspace, to the extent possible, contains a new IFR area navigation (RNAV) approach and IFR departure procedures at the airport. The first proposed area extends upward from 700 feet above the surface. The second proposed area extends upward from 1,200 feet above the surface. This action would ensure the safety and management of 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 20590–0001; telephone: 1(800) 647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2020–0012; Airspace Docket No. 19–AWP–86, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov*.

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

FOR FURTHER INFORMATION CONTACT: Matthew Van Der Wal, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S. 216th Street, Des Moines, WA 98198; telephone (206) 231–3695.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish Class E airspace to support a new RNAV procedure and IFR departures at Owyhee Airport, Owyhee, NV.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2020–0012; Airspace Docket No. 19–AWP–86''. 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, except federal holidays, at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by establishing Class E airspace extending upward from 700 feet or more above the surface at the Owyhee Airport, Owyhee, NV. The establishment of airspace facilitates the airport's transition from VFR to IFR operations. Specifically, to the extent possible, it will contain IFR departures until reaching 1,200 feet above the surface and IFR arrivals descending below 1,500 feet above the surface.

The first proposed airspace area extends upward from 700 feet above the surface within a 6.5-mile radius of the airport, and within 2 miles each side of the 241° bearing from the airport, extending from the 6.5-mile radius to 9.4 miles southwest of the Owyhee Airport.

The second proposed airspace area extends upward from 1,200 feet above the surface within a 15-mile radius of the Owyhee Airport.

Class E airspace designations are published in paragraph 6005 of FAA

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

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

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

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

* * * * *

AWP NV E5 Owyhee, NV [New]

Owyhee Airport, NV
(Lat. 41°57′13″ N, long. 116°10′55″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the airport, and within 2.0 miles each side of the 241° bearing from the airport, extending from the 6.5-mile radius to 9.4 miles southwest of the airport; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of the Owyhee Airport.

Issued in Seattle, Washington, on January 23, 2020.

Shawn M. Kozica,

Group Manager, Operations Support Group, Western Service Center

[FR Doc. 2020–01534 Filed 1–29–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–1039; Airspace Docket No. 19–ACE–15]

RIN 2120–AA66

Proposed Amendment of Class E Airspace; Coffeyville, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class E airspace extending upward from 700 feet above the surface at Coffeyville Municipal Airport, Coffeyville, KS. The FAA is proposing this action as the result of an airspace review caused by the decommissioning of the Coffeyville non-directional beacon (NDB), which provided navigation information for the instrument procedures at this airport. The name and geographic coordinates of the airport would also be updated to coincide with the FAA's aeronautical database. Airspace redesign is necessary for the safety and management of instrument flight rules (IFR) operations at this 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, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2019–1039/Airspace Docket No. 19–ACE–15 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov*. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Comments Invited

Interested parties are invited to participate in this proposed rulemaking

by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2019–1039/Airspace Docket No. 19–ACE–15.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/*.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by amending the Class E airspace extending upward from 700 feet above the surface to within a 6.6-mile radius (decreased from a 7.6-mile radius) of the Coffeyville Municipal Airport, Coffeyville, KS; and updating the name (previously Coffeeyville Municipal Airport) and geographic coordinates of the airport to coincide with the FAA's aeronautical database.

This action is necessary due to an airspace review caused by the decommissioning of the Coffeyville NDB, which provided navigation information for the instrument procedures at this airport.

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

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

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

* * * * *

ACE KS E5 Coffeyville, KS [Amended]

Coffeyville Municipal Airport, KS
(Lat. 37°05′38″ N, long. 95°34′19″ W)

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

Issued in Fort Worth, Texas, on January 22, 2020.

Steve Szukala,

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

[FR Doc. 2020–01589 Filed 1–29–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–1044; Airspace Docket No. 19–ASW–19]

RIN 2120–AA66

Proposed Amendment of Class E Airspace; McAlester, Henryetta, and Poteau, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class E surface area airspace at McAlester Regional Airport, McAlester, OK, and the Class E airspace extending upward from 700 feet above the surface at Henryetta Municipal Airport, Henryetta, OK; McAlester Regional Airport; and Robert S. Kerr Airport, Poteau, OK. The FAA is proposing this action as the result of airspace reviews caused by the decommissioning of the McAlester VHF omnidirectional range (VOR) navigation aid, which provided navigation information for the instrument procedures at these airports. The geographic coordinates of the McAlester Regional Airport would also be updated to coincide with the FAA's aeronautical database. Airspace redesign is necessary for the safety and management of instrument flight rules (IFR) operations at these airports.

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, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2019–1044/Airspace Docket No. 19–ASW–19 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov*. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class E surface area airspace at McAlester Regional Airport, McAlester, OK, and the Class E airspace extending upward from 700 feet above the surface at Henryetta Municipal Airport, Henryetta, OK; McAlester Regional Airport; and Robert S. Kerr Airport, Poteau, OK, to support IFR operations at these airports.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2019–1044/Airspace Docket No. 19–ASW–19.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/*.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by:

Amending the Class E surface area airspace at McAlester Regional Airport, McAlester, OK, by adding an extension within 1 mile each side of the 020° bearing from the airport extending from the 4-mile radius to 4.1 miles north of the airport; and updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database;

Amending the Class E airspace area extending upward from 700 feet above the surface to within a 6.3-mile radius (decreased from a 7.1-mile radius) at Henryetta Municipal Airport, Henryetta, OK; and removing the Henryetta Medical Center Heliport and associated airspace from the Henryetta, OK, airspace legal description as the instrument procedures at the heliport have been cancelled and the airspace is no longer required;

Amending the Class E airspace area extending upward from 700 feet above the surface at McAlester Regional

Airport, McAlester, OK, by removing the McAlester VORTAC and associated extensions from the airspace legal description; removing the Wampa LOM and associated extension from the airspace legal description as it is no longer required; removing the McAlester Regional Health Center Heliport and associated airspace contained within the McAlester, OK, airspace legal description as the instrument procedures at the heliport have been cancelled and the airspace is no longer required; removing the exclusionary language from the airspace legal description as it is no longer required; adding an extension 2 miles each side of the 020° bearing from the airport extending from the 6.5-mile radius to 10.4 miles north of the airport; and adding an extension 2 miles each side of the 200° bearing from the airport extending from the 6.5-mile radius to 10.5 miles south of the airport; and updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database;

And amending the Class E airspace area extending upward from 700 feet above the surface at Robert S. Kerr Airport, Poteau, OK, by removing the Rich Mountain VORTAC and associated extension from the airspace legal description as it is no longer required; removing the Eastern Oklahoma Medical Center Heliport and associated airspace contained within the Poteau, OK, airspace legal description as the instrument procedures at the heliport have been cancelled and the airspace is no longer required; and removing the city associated with Robert S. Kerr Airport in the header of the airspace legal description to comply with changes to FAA Order 7400.2M, Procedures for Handling Airspace Matters.

These actions are the result of airspace reviews caused by the decommissioning of the McAlester VOR, which provided navigation information for the instrument procedures at these airports.

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

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

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 6002 Class E Airspace Areas Designated as a Surface Area.

* * * * *

ASW OK E2 McAlester, OK [Amended]

McAlester Regional Airport, OK
(Lat. 34°52′57″ N, long. 95°47′01″ W)

Within a 4-mile radius of McAlester Regional Airport, and within 1 mile each side of the 020° degree bearing from the airport extending from the 4-mile radius to 4.1 miles north of the airport.

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

* * * * *

ASW OK E5 Henryetta, OK [Amended]

Henryetta Municipal Airport, OK
(Lat. 35°24′25″ N, long. 96°00′57″ W)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Henryetta Municipal Airport.

* * * * *

ASW OK E5 McAlester, OK [Amended]

McAlester Regional Airport, OK
(Lat. 34°52′57″ N, long. 95°47′01″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of McAlester Regional Airport, and within 2 miles each side of the 020° bearing from the airport extending from the 6.5-mile radius to 10.4 miles north of the airport, and within 2 miles each side of the 200° bearing from the airport extending from the 6.5-mile radius to 10.5 miles south of the airport.

* * * * *

ASW OK E5 Poteau, OK [Amending]

Robert S. Kerr Airport, OK
(Lat. 35°01′18″ N, long. 94°37′17″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Robert S. Kerr Airport.

Issued in Fort Worth, Texas, on January 22, 2020.

Steve Szukala,

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

[FR Doc. 2020–01575 Filed 1–29–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–1040; Airspace Docket No. 19–ASW–18]

RIN 2120–AA66

Proposed Amendment of Class E Airspace; Ada, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace extending upward from 700 feet above the surface at Ada Regional Airport, Ada, OK. The FAA is proposing this action as the result of the decommissioning of the

Ada VHF omnidirectional range (VOR) navigation aid, which provided navigation information for the instrument procedures at this airport. The name of the airport would also be updated to coincide with the FAA's aeronautical database. Airspace redesign is necessary for the safety and management of instrument flight rules (IFR) operations at this 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, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2019–1040/Airspace Docket No. 19–ASW–18 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov*. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2019–1040/Airspace Docket No. 19–ASW–18.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/*.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by amending the Class E airspace area extending upward from 700 feet above the surface to within a 6.6-mile radius (increased from a 6.5-mile radius) at Ada Regional Airport, Ada, OK; updating the name of the airport (previously Ada Municipal Airport) to coincide with the FAA's aeronautical database; extending the extension to the north of the airport to 10.4 miles north of the airport (increased from 10.3 miles); and removing the Ada VOR and associated extension from the airspace legal description.

These actions are the result of airspace review caused by the decommissioning of the Ada VOR, which provided navigation information for the instrument procedures at this airport.

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

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

Regulatory Notices and Analyses

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

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

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

* * * * *

ASW OK E5 Ada, OK [Amended]

Ada Regional Airport, OK
(Lat. 34°48′15″ N, long. 96°40′16″ W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Ada Regional Airport, and within 4 miles each side of the 000° bearing from the airport extending from the 6.6-mile radius to 10.4 miles north of the airport, and within 4 miles each side of the 180° bearing from the airport extending from the 6.6-mile radius to 10.9 miles south of the airport.

Issued in Fort Worth, Texas, on January 22, 2020.

Steve Szukala,

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

[FR Doc. 2020–01584 Filed 1–29–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–1043; Airspace Docket No. 19–AGL–29]

RIN 2120–AA66

Proposed Amendment of Class E Airspace; Ely, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class E surface area airspace and the Class E airspace extending upward from 700 feet above the surface at Ely Municipal Airport, Ely, MN. The FAA is proposing these actions as the result of an airspace review caused by the decommissioning of the Ely VHF omnidirectional range (VOR) navigation aid, which provided navigation information for the instrument procedures at this airport, as part of the VOR Minimum Operational Network (MON) Program. The name and geographic coordinates of the airport would also be updated to coincide with the FAA's aeronautical database. Airspace redesign is necessary for the safety and management of instrument flight rules (IFR) operations at this 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, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2019–1043/Airspace Docket No. 19–AGL–29 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov*. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to

acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2019–1043/Airspace Docket No. 19–AGL–29.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/*.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by:

Amending the Class E surface area airspace at Ely Municipal Airport, Ely, MN, by updating the name and geographic coordinates of the airport to coincide with the FAA's aeronautical database; removing the Ely VOR/DME and all associated extensions from the airspace legal description; adding an extension 1 mile each side of the 120° bearing from the airport extending from the 4-mile radius to 4.6 miles southeast of the airport; and updating the outdated term ''Airport/Facility Directory'' with ''Chart Supplement;''

And amending the Class E airspace extending upward from 700 feet above the surface to within a 6.5-mile radius (decreased from a 7.7-mile radius) of the Ely Municipal Airport; and updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database.

These actions are the result of an airspace review caused by the decommissioning of the Ely VOR, which provided navigation information for the instrument procedures at these airports, as part of the VOR MON Program.

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

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

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 6002 Class E Airspace Areas Designated as Surface Areas.

* * * * *

AGL MN E2 Ely, MN [Amended]

Ely Municipal Airport, MN
(Lat. 47°49′26″ N, long. 91°49′46″ W)

Within a 4-mile radius of the Ely Municipal Airport and within 1 mile each side of the 120° bearing from the airport extending from the 4-mile radius to 4.6 miles southeast of the airport. This Class E airspace area is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter the continuously published in the Chart Supplement.

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

* * * * *

AGL MN E5 Ely, MN [Amended]

Ely Municipal Airport, MN
(Lat. 47°49′26″ N, long. 91°49′46″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Ely Municipal Airport, excluding that airspace within Prohibited Area P–204.

Issued in Fort Worth, Texas, on January 22, 2020.

Steve Szukala,

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

[FR Doc. 2020–01577 Filed 1–29–20; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–565]

Schedules of Controlled Substances: Placement of cyclopentyl fentanyl, isobutyryl fentanyl, para-chloroisobutyryl fentanyl, para-methoxybutyryl fentanyl, and valeryl fentanyl Into Schedule I

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Drug Enforcement Administration proposes placing cyclopentyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylcyclopentanecarboxamide), isobutyryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylisobutyramide), *para*-chloroisobutyryl fentanyl (*N*-(4-chlorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide), *para*-methoxybutyryl fentanyl (*N*-(4-methoxyphenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide), and valeryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylpentanamide), including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers whenever the existence of such isomers, esters, ethers and salts is possible, in schedule I of the Controlled Substances Act. If finalized, this action would make permanent the existing regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, import, export, engage in research, conduct instructional activities or chemical analysis, or possess), or propose to handle cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl.

DATES: Comments must be submitted electronically or postmarked on or before March 2, 2020.

Interested persons may file a request for hearing or waiver of hearing pursuant to 21 CFR 1308.44 and in accordance with 21 CFR 1316.45 and/or 1316.47, as applicable. Requests for hearing and waivers of an opportunity for a hearing or to participate in a hearing must be received on or before March 2, 2020.

ADDRESSES: Interested persons may file written comments on this proposal in accordance with 21 CFR 1308.43(g). Commenters should be aware that the electronic Federal Docket Management System will not accept comments after 11:59 p.m. Eastern Time on the last day of the comment period. To ensure proper handling of comments, please reference ''Docket No. DEA–565'' on all electronic and written correspondence, including any attachments.

- *Electronic comments:* Drug Enforcement Administration encourages that all comments be submitted electronically through the Federal eRulemaking Portal which provides the ability to type short comments directly into the comment field on the web page or to attach a file for lengthier comments. Please go to *http://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon completion of your submission you will receive a Comment Tracking Number for your comment. Please be aware that submitted comments are not instantaneously available for public view on *Regulations.gov*. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.
- *Paper comments:* Paper comments that duplicate the electronic submission are not necessary. Should you wish to mail a paper comment *in lieu of* an electronic comment, it should be sent via regular or express mail to: Drug Enforcement Administration, Attn: DEA **Federal Register** Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.
- *Hearing requests:* All requests for hearing and waivers of participation must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing and waivers of participation should be sent to: Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA **Federal Register** Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

FOR FURTHER INFORMATION CONTACT: Scott A. Brinks, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (202) 598–6812.

SUPPLEMENTARY INFORMATION:

Posting of Public Comments

Please note that all comments received in response to this docket are considered part of the public record. They will, unless reasonable cause is given, be made available by the Drug Enforcement Administration (DEA) for public inspection online at *http://www.regulations.gov*. Such information includes personal identifying information such as your name, address, etc. voluntarily submitted by the commenter. The Freedom of Information Act (FOIA) applies to all comments received. If you want to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not want it to be made publicly available, you must include the phrase ''PERSONAL IDENTIFYING INFORMATION'' in the first paragraph of your comment. You must also place all of the personal identifying information you do not want made publicly available in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment, but do not want it to be made publicly available, you must include the phrase ''CONFIDENTIAL BUSINESS INFORMATION'' in the first paragraph of your comment. You must also prominently identify confidential business information to be redacted within the comment.

Comments containing personal identifying information and confidential business information identified as directed above will be made publicly available in redacted form. If a comment has so much confidential business information or personal identifying information that it cannot be effectively redacted, all or part of that comment may not be made publicly available. Comments posted to *http://www.regulations.gov* may include any personal identifying information such as name, address, and phone number included in the text of your electronic submission that is not identified as directed above as confidential.

An electronic copy of this document and supplemental information to this proposed rule are available at *http://www.regulations.gov* for easy reference.

Request for Hearing or Waiver of Participation in a Hearing

Pursuant to 21 U.S.C. 811(a), this action is a formal rulemaking ''on the record after opportunity for a hearing.'' Such proceedings are conducted pursuant to the provisions of the Administrative Procedure Act (APA), 5 U.S.C. 551–559. (21 CFR 1308.41–1308.45; 21 CFR part 1316, subpart D). Such requests or notices must conform to the requirements of 21 CFR 1308.44(a) or (b), and 1316.47 or 1316.48, as applicable, and include a

statement of the person's interests in the proposed scheduling action, whether the person is adversely affected or aggrieved, and the objections or issues, if any, concerning which the person desires to be heard at a hearing. Any waiver must conform to the requirements of 21 CFR 1308.44(c) and may include a written statement regarding the interested person's position on the matters of fact and law involved in any hearing.

Legal Authority

The Controlled Substances Act (CSA) provides that proceedings for the issuance, amendment, or repeal of the scheduling of any drug or other substance may be initiated by the Attorney General (1) on his own motion; (2) at the request of the Secretary of the Department of Health and Human Services (HHS),[1] or (3) on the petition of any interested party. 21 U.S.C. 811(a). This proposed action is supported by a recommendation from the Assistant Secretary for Health of the HHS (Assistant Secretary) and an evaluation of all other relevant data by the DEA. If finalized, this action would make permanent the existing temporary regulatory controls and administrative, civil, and criminal sanctions of schedule I controlled substances on any person who handles or proposes to handle cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl.

Background

On February 1, 2018, DEA published an order in the **Federal Register** amending 21 CFR 1308.11(h) to temporarily place cyclopentyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylcyclopentanecarboxamide), isobutyryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylisobutyramide), *para*-chloroisobutyryl fentanyl (*N*-(4-chlorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide), *para*-methoxybutyryl fentanyl (*N*-(4-methoxyphenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide), and valeryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylpentanamide), along with two other substances,[2] in schedule I of the CSA pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h). 83 FR 4580. That temporary scheduling order was effective on the date of publication, and was based on findings by the former Acting Administrator of DEA (Acting Administrator) that the temporary scheduling of these seven substances was necessary to avoid an imminent hazard to public safety pursuant to 21 U.S.C. 811(h)(1). Section 201(h)(2) of the CSA, 21 U.S.C. 811(h)(2), requires that the temporary control of these substances expire two years from the effective date of the scheduling order, which was February 1, 2018. However, the CSA also provides that during the pendency of proceedings under 21 U.S.C. 811(a)(1) with respect to the substance, the temporary scheduling of that substance could be extended for up to one year. Proceedings for the scheduling of a substance under 21 U.S.C. 811(a) may be initiated by the Attorney General (delegated to the Administrator of the DEA pursuant to 28 CFR 0.100) on his own motion, at the request of the Secretary of HHS,[3] or on the petition of any interested party. An extension of the existing temporary order is being ordered by the Acting Administrator in a separate action, and is published elsewhere in this issue of the **Federal Register**.

The Acting Administrator, on his own motion pursuant to 21 U.S.C. 811(a), is initiating proceedings under 21 U.S.C. 811(a)(1) to permanently schedule cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl. DEA has gathered and reviewed the available information regarding the pharmacology, chemistry, trafficking, actual abuse, pattern of abuse, and the relative potential for abuse for these substances. On November 5, 2018, the Acting Administrator submitted a request to the Assistant Secretary to provide DEA with a scientific and medical evaluation of available information and a scheduling recommendation for cyclopropyl fentanyl, *para*-fluorobutyryl fentanyl, cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl, in accordance with 21 U.S.C. 811(b) and (c).

In a letter dated September 6, 2019, DEA notified HHS that it no longer needed scientific and medical evaluations for cyclopropyl fentanyl and *para*-fluorobutyryl fentanyl. Subsequently, DEA permanently placed these two substances in schedule I of the CSA on October 25, 2019, pursuant to 21 U.S.C. 811(d)(1). (84 FR 57323).

On November 12, 2019, the Assistant Secretary submitted HHS's scientific and medical evaluation and scheduling recommendation[4] for cyclopropyl fentanyl and *para*-fluorobutyryl fentanyl, cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl to the Acting Administrator. Upon receipt of the scientific and medical evaluation and scheduling recommendation from the HHS, in accordance with 21 U.S.C. 811(c), the DEA reviewed the documents and all other relevant data, and conducted its own eight-factor analysis of the abuse potential of cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl.

Proposed Determination to Permanently Schedule Cyclopentyl fentanyl, Isobutyryl fentanyl, para-Chloroisobutyryl fentanyl, para-Methoxybutyryl fentanyl, and Valeryl fentanyl

As discussed in the background section, the Acting Administrator is initiating proceedings, pursuant to 21 U.S.C. 811(a)(1), to add cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl permanently to schedule I. DEA has reviewed the scientific and medical evaluation and scheduling recommendation received from HHS, and all other relevant data and conducted its own eight-factor analysis of the abuse potential of these five substances pursuant to 21 U.S.C. 811(c). Included below is a brief summary of each factor as analyzed by the HHS and the DEA, and as considered by the DEA in its proposed scheduling action. Please note that both DEA 8-Factor and HHS 8-Factor analysis and the Assistant

[1] As discussed in a memorandum of understanding entered into by the Food and Drug Administration (FDA) and the National Institute on Drug Abuse (NIDA), the FDA acts as the lead agency within the HHS in carrying out the Secretary's scheduling responsibilities under the CSA, with the concurrence of NIDA. 50 FR 9518, Mar. 8, 1985. The Secretary of the HHS has delegated to the Assistant Secretary for Health of the HHS the authority to make domestic drug scheduling recommendations. 58 FR 35460, July 1, 1993.

[2] Those two other substances, ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(phenethylpiperidin-4-yl)acetamide) and *para*-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide, were subsequently permanently placed in schedule I on November 29, 2018 (83 FR 61320) and October 25, 2019 (84 FR 57327), respectively, pursuant to 21 U.S.C. 811(d)(1).

[3] Because the Secretary of HHS has delegated to the Assistant Secretary the authority to make domestic drug scheduling recommendations, for purposes of this proposed rulemaking, all subsequent references to ''Secretary'' have been replaced with ''Assistant Secretary.''

[4] Although HHS provided information on cyclopropyl fentanyl and *para*-fluorobutyryl fentanyl, these two substances will not be discussed in this notice of proposed rulemaking because they are already permanently controlled.

Secretary's November 12, 2019, letter are available in their entirety under the tab ''Supporting Documents'' of the public docket for this action at *http://www.regulations.gov* under Docket Number ''DEA–565.''

1. *The Drug's Actual or Relative Potential for Abuse:* The term ''abuse'' is not defined in the CSA. However, the legislative history of the CSA suggests DEA consider the following criteria when determining whether a particular drug or substance has a potential for abuse:[5]

(a) There is evidence that individuals are taking the drug or drugs containing such a substance in amounts sufficient to create a hazard to their health or to the safety of other individuals or to the community; or

(b) There is significant diversion of the drug or drugs containing such a substance from legitimate drug channels; or

(c) Individuals are taking the drug or drugs containing such a substance on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer such drugs in the course of his professional practice; or

(d) The drug or drugs containing such a substance are new drugs so related in their action to a drug or drugs already listed as having a potential for abuse to make it likely that the drug will have the same potentiality for abuse as such drugs, thus making it reasonable to assume that there may be significant diversions from legitimate channels, significant use contrary to or without medical advice, or that it has a substantial capability of creating hazards to the health of the user or to the safety of the community.

The abuse potential of cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl is associated with its pharmacological similarity to other schedule I and II mu-opioid receptor agonist substances which have a high potential for abuse. Similar to morphine, fentanyl and several schedule I opioid substances that are structurally related to fentanyl, cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl have been shown to bind and act as mu-opioid receptor agonists.

Cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl have no approved medical use in the United States and have been encountered on the illicit drug market. The use of cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl has been associated with adverse outcomes to include intoxications for *para*-chloroisobutyryl fentanyl and *para*-methoxybutyryl fentanyl. Because these five substances are not Food and Drug Administration (FDA) approved drug products, a practitioner may not legally prescribe them, and these substances cannot be dispensed to an individual. Therefore, the use of cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl is without medical advice, and accordingly, leads to the conclusion that these five substances are abused for their opioid-like properties. There are no legitimate channels for these five substances to be marketed as FDA-approved drug products but they are available for purchase from legitimate chemical companies to be used in scientific research. However, despite the limited legitimate use of these substances, reports from public health and law enforcement indicate that cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl are being abused and taken in amounts sufficient to create a hazard to an individual's health. Data from forensic databases can be used as an indicator of illicit activity with drugs and abuse[6] within the United States. According to drug seizure data from STRIDE and STARLiMS[7] and the National Forensic Laboratory Information System (NFLIS),[8] cyclopentyl fentanyl, isobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl are being encountered in the United States. Although there have been no law enforcement encounters for *para*-chloroisobutyryl fentanyl thus far, this substance poses the same qualitative public health risks as heroin, fentanyl, and other opioid analgesic substances.

2. *Scientific Evidence of the Drug's Pharmacological Effects, if Known:* Cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl are pharmacologically similar to other schedule I and schedule II mu-opioid receptor agonist substances. Non-clinical and clinical studies conducted on abuse potential of mu-opioid receptor agonists such as morphine and fentanyl indicate that these substances share discriminative stimulus effects and have reinforcing properties. Similar to schedule I and II opioid analgesics, cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl bind to and activate the mu-opioid receptor. Additionally, behavioral studies in animals demonstrate that similar to fentanyl and morphine, cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl produce analgesic effects. Pre-treatment with naltrexone, an opioid antagonist, attenuated analgesic effects of cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, valeryl fentanyl, fentanyl, and morphine. Thus, it is concluded from *in vitro* and *in vivo* pharmacological studies that effects of cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl are similar to that of fentanyl and morphine and mediated by mu-opioid receptor agonism.

3. *The State of Current Scientific Knowledge Regarding the Drug or Other Substance:* Cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl are synthetic opioids in the 4-anilidopiperidine structural class which includes fentanyl. These five substances differ in chemical structure from fentanyl by modification at the acyl group. Fentanyl is substituted with an ethyl group at this position. Modifications of this group include cycloalkyl groups (cyclopentyl fentanyl), branched alkyl groups (isobutyryl fentanyl and *para*-chloroisobutyryl fentanyl), or other linear alkyl groups by adding one methylene group to give a propyl group (*para*-methoxybutyryl fentanyl) or two

[5] Comprehensive Drug Abuse Prevention and Control Act of 1970, H.R. Rep. No. 91–1444, 91st Cong., Sess. 1 (1970); *reprinted in* 1970 U.S.C.C.A.N. 4566, 4603.

[6] While law enforcement data is not direct evidence of abuse, it can lead to an inference that a drug has been diverted and abused. *See* 76 FR 77330, 77332, Dec. 12, 2011.

[7] October 1, 2014, the DEA implemented STARLiMS (a web-based, commercial laboratory information management system) to replace the System to Retrieve Information from Drug Evidence (STRIDE) as its laboratory drug evidence data system of record. DEA laboratory data submitted after September 30, 2014, are reposited in STARLiMS. STRIDE/STARLiMS data were queried on 11/20/2019.

[8] NFLIS is a DEA program and a national forensic laboratory reporting system that systematically collects results from drug chemistry analyses conducted by state and local forensic laboratories in the United States. The NFLIS database also contains Federal data from U.S. Customs and Border Protection (CBP). NFLIS only includes drug chemistry results from completed analyses. NFLIS data were queried 11/20/2019. NFLIS is still reporting data from 2018–2019 due to normal lag time in reporting.

methylene groups to give a butyl group (valeryl fentanyl). In addition to modification of the acyl group, *para*-methoxybutyryl fentanyl and *para*-chloroisobutyryl fentanyl are substituted at the *para*-position of the *N*-phenyl ring with a methoxy group or a chlorine atom, respectively. No study has been undertaken to evaluate the efficacy, toxicology, and safety of cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, or valeryl fentanyl in humans. It can be inferred from medical examiner reports and data obtained from animal studies that these five substances have sufficient distribution to the brain to produce depressant effects similar to that of mu-opioid receptor agonists.

There are no FDA-approved marketing applications for drug products containing cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, or valeryl fentanyl for any therapeutic indication in the United States. Moreover, there are no clinical studies or petitioners which have claimed an accepted medical use in the United States for these substances.

4. *Its History and Current Pattern of Abuse:* Cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl have recently been encountered by law enforcement and/or public health officials in the United States or elsewhere. Evidence suggests that the pattern of abuse of these five substances parallels that of prescription opioid analgesics. The first reports of cyclopentyl fentanyl and valeryl fentanyl in the United States were in 2015. *Para*-methoxybutyryl fentanyl followed in 2016 and isobutyryl fentanyl was first reported in 2017. While there are no drug seizure reports for *para*-chloroisobutyryl fentanyl, one intoxication was associated with this substance in Sweden.

5. *The Scope, Duration, and Significance of Abuse:* Cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl, similar to other substances structurally related to fentanyl, are often used as recreational drugs. The recreational use of these substances continues to be of significant concern in the United States. These substances are distributed to users often with unpredictable outcomes. Currently, the United States is in the midst of an illicit opioid abuse epidemic.

NFLIS and STARLiMS data indicate that law enforcement encounters for isobutyryl fentanyl and valeryl fentanyl have increased over the years, with valeryl fentanyl nearly doubling from 2018 to 2019. Cyclopentyl fentanyl was found in three exhibits in 2017 and *para*-methoxybutyryl fentanyl was found in one exhibit in 2016; these two substances haven't been reported since. *para*-Chloroisobutyryl fentanyl has not been found in any drug seizure reports. DEA notes that the data from pharmacological testing of cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl are consistent with those of other opioids such as fentanyl and other related opioid agonists. Thus, it can be inferred that the abuse potential of these substances is similar to mu-opioid receptor agonists such as fentanyl and morphine.

6. *What, if Any, Risk There is to the Public Health:* Available evidence on the overall public health risks associated with cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl can be measured by hospitalization or fatalities associated with the use of such substances. Other countries have identified fatal and non-fatal intoxications from toxicological samples for *para*-methoxybutyryl fentanyl and *para*-chloroisobutyryl fentanyl. Abusers of these substances may not know the origin, identity, or purity of these substances, thus posing significant adverse health risks when compared to abuse of pharmaceutical preparations of opioid analgesics, such as morphine and oxycodone. The abuse of cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl leads to the same qualitative public health risks as heroin, fentanyl and other opioid analgesic substances. Taken together, evidence posits that individuals experimenting with substances with unknown potency are at high risk of adverse health outcomes.

7. *Its Psychic or Physiological Dependence Liability:* There are no pre-clinical or clinical studies that have evaluated the psychic or physiologic dependence of cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl. Several studies have shown that due to fentanyl's short duration of action, more frequent dosing is often required that can lead to a fast induction of tolerance, dependence and opiate withdrawal syndrome. Opioid withdrawal includes nausea and vomiting, depression, agitation, anxiety, craving, sweats, hypertension, diarrhea, and fever. These five substances act as agonists at the mu-opioid receptors and exhibit a full and dose-dependent substitution for the discriminative stimulus effects produced by morphine. Thus, the pharmacological similarity and pattern of abuse of cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl to fentanyl are indicative of their potential to possess a psychic and physiological dependence liability similar to that of other mu-opioid receptor agonist substances, such as heroin and fentanyl.

8. *Whether the Substance is an Immediate Precursor of a Substance Already Controlled Under the CSA:* Cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl are not immediate precursors of any controlled substance of the CSA as defined by 21 U.S.C. 802(23).

Conclusion: After considering the scientific and medical evaluation conducted by the HHS, the HHS's recommendation, and the DEA's own eight-factor analysis, the DEA finds that the facts and all relevant data constitute substantial evidence of the potential for abuse of cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl. As such, DEA hereby proposes to permanently schedule cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl as schedule I controlled substances under the CSA.

Proposed Determination of Appropriate Schedule

The CSA establishes five schedules of controlled substances known as schedules I, II, III, IV, and V. The CSA also outlines the findings required to place a drug or other substance in any particular schedule. (21 U.S.C. 812(b)). After consideration of the analysis and recommendation of the Assistant Secretary for HHS and review of all other available data, the Acting Administrator of the DEA, pursuant to 21 U.S.C. 811(a) and 21 U.S.C. 812(b)(1), finds that:

1. Cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl have a high potential for abuse as indicated either by law enforcement data, intoxications reported by scientific literature, or

pharmacological testing of these substances;

2. Cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl have no currently accepted medical use in treatment in the United States; [9] and

3. There is a lack of accepted safety for use of cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl under medical supervision.

Based on these findings, Acting Administrator of DEA concludes that cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers whenever the existence of such isomers, esters, ethers and salts is possible, warrant continued control in schedule I of the CSA. (21 U.S.C. 812(b)(1)).

Requirements for Handling cyclopentyl fentanyl, isobutyryl fentanyl, para-chloroisobutyryl fentanyl, para-methoxybutyryl fentanyl, and valeryl fentanyl

If this rule is finalized as proposed, cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl would continue [10] to be subject to the CSA's schedule I regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, dispensing, importing, exporting, research, and conduct of instructional activities, including the following:

1. *Registration.* Any person who handles, manufactures, distributes, dispenses, imports, exports, engages in research, or conducts instructional activities or chemical analysis with, or possesses cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl, or who desires to handle cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl, is required to be registered with the DEA to conduct such activities pursuant to 21 U.S.C. 822, 823, 957, and 958, and in accordance with 21 CFR parts 1301 and 1312.

2. *Security.* Cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl are subject to schedule I security requirements and must be handled and stored pursuant to 21 U.S.C. 821, 823, and in accordance with 21 CFR 1301.71–1301.93.

3. *Labeling and Packaging.* All labels and labeling for commercial containers of cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl must be in compliance with 21 U.S.C. 825 and 958(e), and be in accordance with 21 CFR part 1302.

4. *Quota.* Only registered manufacturers are permitted to manufacture cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl in accordance with a quota assigned pursuant to 21 U.S.C. 826 and in accordance with 21 CFR part 1303.

5. *Inventory.* Any person registered with DEA to handle cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl must have an initial inventory of all stocks of controlled substances including these substances on hand on the date the registrant first engages in the handling of controlled substances pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

After the initial inventory, every DEA registrant must take a new inventory of all stocks of controlled substances (including cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl) on hand every two years pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

6. *Records and Reports.* Every DEA registrant is required to maintain records and submit reports with respect to cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl, pursuant to 21 U.S.C. 827 and 958(e), and in accordance with 21 CFR parts 1304 and 1312.

7. *Order Forms.* Every DEA registrant who distributes cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl is required to comply with the order form requirements, pursuant to 21 U.S.C. 828, and 21 CFR part 1305.

8. *Importation and Exportation.* All importation and exportation of cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl must be in compliance with 21 U.S.C. 952, 953, 957, and 958, and in accordance with 21 CFR part 1312.

9. *Liability.* Any activity involving cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl not authorized by, or in violation of, the CSA or its implementing regulations is unlawful, and could subject the person to administrative, civil, and/or criminal sanctions.

Regulatory Analyses

Executive Orders 12866, 13563, and 13771, Regulatory Planning and Review, Improving Regulation and Regulatory Review, and Reducing Regulation and Controlling Regulatory Costs

In accordance with 21 U.S.C. 811(a), this proposed scheduling action is subject to formal rulemaking procedures done ''on the record after opportunity for a hearing,'' which are conducted pursuant to the provisions of 5 U.S.C. 556 and 557. The CSA sets forth the criteria for scheduling a drug or other substance. Such actions are exempt from review by the Office of Management and Budget (OMB) pursuant to section 3(d)(1) of Executive Order 12866 and the principles reaffirmed in Executive Order 13563.

This proposed rule does not meet the definition of an Executive Order 13771 regulatory action, and the repeal and cost offset requirements of Executive Order 13771 have not been triggered. OMB has previously determined that formal rulemaking actions concerning the scheduling of controlled substances, such as this rule, are not significant

[9] Although there is no evidence suggesting that cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl have a currently accepted medical use in treatment in the United States, it bears noting that a drug cannot be found to have such medical use unless DEA concludes that it satisfies a five-part test. Specifically, with respect to a drug that has not been approved by the FDA, to have a currently accepted medical use in treatment in the United States, all of the following must be demonstrated:

i. The drug's chemistry must be known and reproducible;

ii. there must be adequate safety studies;

iii. there must be adequate and well-controlled studies proving efficacy;

iv. the drug must be accepted by qualified experts; and

v. the scientific evidence must be widely available.

57 FR 10499 (1992).

[10] Cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl are currently subject to schedule I controls on a temporary basis, pursuant to 21 U.S.C. 811(h). 83 FR 4580, February 1, 2018.

regulatory actions under Section 3(f) of Executive Order 12866.

Executive Order 12988, Civil Justice Reform

This proposed regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 to eliminate drafting errors and ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

Executive Order 13132, Federalism

This proposed rulemaking does not have federalism implications warranting the application of Executive Order 13132. The proposed rule does not have substantial direct effects on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This proposed rule does not have tribal implications warranting the application of Executive Order 13175. It does not have substantial direct effects 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.

Regulatory Flexibility Act

The Administrator, in accordance with the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–602, has reviewed this proposed rule and by approving it, certifies that it will not have a significant economic impact on a substantial number of small entities. On February 1, 2018, the DEA published an order to temporarily place cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl in schedule I of the CSA pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h). DEA estimates that all entities handling or planning to handle cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, and valeryl fentanyl have already established and implemented the systems and processes required to handle these substances.

There are currently 34 registrations authorized to handle one or more of the following substances: Cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, or valeryl fentanyl, as well as a number of registered analytical labs that are authorized to handle schedule I controlled substances generally. These 34 registrations represent 26 entities, of which 8 are small entities. Therefore, DEA estimates 8 small entities are affected by this proposed rule. A review of the 34 registrations indicates that all entities that currently handle cyclopentyl fentanyl, isobutyryl fentanyl, *para*-chloroisobutyryl fentanyl, *para*-methoxybutyryl fentanyl, or valeryl fentanyl also handle other schedule I controlled substances and have established and implemented (or maintain) the systems and processes required to handle these substances. Therefore, the DEA anticipates that this proposed rule will impose minimal or no economic impact on any affected entities; and thus, will not have a significant economic impact on any of the eight affected small entities. Therefore, DEA has concluded that this proposed rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

In accordance with the Unfunded Mandates Reform Act (UMRA) of 1995, 2 U.S.C. 1501 *et seq.,* DEA has determined and certifies that this action would not result in any Federal mandate that may result ''in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any 1 year. . . .'' Therefore, neither a Small Government Agency Plan nor any other action is required under UMRA of 1995.

Paperwork Reduction Act of 1995

This action does not impose a new collection of information under the Paperwork Reduction Act of 1995. (44 U.S.C. 3501–3521). This action would not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. 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.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, drug traffic control, reporting and recordkeeping requirements.

For the reasons set out above, DEA proposes to amend 21 CFR part 1308 as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for 21 CFR part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), 956(b), unless otherwise noted.

■ 2. In § 1308.11:

■ a. Redesignate paragraphs (b)(56) through (70) as (b)(60) through (74);

■ b. Redesignate paragraphs (b)(54) and (55) as (b)(57) and (58);

■ c. Redesignate paragraphs (b)(39) through (53) as (b)(41) through (55);

■ d. Redesignate paragraphs (b)(22) through (38) as (b)(23) through (39);

■ e. Add new paragraphs (b)(22), (40), (56), (59), and (75); and

■ f. Remove and reserve paragraphs (h)(23), and (h)(25) through (28).

The additions read as follows:

§ 1308.11 Schedule I.

* * * * *

(b) * * *

(22) Cyclopentyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylcyclopentanecarboxamide) ..... (9847)

* * * * *

(40) Isobutyryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylisobutyramide) ..... (9827)

* * * * *

(56) *para*-Chloroisobutyryl fentanyl (*N*-(4-chlorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide ..... (9826)

* * * * *

(59) *para*-Methoxybutyryl fentanyl (*N*-(4-methoxyphenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide) ..... (9837)

* * * * *

(75) Valeryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylpentanamide) ..... (9804)

* * * * *

Dated: January 23, 2020.

Uttam Dhillon,

Acting Administrator.

[FR Doc. 2020–01681 Filed 1–29–20; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 5

[Docket No. PTO–P–2019–0033]

RIN 0651–AD43

Facilitating the Use of WIPO's ePCT System To Prepare International Applications for Filing With the United States Receiving Office

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: The United States Patent and Trademark Office (USPTO or Office) is proposing to amend the foreign filing license rules to facilitate use of ePCT (a World Intellectual Property Organization (WIPO) online web-based service) to prepare an international application for filing with the USPTO in its capacity as a Receiving Office under the Patent Cooperation Treaty (PCT). ePCT offers many benefits to users, including real time up-to-date validation features to help users properly complete the PCT Request. ePCT resides on WIPO's servers abroad and is accessed via an internet browser on the user's system. While the current foreign filing license rules would authorize the export of technical data to ePCT for purposes of preparing an international application for filing in a foreign PCT Receiving Office, the current rules do not authorize the export of technical data to ePCT for purposes of preparing an international application for filing with the USPTO as a Receiving Office. The USPTO is thus proposing to amend the foreign filing license rules to provide that a foreign filing license from the USPTO would authorize the export of technical data abroad for purposes relating to the use of ePCT to prepare an international application for filing with the USPTO in its capacity as a Receiving Office under the PCT.

DATES: Written comments must be received on or before March 30, 2020.

ADDRESSES: Comments should be sent by email addressed to: *AD43.comments@uspto.gov*. Comments also may be submitted by postal mail addressed to: Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313–1450, marked to the attention of Boris Milef, Senior Legal Examiner, International Patent Legal Administration.

Comments further may be sent via the Federal eRulemaking Portal. Visit the Federal eRulemaking Portal website (*http://www.regulations.gov*) for additional instructions on providing comments via the Federal eRulemaking Portal.

Although comments may be submitted by postal mail, the USPTO prefers to receive comments by email. Emailed comments are preferred to be submitted in plain text, but also may be submitted in Adobe® portable document format or Microsoft Word® format. Comments not submitted by email or via the Federal eRulemaking Portal should be submitted on paper in a format that facilitates convenient digital scanning into Adobe® portable document format.

The comments will be available for viewing via the USPTO's website (*https://www.uspto.gov/patent/laws-and-regulations/comments-public-response-specific-requests-uspto*). Because comments will be made available for public inspection, information that the submitter does not desire to make public, such as an address or phone number, should not be included in the comments.

FOR FURTHER INFORMATION CONTACT: Michael Neas, Deputy Director, International Patent Legal Administration, at (571) 272–3289, or Boris Milef, Senior Legal Examiner, International Patent Legal Administration, at (571) 272–3288.

SUPPLEMENTARY INFORMATION:

Executive Summary: Purpose: The rules of practice in 37 CFR part 5 are proposed to be amended to expand the scope of a foreign filing license from the USPTO to allow U.S. applicants to use WIPO's ePCT web-based service to help prepare their international applications for filing with the USPTO acting as a PCT Receiving Office.

Summary of Major Provisions: Under current 37 CFR 5.11(b), a foreign filing license from the Commissioner for Patents authorizes the export of technical data abroad for purposes relating to the preparation, filing or possible filing and prosecution of a foreign application, including an international application for filing in a PCT Receiving Office other than the USPTO acting as a Receiving Office. *See* 37 CFR 5.1(b)(2). 37 CFR 5.11 does not authorize the export of technical data abroad for purposes relating to the preparation of an international application for filing with the USPTO acting as a Receiving Office. WIPO's ePCT web-based service, residing on servers abroad, offers many benefits to U.S. applicants seeking to prepare and file an international application with the USPTO as a Receiving Office, including real time up-to-date validation features to help applicants properly complete the PCT Request. The provisions of 37 CFR 5.11(b) are proposed to be amended to provide that a foreign filing license from the Commissioner for Patents would authorize the export of technical data abroad for purposes relating to the use of WIPO's online service for preparing an international application for filing with the USPTO as a Receiving Office.

Costs and Benefits: This rulemaking is not economically significant under Executive Order 12866 (Sept. 30, 1993).

Background: On June 1, 2016, the United States Receiving Office (RO/US) began accepting international applications filed electronically with zip files created by the World Intellectual Property Organization's (WIPO) online service, ePCT. *See Use of WIPO's ePCT System for Preparing the PCT Request for Filing as Part of an International Application with the USPTO as Receiving Office,* 81 FR 27417 (May 6, 2016). ePCT is a web-based service that provides for electronic filing of international applications with certain PCT Receiving Offices and includes validation features to help users properly complete the PCT Request. ePCT also provides for secure electronic access, file management, and document submissions for international applications held by the International Bureau (IB). ePCT is accessed via an internet browser on the user's system, and all information input into ePCT is stored securely on WIPO's servers. Detailed information on ePCT can be found at *https://pct.eservices.wipo.int/direct.aspx?T=EN&UG=4*.

WIPO also makes available and maintains PCT Secure Applications Filed Electronically (PCT–SAFE) software, which must be installed on the user's system. Both PCT–SAFE and ePCT include validation features to help users properly complete the PCT Request. Since the PCT–SAFE validation can only be made against the version of the software installed on the user's system, the most up-to-date version of PCT–SAFE is required in order to ensure accurate validation. In contrast to PCT–SAFE, validation in the ePCT system is made in real time and does not require software updates. Furthermore, like PCT–SAFE, the zip file generated by ePCT, which contains a PCT Request in character coded format, also entitles the applicant to the same reduction in international filing fees as indicated in item 4(b) of the PCT Schedule of Fees (*http://www.wipo.int/pct/en/texts/rules/rtax.htm#_S*). The use of the ePCT zip file would still require all other documents and application parts to be prepared and loaded

separately in EFS-Web for filing of the international application.

By using ePCT, an international application will be associated with the user's ePCT account, even before the application is filed, thereby allowing users to share access rights with others prior to filing, if needed. In addition, after the record copy is received by the IB, the application file may be viewed online via ePCT without the need to separately request access rights.

Applicants who are residents and/or nationals of the United States and its territories can file international applications directly with the Receiving Office of the IB via ePCT or other means, provided that any national security provisions have been met prior to filing, including obtaining any required foreign filing license. *See* 37 CFR 5.11 and MPEP 140. The current provisions of 37 CFR 5.11(b) authorize U.S. applicants having a foreign filing license to export technical data abroad to servers located outside the United States hosting ePCT to prepare international applications for filing with the IB as a Receiving Office, without having to separately comply with the regulations contained in 22 CFR parts 120 through 130 (International Traffic in Arms Regulations of the Department of State), 15 CFR parts 730 through 774 (Export Administration Regulations of the Bureau of Industry and Security, Department of Commerce), and 10 CFR part 810 (Assistance to Foreign Atomic Energy Activities Regulations of the Department of Energy). *Id.* The current provisions of 37 CFR 5.11(b), however, do not authorize the export of technical data to such servers for the purpose of preparing international applications for filing with the USPTO as a Receiving Office (RO/US). Applicants wishing to use ePCT to prepare an international application for filing with the RO/US currently must ensure compliance with the regulations set forth in 37 CFR 5.11(b).

The changes to the regulations proposed in this document would permit applicants having a foreign filing license from the USPTO to use ePCT to prepare an international application for filing with the RO/US without having to separately comply with the regulations set forth in 37 CFR 5.11(b). In addition, the information that the USPTO collects from a PCT Request form electronically prepared via ePCT is the same information that it collects from the paper PCT Request form, which has been reviewed and previously approved by the Office of Management and Budget (OMB) under control number 0651–0021.

Discussion of Specific Rules

The following is a discussion of proposed amendments to Title 37 of the Code of Federal Regulations, part 5.

Section 5.1: Section 5.1(b)(2) is proposed to be amended to change the text ''foreign patent office, foreign patent agency, or international agency'' to ''foreign or international intellectual property authority,'' for consistency, as the term ''intellectual property authority'' is generally used in the patent statutes and other patent rules. *See, e.g.,* 35 U.S.C. 111(c) and 119(b)(1) and (b)(3), and 37 CFR 1.55, 1.57(a), and 1.76(b)(6).

Section 5.11: Section 5.11(a) is proposed to be amended to change the text ''foreign patent office, foreign patent agency, or any international agency'' to ''foreign or international intellectual property authority,'' consistent with the change to § 5.1(b)(2).

Section 5.11(b) is proposed to be amended to provide that a license from the Commissioner of Patents under 35 U.S.C. 184 referred to in § 5.11(a) (''foreign filing license'') would additionally authorize the export of technical data abroad for purposes relating to the use of a World Intellectual Property Organization (WIPO) online service for preparing an international application for filing with the USPTO as a Receiving Office (RO/US) under the Patent Cooperation Treaty.

The proposed amendment would authorize applicants having a foreign filing license from the USPTO to use ePCT to prepare an international application for filing with the RO/US without having to separately comply with the regulations identified in § 5.11(b), *i.e.,* the regulations contained in 22 CFR parts 120 through 130 (International Traffic in Arms Regulations of the Department of State), 15 CFR parts 730 through 774 (Export Administration Regulations of the Bureau of Industry and Security, Department of Commerce), and 10 CFR part 810 (Assistance to Foreign Atomic Energy Activities Regulations of the Department of Energy).

Section 5.11(e)(3) is proposed to be amended to change ''foreign patent application'' to ''foreign application'' for consistency with the definition of foreign application in § 5.1(b)(2).

Section 5.12: Section 5.12(a) is proposed to be amended to clarify that for an application on an invention made in the United States to be considered to include a petition for license under 35 U.S.C. 184, the application must be filed in the United States Patent and Trademark Office. An application that is filed abroad on an invention made in the United States but which comes to the United States for examination, for example, in the case of an international design application designating the United States that is filed abroad, would not be considered to include a petition for a foreign filing license. Where an application was filed abroad through error without the required license under § 5.11 first having been obtained, applicants should consider filing a petition for retroactive license under § 5.25.

Section 5.15: Section 5.15(a) is proposed to be amended for clarity to include a reference to § 5.11(b) concerning the export of technical data. In addition, ''foreign patent agency or international patent agency'' is changed to ''foreign or international intellectual property authority.'' *See* discussion of § 5.1(b)(2), *supra.* Section 5.15(a) also is proposed to be amended to clarify that the grant of the license also covers material submitted under § 5.13, where there is no corresponding U.S. application.

Sections 5.15(b) and 5.15(e) are proposed to be amended consistent with the proposed amendments to § 5.15(a).

Rulemaking Considerations

A. Administrative Procedure Act: This document proposes changes to the rules of practice to facilitate use of WIPO's ePCT system to prepare international applications for filing with the United States Receiving Office. The changes being proposed in this document do not change the substantive criteria of patentability. These proposed changes involve rules of agency practice and procedure, and/or interpretive rules. *See Bachow Commc'ns Inc.* v. *FCC,* 237 F.3d 683, 690 (D.C. Cir. 2001) (rules governing an application process are procedural under the Administrative Procedure Act); *Inova Alexandria Hosp.* v. *Shalala,* 244 F.3d 342, 350 (4th Cir. 2001) (rules for handling appeals are procedural where they do not change the substantive standard for reviewing claims); *Nat'l Org. of Veterans' Advocates* v. *Sec'y of Veterans Affairs,* 260 F.3d 1365, 1375 (Fed. Cir. 2001) (rule that clarifies interpretation of a statute is interpretive).

Accordingly, prior notice and opportunity for public comment for these proposed changes are not required pursuant to 5 U.S.C. 553(b) or (c) (or any other law). *See Cooper Techs. Co.* v. *Dudas,* 536 F.3d 1330, 1336–37 (Fed. Cir. 2008) (stating that 5 U.S.C. 553, and thus 35 U.S.C. 2(b)(2)(B), does not require notice and comment rulemaking for ''interpretative rules, general statements of policy, or rules of agency

organization, procedure, or practice'') (quoting 5 U.S.C. 553(b)(A)). The USPTO, however, is publishing these proposed changes for comment as it seeks the benefit of the public's views on the USPTO's proposed implementation of the proposed rule changes.

B. Regulatory Flexibility Act: For the reasons set forth herein, the Senior Counsel for Regulatory and Legislative Affairs in the Office of General Law of the United States Patent and Trademark Office has certified to the Chief Counsel for Advocacy of the Small Business Administration that changes proposed in this document will not have a significant economic impact on a substantial number of small entities. *See* 5 U.S.C. 605(b).

The changes proposed in this document will facilitate use of WIPO's ePCT system to prepare international applications for filing with the United States Receiving Office and will apply to any entity, including a small or micro entity, that uses ePCT to prepare an international patent application under the PCT for filing with the RO/US. The changes proposed in this document will not result in a change in the burden imposed on any patent applicant, including a small entity.

For the foregoing reasons, the changes proposed in this document will not have a significant economic impact on a substantial number of small entities.

C. Executive Order 12866 (Regulatory Planning and Review): This rulemaking has been determined to be not significant for purposes of Executive Order 12866 (Sept. 30, 1993).

D. Executive Order 13563 (Improving Regulation and Regulatory Review): The USPTO has complied with Executive Order 13563. Specifically, the USPTO has, to the extent feasible and applicable: (1) Made a reasoned determination that the benefits justify the costs of the rule; (2) tailored the rule to impose the least burden on society consistent with obtaining the regulatory objectives; (3) selected a regulatory approach that maximizes net benefits; (4) specified performance objectives; (5) identified and assessed available alternatives; (6) involved the public in an open exchange of information and perspectives among experts in relevant disciplines, affected stakeholders in the private sector and the public as a whole, and provided on-line access to the rulemaking docket; (7) attempted to promote coordination, simplification, and harmonization across government agencies and identified goals designed to promote innovation; (8) considered approaches that reduce burdens and maintain flexibility and freedom of choice for the public; and (9) ensured the objectivity of scientific and technological information and processes.

E. Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs): This proposed rule is not expected to be an Executive Order 13771 regulatory action because the rule as proposed would not be significant under Executive Order 12866.

F. Executive Order 13132 (Federalism): This rulemaking does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (Aug. 4, 1999).

G. Executive Order 13175 (Tribal Consultation): This rulemaking will not: (1) Have substantial direct effects on one or more Indian tribes; (2) impose substantial direct compliance costs on Indian tribal governments; or (3) preempt tribal law. Therefore, a tribal summary impact statement is not required under Executive Order 13175 (Nov. 6, 2000).

H. Executive Order 13211 (Energy Effects): This rulemaking is not a significant energy action under Executive Order 13211 because this rulemaking is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required under Executive Order 13211 (May 18, 2001).

I. Executive Order 12988 (Civil Justice Reform): This rulemaking meets applicable standards to minimize litigation, eliminate ambiguity, and reduce burden as set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Feb. 5, 1996).

J. Executive Order 13045 (Protection of Children): This rulemaking does not concern an environmental risk to health or safety that may disproportionately affect children under Executive Order 13045 (Apr. 21, 1997).

K. Executive Order 12630 (Taking of Private Property): This rulemaking will not affect a taking of private property or otherwise have taking implications under Executive Order 12630 (Mar. 15, 1988).

L. Congressional Review Act: Under the Congressional Review Act provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*), prior to issuing any final rule, the United States Patent and Trademark Office will submit a report containing the final rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the Government Accountability Office. The changes in this document are not expected to result in an annual effect on the economy of 100 million dollars or more, a major increase in costs or prices, or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. Therefore, this document is not expected to result in a ''major rule'' as defined in 5 U.S.C. 804(2).

M. Unfunded Mandates Reform Act of 1995: The changes set forth in this document do not involve a Federal intergovernmental mandate that will result in the expenditure by State, local, and tribal governments, in the aggregate, of 100 million dollars (as adjusted) or more in any one year, or a Federal private sector mandate that will result in the expenditure by the private sector of 100 million dollars (as adjusted) or more in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995. *See* 2 U.S.C. 1501 *et seq.*

N. National Environmental Policy Act: This rulemaking will not have any effect on the quality of the environment and is thus categorically excluded from review under the National Environmental Policy Act of 1969. *See* 42 U.S.C. 4321 *et seq.*

O. National Technology Transfer and Advancement Act: The requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) are not applicable because this rulemaking does not contain provisions that involve the use of technical standards.

P. Paperwork Reduction Act: The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) requires that the Office consider the impact of paperwork and other information collection burdens imposed on the public. This rulemaking involves information collection requirements which are subject to review by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3549). The collection of information involved in this rulemaking has been reviewed and previously approved by OMB under control number 0651–0021. This rulemaking does not impose any additional collection requirements under the Paperwork Reduction Act which are subject to further review by OMB. The collections of information already approved under control number 0651–0021 support the actions proposed in

this rulemaking. Therefore, no changes are required in the collection.

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

List of Subjects in 37 CFR Part 5

Classified information, Exports, Foreign relations, Inventions and patents.

For the reasons set forth in the preamble, 37 CFR part 5 is proposed to be amended as follows:

PART 5—SECRECY OF CERTAIN INVENTIONS AND LICENSES TO EXPORT AND FILE APPLICATIONS IN FOREIGN COUNTRIES

■ 1. The authority citation for 37 CFR part 5 is revised to read as follows:

Authority: 35 U.S.C. 2(b)(2), 41, 181–188, as amended by the Patent Law Foreign Filing Amendments Act of 1988, Pub. L. 100–418, 102 Stat. 1567; the Arms Export Control Act, as amended, 22 U.S.C. 2751 *et seq.;* the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 *et seq.;* the Nuclear Non Proliferation Act of 1978, 22 U.S.C. 3201 *et seq.;* and the delegations in the regulations under these Acts to the Director (15 CFR 370.10(j), 22 CFR 125.04, and 10 CFR 810.7).

■ 2. Section 5.1 is amended by revising paragraph (b)(2) to read as follows:

§ 5.1 Applications and correspondence involving national security.

* * * * *

(b) * * *

(2) Foreign application as used in this part includes, for filing in a foreign country or in a foreign or international intellectual property authority (other than the United States Patent and Trademark Office acting as a Receiving Office for international applications (35 U.S.C. 361, 37 CFR 1.412) or as an office of indirect filing for international design applications (35 U.S.C. 382, 37 CFR 1.1002)) any of the following: An application for patent, international application, international design application, or application for the registration of a utility model, industrial design, or model.

* * * * *

■ 3. Section 5.11 is amended by revising paragraphs (a), (b) and the introductory text of paragraph (e)(3) to read as follows:

§ 5.11 License for filing in, or exporting to, a foreign country an application on an invention made in the United States or technical data relating thereto.

(a) A license from the Commissioner for Patents under 35 U.S.C. 184 is required before filing any application for patent including any modifications, amendments, or supplements thereto or divisions thereof or for the registration of a utility model, industrial design, or model, in a foreign country or in a foreign or international intellectual property authority (other than the United States Patent and Trademark Office acting as a Receiving Office for international applications (35 U.S.C. 361, 37 CFR 1.412) or as an office of indirect filing for international design applications (35 U.S.C. 382, 37 CFR 1.1002)), if the invention was made in the United States, and:

(1) An application on the invention has been filed in the United States less than six months prior to the date on which the application is to be filed; or

(2) No application on the invention has been filed in the United States.

(b) The license from the Commissioner for Patents referred to in paragraph (a) of this section would also authorize the export of technical data abroad for purposes relating to (i) the preparation, filing or possible filing and prosecution of a foreign application and (ii) the use of a World Intellectual Property Organization online service for preparing an international application for filing with the United States Patent and Trademark Office acting as a Receiving Office (35 U.S.C. 361, 37 CFR 1.412) without separately complying with the regulations contained in 22 CFR parts 120 through 130 (International Traffic in Arms Regulations of the Department of State), 15 CFR parts 730 through 774 (Export Administration Regulations of the Bureau of Industry and Security, Department of Commerce), and 10 CFR part 810 (Assistance to Foreign Atomic Energy Activities Regulations of the Department of Energy).

* * * * *

(e) * * *

(3) For subsequent modifications, amendments and supplements containing additional subject matter to, or divisions of, a foreign application if:

* * * * *

■ 4. Section 5.12 is amended by revising paragraph (a) to read as follows:

§ 5.12 Petition for license.

(a) Filing of an application in the United States Patent and Trademark Office on an invention made in the United States will be considered to include a petition for license under 35 U.S.C. 184 for the subject matter of the application. The filing receipt or other official notice will indicate if a license is granted. If the initial automatic petition is not granted, a subsequent petition may be filed under paragraph (b) of this section.

* * * * *

■ 5. Section 5.15 is amended by revising the introductory text of paragraph (a) and paragraphs (a)(1), (b) and (e) to read as follows:

§ 5.15 Scope of license.

(a) Applications or other materials reviewed pursuant to §§ 5.12 through 5.14, which were not required to be made available for inspection by defense agencies under 35 U.S.C. 181, will be eligible for a license of the scope provided in this paragraph. This license permits subsequent modifications, amendments, and supplements containing additional subject matter to, or divisions of, a foreign application, if such changes to the application do not alter the general nature of the invention in a manner that would require the United States application to have been made available for inspection under 35 U.S.C. 181. Grant of this license authorizes the export of technical data pursuant to § 5.11(b) and the filing of an application in a foreign country or to any foreign or international intellectual property authority when the technical data and the subject matter of the foreign application corresponds to that of the application or other materials reviewed pursuant to §§ 5.12 through 5.14 upon which the license was granted. This license includes authority:

(1) To export and file all duplicate and formal application papers in foreign countries or with foreign or international intellectual property authorities;

* * * * *

(b) Applications or other materials which were required to be made available for inspection under 35 U.S.C. 181 will be eligible for a license of the scope provided in this paragraph. Grant of this license authorizes the export of technical data pursuant to § 5.11(b) and the filing of an application in a foreign country or to any foreign or international intellectual property authority. Further, this license includes authority to export and file all duplicate and formal papers in foreign countries or with foreign or international intellectual property authorities and to make amendments, modifications, and supplements to, file divisions of, and take any action in the prosecution of the foreign application, provided subject

matter additional to that covered by the license is not involved.

* * * * *

(e) Any paper filed abroad or transmitted to a foreign or international intellectual property authority following the filing of a foreign application that changes the general nature of the subject matter disclosed at the time of filing in a manner that would require such application to have been made available for inspection under 35 U.S.C. 181 or that involves the disclosure of subject matter listed in paragraph (a)(3)(i) or (ii) of this section must be separately licensed in the same manner as a foreign application. Further, if no license has been granted under § 5.12(a) on filing the corresponding United States application, any paper filed abroad or with a foreign or international intellectual property authority that involves the disclosure of additional subject matter must be licensed in the same manner as a foreign application.

* * * * *

Dated: January 21, 2020.

Andrei Iancu,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2020–01765 Filed 1–29–20; 8:45 am]

BILLING CODE 3510–16–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket Nos. 19–195 and 11–10; FRS 16419]

Petitions for Reconsideration of Action in Rulemaking Proceeding

AGENCY: Federal Communications Commission.

ACTION: Petition for reconsideration.

SUMMARY: Petitions for Reconsideration (Petitions) have been filed in the Commission's proceeding listed below by Angie Kronenberg, on behalf of INCOMPAS, and Paula Boyd, on behalf of Microsoft Corporation.

DATES: Oppositions to the Petitions must be filed on or before February 14, 2020. Replies to an opposition must be filed on or before February 10, 2020.

ADDRESSES: Federal Communications Commission, 445 12th Street SW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Michael Ray, Attorney Advisor, Wireline Competition Bureau, Competition Policy Division, (202) 418–0357.

SUPPLEMENTARY INFORMATION: The full text of the Petitions are available for viewing and copying at the FCC Reference Information Center, 445 12th Street SW, Room CY–A257, Washington, DC 20554. Petitions also may be accessed online via the Commission's Electronic Comment Filing System at: *http://apps.fcc.gov/ecfs/*. The Commission will not send a Congressional Review Act (CRA) submission to Congress or the Government Accountability Office pursuant to the CRA, 5 U.S.C. 801 because no rules are being adopted by the Commission.

Subject: Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program, WC Docket Nos. 19–195 and 11–10, Report and Order and Second Further Notice of Proposed Rulemaking, FCC 19–79, published at 84 FR 43705, August 22, 2019. This document is being published pursuant to 47 CFR 1.429(e). *See also* 47 CFR 1.4(b)(1) and 1.429(f), (g).

Number of Petitions Filed: 2.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2020–01657 Filed 1–29–20; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 85, No. 20
Thursday, January 30, 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

[OMB Control No. 0503–XXXX]

Information Collection; Improving Customer Experience (OMB Circular A–11, Section 280 Implementation)

AGENCY: Department of Agriculture.

ACTION: Notice and request for comments.

SUMMARY: As part of the Administration's commitment to improving customer service delivery, the Department of Agriculture, has under OMB review the following proposed Information Collection Request ''Improving Customer Experience (OMB Circular A–11, Section 280 Implementation)'' for approval under the Paperwork Reduction Act (PRA).

DATES: Submit comments on or before: March 2, 2020.

ADDRESSES: Submit comments identified by Information Collection 0503–XXXX, Improving Customer Experience (OMB Circular A–11, Section 280 Implementation), by any of the following methods:

- *Federal eRulemaking portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments to *https://www.regulations.gov,* will be posted to the docket unchanged.
- *Mail:* Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602, Improving Customer Experience (OMB Circular A–11, Section 280 Implementation).

Instructions: Please submit comments only and cite Information Collection 0503–XXXX, Improving Customer Experience (OMB Circular A–11, Section 280 Implementation) in all correspondence related to this collection. To confirm receipt of your comment(s), please check *regulations.gov,* approximately two-to-three business days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Ruth Brown, Office of the Chief Information Officer, Information Resources Management Center, 1200 Independence Avenue SW, Washington, DC 20250 or via email to: *USDA.PRA@USDA.gov.*

SUPPLEMENTARY INFORMATION:

Title: Improving Customer Experience (OMB Circular A–11, Section 280 Implementation).

Abstract: A modern, streamlined and responsive customer experience means: Raising government-wide customer experience to the average of the private sector service industry; developing indicators for high-impact Federal programs to monitor progress towards excellent customer experience and mature digital services; and providing the structure (including increasing transparency) and resources to ensure customer experience is a focal point for agency leadership.

This proposed information collection activity provides a means to garner customer and stakeholder feedback in an efficient, timely manner in accordance with the Administration's commitment to improving customer service delivery as discussed in Section 280 of OMB Circular A–11 at *https://www.whitehouse.gov/wp-content/uploads/2018/06/s280.pdf.*

As discussed in OMB guidance, agencies should identify their highest-impact customer journeys (using customer volume, annual program cost, and/or knowledge of customer priority as weighting factors) and select touchpoints/transactions within those journeys to collect feedback.

These results will be used to improve the delivery of Federal services and programs. It will also provide government-wide data on customer experience that can be displayed on *www.performance.gov* to help build transparency and accountability of Federal programs to the customers they serve.

As a general matter, these information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Department of Agriculture will only submit collections if they meet the following criteria.

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered is intended to be used for general service improvement and program management purposes
- Upon agreement between OMB and the agency all or a subset of information may be released as part of A–11, Section 280 requirements only on *performance.gov.* Summaries of customer research and user testing activities may be included in public-facing customer journey maps.
- Additional release of data must be done coordinated with OMB.

These collections will allow for ongoing, collaborative and actionable communications between the Agency, its customers and stakeholders, and OMB as it monitors agency compliance on Section 280. These responses will inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on services will be unavailable.

Current Action: New Collection of Information.

Type of Review: New.

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Estimated Number of Respondents: Below is a preliminary estimate of the aggregate burden hours for this new collection. Department of Agriculture will provide refined estimates of burden in subsequent notices.

Average Expected Annual Number of Activities: Approximately 2,040,000

customer experience activities such as feedback surveys, focus groups, user testing, and interviews.

Average Number of Respondents per Activity: 1 response per respondent per activity.

Annual Responses: 2,040,000.

Average Minutes per Response: 2 minutes—120 minutes, dependent upon activity.

Burden Hours: Department of Agriculture requests approximately 240,000 burden hours.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. 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.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

All written comments will be available for public inspection *Regulations.gov*.

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 Office of Management and Budget control number.

Dated: January 27, 2020.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2020–01651 Filed 1–29–20; 8:45 am]

BILLING CODE 3410–KR–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Request for Information: WIC National Universal Product Code Database Next Steps

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture (USDA), Food and Nutrition Service (FNS), Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program or WIC) is issuing this Request for Information to obtain input from WIC State agencies, authorized vendors, food manufacturers, technology partners, and other interested stakeholders regarding the direction of the National Universal Product Code (NUPC) database. The NUPC database can be used by WIC State agencies delivering benefits via Electronic Benefit Transfer (EBT) to develop, update and maintain their Authorized Product Lists (APLs). FNS is specifically interested in obtaining stakeholder perspectives on the role of the NUPC database to the program community, and different options for operating, maintaining, and/or enhancing the database. FNS welcomes comments from all interested stakeholders.

DATES: Written comments must be received on or before March 30, 2020.

ADDRESSES: Comments are accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov,* and follow the online instructions for submitting comments electronically. Comments may also be submitted via email to *Dana.Rasmussen@USDA.gov.* Please enter ''NUPC Database Public Comment'' in the subject line to the email.

FOR FURTHER INFORMATION CONTACT: Dana Rasmussen, Senior Technical Advisor, Supplemental Food Programs Division, at (703) 305–1628.

SUPPLEMENTARY INFORMATION: The WIC Program, authorized under the Child Nutrition Act of 1966, as amended (Pub. L. 89–642), provides low-income pregnant, breastfeeding, and postpartum women, infants, and children up to age five with nutritious supplemental foods, nutrition education, including breastfeeding promotion and support, and referrals to health and social services. The program is administered by USDA FNS. FNS provides grant funds which are used by WIC State agencies to operate the WIC Program and distribute benefits through local WIC clinics. The program operates throughout the 50 States, the District of Columbia, Guam, Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, and through 33 Indian Tribal Organizations.

The Healthy, Hunger-Free Kids Act of 2010 (HHFKA, Pub. L. 111–296) requires all WIC State agencies to implement EBT systems by October 1, 2020, or seek an exemption. To implement EBT, some State agencies must update their management information systems to issue benefits via EBT and must ensure the necessary EBT infrastructure is in place for clinics and vendors. To date, over half of all WIC State agencies have implemented EBT statewide, with the remaining State agencies engaged in the EBT planning and implementation processes pursuant to the statutory mandate.

Section 352(e) of the HHFKA directed the Secretary of Agriculture to establish an NUPC database for use by all WIC State agencies in implementing EBT. HHFKA provides $1 million each fiscal year, to remain available until expended, for NUPC database development, hosting, hardware and software configuration, and database support. Program regulations at 7 CFR 246.12(cc) require WIC State agencies with EBT to use the NUPC database. The NUPC database is intended to be used by WIC State agencies with EBT as a tool to help create and manage their APLs. Only State agencies have access to the NUPC database. The database provides a source of information about WIC-authorized foods which other State agencies may use in creating their APLs.

Each WIC State agency is responsible for developing a list of food items available for WIC participants for purchase consistent with Program requirements defined in 7 CFR 246.10. WIC State agencies determine the types, brands, and physical forms of WIC-eligible foods. State agencies may also consider State-specific nutrition criteria (*e.g.,* only low sodium canned vegetables), packaging methods (*e.g.,* pouch, can, jar) and packaging sizes (*e.g.,* single container, multi-pack case).

For WIC State agencies using EBT, the State agency-approved foods are set forth on an electronic APL, which lists the WIC food item, food category, size, Universal Product Code (UPC), and

other technical details. The APL is unique to each State agency. There is no Federal or national APL.

WIC State agencies update their APLs on a regular basis. Consistent with 7 CFR 246.12 and per WIC EBT operating rules, WIC-authorized vendors are required to retrieve a State agency's APL and apply it to their cash register systems at least every 48 hours, but most do so on a nightly basis.

WIC State agencies send a copy of their individual APLs to the NUPC database. After passing a screening and once additional nutritional product information is gathered, the individual products on the State agency's APL are added to the NUPC database. A State agency's raw APL file is not available for download via the NUPC database.

The NUPC database currently includes but is not limited to the following information by food item from WIC EBT State agencies, as applicable: UPC or Price Lookup Code (PLU), the latter for fresh fruits and vegetables; product category (*e.g.,* Bread/Whole Grains) and subcategory (*e.g.,* 100% Whole Wheat); nutrition information and ingredients; package images including product labels; the manufacturer name; manufacturer data sheets when needed; and the State agency authorizing the product. An optional free form comments field is available to State agencies. For fresh fruits and vegetables, a State agency may submit PLUs or UPCs. Appendix A lists current NUPC database elements.

WIC State agencies may optionally choose to submit pricing data into the NUPC database, but this data is for individual State agency use only. Most State agencies do not enter pricing data, due to the significant effort required to enter and maintain it given pricing fluctuations, coupled with the limited benefit of use. Most prices are sensitive to local market conditions.

A WIC State agency can use the NUPC database to obtain product information helpful in developing or modifying its APL. The NUPC database reduces the need to separately gather this same information from manufacturers, food retailers, food distributors or industry food databases.

NUPC does *not:* (1) Represent a complete/combined listing of all State-specific APLs, but rather contains individual APL-related data submitted by WIC EBT States (and supplemented with other nutrition-related information); (2) set forth a Federal or national WIC APL; or (3) include up-to-date pricing information.

The original intent of the NUPC database was to support statewide implementation of EBT. As more WIC State agencies achieve statewide EBT, FNS seeks input regarding the use of the NUPC database by the program community and different options for operating, maintaining, and/or enhancing the database. FNS poses the questions below to prompt stakeholder responses.

USDA FNS is seeking information from stakeholders on the following questions:

1. For WIC State agency input only, is the current NUPC database useful in its current form in creating and managing APLs and implementing EBT? Please explain.

2. Within HHFKA statutory requirements, should USDA FNS re-envision its approach to the NUPC database to the benefit of program stakeholders? Please explain.

3. Given currently available NUPC database information, what are the advantages and disadvantages of providing NUPC database access to, or sharing WIC State agency NUPC-related information with, other entities such as food manufacturers and/or WIC authorized vendors?

4. Although current statute requires USDA to operate an NUPC database for use by WIC EBT States, do WIC State agencies prefer to create and manage their APLs without the use of the Federal NUPC database? Please explain.

FNS appreciates your thoughtful and responsive replies to all questions. Your feedback is essential to help FNS ensure administration of the WIC Program is effective and efficient as possible. Together, we can strive to improve operations and outcomes to best serve participants, stakeholders, and American taxpayers.

Dated: January 10, 2020.

Pamilyn Miller,

Administrator, Food and Nutrition Service.

Appendix A: Current NUPC Database Elements

1. National UPC Database Core Fields

The Core Fields contain information that is set on the National level and cannot be edited at the WIC State Agency level. Only FNS staff or the FNS contractor may edit these fields.

National Core Fields

UPC/PLU Number
Manufacturer Code
Manufacturer Name
[Food] Category
[Food] Subcategory
Default Filtered
Comments

2. WIC State Agency Fields, including Editable Fields

These fields are generally specific to each WIC State Agency and can only be edited by that State agency. Some of these fields (Product Size through Benefit Unit Description Type) may be adopted from a national entry or an entry by another State agency and then edited to reflect current State-specific authorized foods. These fields generally do not have any national attributes—they are specific to each State agency. The only State agency field that cannot be edited by the WIC State agency is the Product Unit of Measure (UOM). Most fields, *e.g.,* price, are optional.

WIC State Agency Fields

Product Size
Product UOM *
Product Name
Benefit Unit Description Type
Short Product Name
Benefit Unit Description
Container Size
Container Type
Price
Price Type
Broadband Flag
Agency Effective Date
Agency End Date
Package Size
Rebate Flag
Manual Voucher Indicator
Filter for State Agency Search

[FR Doc. 2020–01696 Filed 1–29–20; 8:45 am]

BILLING CODE 3410–30–P

* Cannot be edited by State agency.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Summer Food Service Program 2020 Reimbursement Rates

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice informs the public of the annual adjustments to the reimbursement rates for meals served in the Summer Food Service Program for Children. These adjustments address changes in the Consumer Price Index, as required under the Richard B. Russell National School Lunch Act. The 2020 reimbursement rates are presented as a combined set of rates to highlight simplified cost accounting procedures. The 2020 rates are also presented individually, as separate operating and administrative rates of reimbursement, to show the effect of the Consumer Price Index adjustment on each rate.

DATES: *Implementation date:* January 1, 2020.

FOR FURTHER INFORMATION CONTACT: J. Kevin Maskornick, Program Monitoring and Operational Support Division, Child Nutrition Programs, Food and Nutrition Service, United States Department of Agriculture, 1320

Braddock Place, Suite 401, Alexandria, Virginia 22314.

SUPPLEMENTARY INFORMATION: The Summer Food Service Program (SFSP) is listed in the Catalog of Federal Domestic Assistance under No. 10.559 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 2 CFR, 415 and final rule-related notice published at 48 FR 29114, June 24, 1983.)

In accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520, no new recordkeeping or reporting requirements have been included that are subject to approval from the Office of Management and Budget.

This notice is not a rule as defined by the Regulatory Flexibility Act, 5 U.S.C. 601–612, and thus is exempt from the provisions of that Act. Additionally, this notice has been determined to be exempt from formal review by the Office of Management and Budget under Executive Order 12866.

Definitions

The terms used in this notice have the meaning ascribed to them under 7 CFR part 225 of the SFSP regulations.

Background

This notice informs the public of the annual adjustments to the reimbursement rates for meals served in SFSP. In accordance with sections 12(f) and 13, 42 U.S.C. 1760(f) and 1761, of the Richard B. Russell National School Lunch Act (NSLA) and SFSP regulations under 7 CFR part 225, the United States Department of Agriculture announces the adjustments in SFSP payments for meals served to participating children during calendar year 2020.

The 2020 reimbursement rates are presented as a combined set of rates to highlight simplified cost accounting procedures. Reimbursement is based solely on a ''meals times rates'' calculation, without comparison to actual or budgeted costs.

Sponsors receive reimbursement that is determined by the number of reimbursable meals served, multiplied by the combined rates for food service operations and administration. However, the combined rate is based on separate operating and administrative rates of reimbursement, each of which is adjusted differently for inflation.

Calculation of Rates

The combined rates are constructed from individually authorized operating and administrative reimbursements. Simplified procedures provide flexibility, enabling sponsors to manage their reimbursements to pay for any allowable cost, regardless of the cost category. Sponsors remain responsible, however, for ensuring proper administration of the Program, while providing the best possible nutrition benefit to children.

The operating and administrative rates are calculated separately. However, the calculations of adjustments for both cost categories are based on the same set of changes in the *Food Away From Home* series of the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the United States Department of Labor. They represent a 3.2 percent increase in this series for the 12-month period, from November 2018 through November 2019 (from 278.306 in November 2017 to 287.255 in November 2019).

Table of 2020 Reimbursement Rates

Presentation of the 2020 maximum per meal rates for meals served to children in SFSP combines the results from the calculations of operational and administrative payments, which are further explained in this notice. The total amount of payments to State agencies for disbursement to SFSP sponsors will be based upon these adjusted combined rates and the number of meals of each type served. These adjusted rates will be in effect from January 1, 2020 through December 31, 2020.

These changes are reflected below.

All States except Alaska and Hawaii—Rural or Self-prep Sites—Breakfast—2 dollars and 37.50 cents (7.75 cent increase from the 2019 reimbursement rate), Lunch or Supper—4 dollars and 15.25 cents (12 cent increase), Snack—97.75 cents (2.5 cent increase); All Other Types of Sites—Breakfast—2 dollars and 33 cents (7.5 cent increase), Lunch or Supper—4 dollars and 8.75 cents (12 cent increase), Snack—95.5 cents (2.25 cent increase).

Alaska—Rural or Self-prep Sites—Breakfast—3 dollars and 84.75 cents (12.25 cent increase), Lunch or Supper—6 dollars and 73.75 cents (21 cent increase), Snack—1 dollar and 59.25 cents (4.5 cent increase); All Other Types of Sites—Breakfast—3 dollars and 77.5 cents (12 cent increase), Lunch or Supper—6 dollars and 63 cents (20.75 cent increase), Snack—1 dollar and 55.75 cents (4.5 cent increase).

Hawaii—Rural or Self-prep Sites—Breakfast—2 dollars and 77 cents (8.75 cent increase), Lunch or Supper—4 dollars and 86 cents (14.5 cent increase), Snack—1 dollar and 14.5 cents (3.25 cent increase); All Other Types of Sites—Breakfast—2 dollars and 71.75 cents (8.5 cent increase), Lunch or Supper—4 dollars and 78.25 cents (14.25 cent increase), Snack—1 dollar and 12 cents (3.5 cent increase).

2020 Reimbursement Rates (Combined)

Per Meal Rates in whole or fractions of U.S. dollars	All States except Alaska and Hawaii	All States except Alaska and Hawaii	Alaska	Alaska	Hawaii	Hawaii
Site Types	Rural or Self-prep Sites	All Other Types of Sites	Rural or Self-prep Sites	All Other Types of Sites	Rural or Self-prep Sites	All Other Types of Sites
Breakfast	2.3750	2.3300	3.8475	3.7750	2.7700	2.7175
Lunch or Supper	4.1525	4.0875	6.7375	6.6300	4.8600	4.7825
Snack	0.9775	0.9550	1.5925	1.5575	1.1450	1.1200

Operating Rates

The portion of the SFSP rates for operating costs is based on payment amounts set in section 13(b)(1) of the NSLA, 42 U.S.C. 1761(b)(1). They are rounded down to the nearest whole cent, as required by section 11(a)(3)(B)(iii) of the NSLA, 42 U.S.C. 1759a(a)(3)(B)(iii).

These changes are reflected below.

All States except Alaska and Hawaii—Breakfast—2 dollars and 16 cents (7 cents increase from the 2019 reimbursement rate), Lunch or Supper—3 dollars and 76 cents (11 cents increase), Snack—87 cents (2 cents increase).

Alaska—Breakfast—3 dollars and 50 cents (11 cents increase), Lunch or Supper—6 dollars and 10 cents (19 cents increase), Snack—1 dollar and 42 cents (4 cents increase).

Hawaii—Breakfast—2 dollars and 52 cents (8 cents increase), Lunch or Supper—4 dollars and 40 cents (13 cents increase), Snack—1 dollar and 2 cents (3 cents increase).

Operating Component of 2020 Reimbursement Rates

Operating Rates in U.S. dollars, rounded down to the nearest whole cent	All States except Alaska and Hawaii	Alaska	Hawaii
Breakfast	2.16	3.50	2.52
Lunch or Supper	3.76	6.10	4.40
Snack	0.87	1.42	1.02

Administrative Rates

The administrative cost component of the reimbursement is authorized under section 13(b)(3) of the NSLA, 42 U.S.C. 1761(b)(3). Rates are higher for sponsors of sites located in rural areas and for ''self-prep'' sponsors that prepare their own meals at the SFSP site or at a central facility instead of purchasing them from vendors. The administrative portion of SFSP rates are adjusted, either up or down, to the nearest quarter-cent.

These changes are reflected below.

All States except Alaska and Hawaii—Rural or Self-prep Sites—Breakfast—21.50 cents (0.75 cent increase from the 2019 reimbursement rate), Lunch or Supper—39.25 cents (1 cent increase), Snack—10.75 cents (0.5 cent increase); All Other Types of Sites—Breakfast—17 cents (0.5 cent increase), Lunch or Supper—32.75 cents (1 cent increase), Snack 8.5 cents (0.25 cent increase).

Alaska—Rural or Self-prep Sites—Breakfast—34.75 cents (1.25 cent increase), Lunch or Supper—63.75 cents (2 cent increase), Snack—17.25 cents (0.5 cent increase); All Other Types of Sites—Breakfast—27.50 cents (1 cent increase), Lunch or Supper—53 cents (1.75 cent increase), Snack—13.75 cents (0.5 cent increase).

Hawaii—Rural or Self-prep Sites—Breakfast—25 cents (0.75 cent increase), Lunch or Supper—46 cents (1.5 cent increase), Snack—12.50 cents (0.25 cent increase); All Other Types of Sites—Breakfast—19.75 cents (0.5 cent increase), Lunch or Supper—38.25 cents (1.25 cent increase), Snack—10 cents (0.5 cent increase).

Administrative Component of 2020 Reimbursement Rates

Administrative Rates in U.S. dollars, adjusted, up or down, to the nearest quarter-cent	All States except Alaska and Hawaii	All States except Alaska and Hawaii	Alaska	Alaska	Hawaii	Hawaii
Site Types	Rural or Self-prep Sites	All Other Types of Sites	Rural or Self-prep Sites	All Other Types of Sites	Rural or Self-prep Sites	All Other Types of Sites
Breakfast	0.2150	0.1700	0.3475	0.2750	0.2500	0.1975
Lunch or Supper	0.3925	0.3275	0.6375	0.5300	0.4600	0.3825
Snack	0.1075	0.0850	0.1725	0.1375	0.1250	0.1000

Authority: Sections 9, 13, and 14, Richard B. Russell National School Lunch Act, 42 U.S.C. 1758, 1761, and 1762a, respectively.

Dated: January 14, 2020.

Pamilyn Miller,

Administrator, USDA Food and Nutrition Service.

[FR Doc. 2020–01607 Filed 1–29–20; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 2092]

Reorganization of Foreign-Trade Zone 280 (Expansion of Service Area) Under Alternative Site Framework, Caldwell, Idaho

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones (FTZ) Act provides for ''. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board adopted the alternative site framework (ASF) (15 CFR Sec. 400.2(c)) as an option for the establishment or reorganization of zones;

Whereas, the Southwest Idaho Manufacturers' Alliance, grantee of Foreign-Trade Zone 280, submitted an application to the Board (FTZ Docket B–39–2019, docketed June 18, 2019) for authority to expand the service area of the zone to include Elmore County, Idaho, as described in the application, adjacent to the Boise, Idaho Customs and Border Protection port of entry;

Whereas, notice inviting public comment was given in the **Federal Register** (84 FR 31021, June 28, 2019) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby orders:

The application to reorganize FTZ 280 to expand the service area under the ASF is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, and to the Board's standard 2,000-acre activation limit for the zone.

Dated: January 24, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance, Alternate Chairman Foreign-Trade Zones Board.

[FR Doc. 2020–01727 Filed 1–29–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–61–2019]

Foreign-Trade Zone (FTZ) 151—Calhoun/Victoria Counties, Texas; Authorization of Production Activity; Caterpillar, Inc. (Tractors and Forestry Machines); Victoria, Texas

On September 27, 2019, the Calhoun/Victoria Foreign Trade Zone, Inc., grantee of FTZ 155, submitted a notification of proposed production activity to the FTZ Board on behalf of Caterpillar, Inc., within FTZ 155, in Victoria, Texas.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (84 FR 53673, October 8, 2019). On January 27, 2020, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: January 27, 2020.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2020–01726 Filed 1–29–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–03–2020]

Foreign-Trade Zone (FTZ) 90—Syracuse, New York; Notification of Proposed Production Activity; PPC Broadband, Inc. (Hardline Coaxial Cables); Dewitt, New York

PPC Broadband, Inc. (PPC Broadband) submitted a notification of proposed production activity to the FTZ Board for its facility in Dewitt, New York. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on January 22, 2020.

PPC Broadband already has authority to produce coaxial cable connectors within FTZ 90. The current request

would add a finished product and foreign status components to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status components and the specific finished product described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt PPC Broadband from customs duty payments on the foreign-status components used in export production. On its domestic sales, for the foreign-status components noted below and in the existing scope of authority, PPC Broadband would be able to choose the duty rates during customs entry procedures that apply to hardline coaxial cables, without connectors (duty rate—5.3%). PPC Broadband would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The components sourced from abroad include: Polyethylene jacket foam; copper clad aluminum wire (10% copper by area); aluminum tape; and, copper clad steel center conductors (duty rate ranges from duty-free to 6.5%). The request indicates that the components are subject to special duties under Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is March 10, 2020.

A copy of the notification will be available for public inspection in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Christopher Wedderburn at *Chris.Wedderburn@trade.gov* or (202) 482–1963.

Dated: January 23, 2020.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2020–01609 Filed 1–29–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–864]

Certain Fabricated Structural Steel From Canada: Final Determination of Sales at Less Than Fair Value

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that certain fabricated structural steel (fabricated structural steel) from Canada is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is January 1, 2018 through December 31, 2018. The final dumping margins of sales at LTFV are listed below in the ''Final Determination'' section of this notice.

DATES: Applicable January 30, 2020.

FOR FURTHER INFORMATION CONTACT: David Goldberger or Ajay Menon, 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) 482–4136 or (202) 482–1993, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 10, 2019, Commerce published the *Preliminary Determination* of sales at LTFV of fabricated structural steel from Canada, in which we also postponed the final determination to January 23, 2020.[1] The petitioner in this investigation is the American Institute of Steel Construction Full Member Subgroup. The mandatory respondents in this investigation are Les Constructions Beauce-Atlas, Inc. (Beauce-Atlas) and Canatal Industries, Inc. (Canatal).

A summary of the events that occurred since Commerce published the *Preliminary Determination,* as well as a full discussion of the issues raised by parties for this final determination, are discussed in the Issues and Decision Memorandum, which is hereby adopted by this notice.[2] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and it is available to all parties in the Central Records Unit, room B8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Scope of the Investigation

The product covered by this investigation is fabricated structural steel from Canada. For a complete description of the scope of the investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,[3] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[4] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* Commerce addressed these comments in the *Preliminary Determination,* wherein Commerce preliminarily modified the scope language.

In addition, certain interested parties commented on Commerce's preliminary scope decisions. For a summary of the product coverage comments and rebuttal comments submitted to the record for this final determination, and accompanying discussion and analysis of all comments timely received, *see* the Final Scope Decision Memorandum.[5] Based on the comments received, Commerce is modifying the scope language as it appeared in the *Preliminary Determination. See* the revised scope in Appendix I to this notice.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this investigation are addressed in the Issues

[1] *See Certain Fabricated Structural Steel from Canada: Preliminary Negative Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 84 FR 47481 (September 10, 2019) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Certain Fabricated Structural Steel from Canada,'' dated concurrently with this notice (Issues and Decision Memorandum).

[3] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[4] *See Certain Fabricated Structural Steel from Canada, Mexico, and the People's Republic of China: Initiation of Less-Than-Fair-Value Investigations,* 84 FR 7330 (March 4, 2019) (*Initiation Notice*).

[5] *See* Memorandum, ''Fabricated Structural Steel from Canada, Mexico, and the People's Republic of China: Final Scope Decision Memorandum,'' dated concurrently with, and hereby adopted by, this notice (Final Scope Decision Memorandum).

and Decision Memorandum. A list of the issues raised is attached to this notice as Appendix II.

Verification

As provided in section 782(i) of the Tariff Act of 1930, as amended (the Act), in September and October 2019, we conducted verifications of the sales and cost information submitted by Beauce-Atlas and Canatal for use in our final determination. We used standard verification procedures, including an examination of relevant accounting and production records, and original source documents provided by Beauce-Atlas and Canatal.[6]

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings at verification, we made certain changes to the margin calculations for Beauce-Atlas and Canatal. For a discussion of these changes, *see* the Issues and Decision Memorandum and the Final Calculation Memoranda.[7]

In addition, we revised the margin calculation for Canatal to reflect the application of partial facts available with an adverse inference pursuant to section 776 of the Act. For a discussion of this change, *see* Comment 11 of the Issues and Decision Memorandum.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated all-others rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and margins determined entirely under section 776 of the Act. Beauce-Atlas is the only respondent for which Commerce calculated an estimated weighted-average dumping margin that is not zero, *de minimis,* or based entirely on facts otherwise available. Therefore, for purposes of determining the all-others rate, pursuant to section 735(c)(5)(A) of the Act, we are using the estimated weighted-average dumping margin calculated for Beauce-Atlas, as referenced in the ''Final Determination'' section below.

Final Determination

The final estimated weighted-average dumping margins are as follows:

Exporter/manufacturer	Estimated weighted-average dumping margin (percent)	Cash deposit rate [8]
Les Constructions Beauce-Atlas, Inc.	6.70	6.70
Canatal Industries, Inc.	0.00	0.00
All-Others	6.70	6.70

Disclosure

Commerce intends to disclose the calculations performed in connection with this final determination within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Suspension of Liquidation

In accordance with section 735(c)(1)(B) and (C) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to suspend liquidation of all appropriate entries of fabricated structural steel from Canada, as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**, other than entries of fabricated structural steel produced and exported by Canatal, because its rate is zero.

Pursuant to section 735(c)(1)(B)(ii) of the Act, we will instruct CBP to require a cash deposit for such entries of merchandise equal to the estimated weighted-average dumping margin as follows: (1) The cash deposit rate for the respondents listed above will be equal to the respondent-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified above but the producer is, then the cash deposit rate will be equal to the respondent-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension of liquidation instructions will remain in effect until further notice.

International Trade Commission (ITC) Notification

In accordance with section 735(d) of the Act, we will notify the ITC of the final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(3) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of fabricated structural steel from Canada no later than 75 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping

[6] For discussion of our verification findings, *see* the following memoranda: Memorandum, ''Verification of the Sales Responses of Les Constructions Beauce-Atlas,'' dated October 18, 2019; Memorandum, ''Verification of the Sales Responses of Canatal Industries, Inc.,'' dated October 22, 2019; Memorandum, ''Verification of Canatal Steel USA Inc.,'' dated November 4, 2019; Memorandum, ''Verification of the Cost Response of Industries Canatal, Inc. in the Antidumping Duty Investigation of Fabricated Structural Steel from Canada,'' dated November 5, 2019; and Memorandum, ''Verification of the Cost Response of Les Constructions Beauce-Atlas, Inc. in the Antidumping Duty Investigation of Fabricated Structural Steel from Canada,'' dated November 5, 2019.

[7] *See* Memoranda, ''Final Determination Margin Calculation for Beauce-Atlas;'' ''Cost of Production and Constructed Value Calculation Adjustments for the Final Determination—Beauce-Atlas;'' ''Final Determination Margin Calculation for Canatal;'' and ''Cost of Production and Constructed Value Calculation Adjustments for the Final Determination—Industries Canatal Inc.,'' dated concurrently with this notice (collectively Final Calculation Memoranda).

[8] Because Commerce is making a negative determination in the companion CVD investigation of fabricated structural steel from Canada, we are not adjusting the cash deposit rate for export subsidies. *See* section 772(c)(1)(C) of the Act.

duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Order

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to the APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act and 19 CFR 351.210(c).

Dated: January 23, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by the investigation is carbon and alloy fabricated structural steel. Fabricated structural steel is made from steel in which: (1) Iron predominates, by weight, over each of the other contained elements; and (2) the carbon content is two percent or less by weight. Fabricated structural steel products are steel products that have been fabricated for erection or assembly into structures, including, but not limited to, buildings (commercial, office, institutional, and multi-family residential); industrial and utility projects; parking decks; arenas and convention centers; medical facilities; and ports, transportation and infrastructure facilities. Fabricated structural steel is manufactured from carbon and alloy (including stainless) steel products such as angles, columns, beams, girders, plates, flange shapes (including manufactured structural shapes utilizing welded plates as a substitute for rolled wide flange sections), channels, hollow structural section (HSS) shapes, base plates, and plate-work components. Fabrication includes, but is not limited to cutting, drilling, welding, joining, bolting, bending, punching, pressure fitting, molding, grooving, adhesion, beveling, and riveting and may include items such as fasteners, nuts, bolts, rivets, screws, hinges, or joints.

The inclusion, attachment, joining, or assembly of non-steel components with fabricated structural steel does not remove the fabricated structural steel from the scope.

Fabricated structural steel is covered by the scope of the investigation regardless of whether it is painted, varnished, or coated with plastics or other metallic or non-metallic substances and regardless of whether it is assembled or partially assembled, such as into modules, modularized construction units, or sub-assemblies of fabricated structural steel.

Subject merchandise includes fabricated structural steel that has been assembled or further processed in the subject country or a third country, including but not limited to painting, varnishing, trimming, cutting, drilling, welding, joining, bolting, punching, bending, beveling, riveting, galvanizing, coating, and/or slitting or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the fabricated structural steel.

All products that meet the written physical description of the merchandise covered by the investigation are within the scope of the investigation unless specifically excluded or covered by the scope of an existing antidumping duty order.

Specifically excluded from the scope of the investigation are:

1. Fabricated steel concrete reinforcing bar (rebar) if: (i) It is a unitary piece of fabricated rebar, not joined, welded, or otherwise connected with any other steel product or part; or (ii) it is joined, welded, or otherwise connected only to other rebar.

2. Fabricated structural steel for bridges and bridge sections that meets American Association of State and Highway and Transportation Officials (AASHTO) bridge construction requirements or any state or local derivatives of the AASHTO bridge construction requirements.

3. Pre-engineered metal building systems, which are defined as complete metal buildings that integrate steel framing, roofing and walls to form one, pre-engineered building system, that meet Metal Building Manufacturers Association guide specifications. Pre-engineered metal building systems are typically limited in height to no more than 60 feet or two stories.

4. Steel roof and floor decking systems that meet Steel Deck Institute standards.

5. Open web steel bar joists and joist girders that meet Steel Joist Institute specifications.

6. Also excluded from the scope of the investigation is scaffolding, and parts and accessories thereof, that comply with ANSI/ASSE A10.8–2011—Scaffolding Safety Requirements, and/or Occupational Safety and Health Administration regulations at 29 CFR part 1926 subpart L—Scaffolds. The outside diameter of the scaffold tubing covered by this exclusion ranges from 25mm to 150mm.

7. Excluded from the scope of the investigation are access flooring systems panels and accessories, where such panels have a total thickness ranging from 0.75 inches to 1.75 inches and consist of concrete, wood, other non-steel materials, or hollow space permanently attached to a top and bottom layer of galvanized or painted steel sheet or formed coil steel, the whole of which has been formed into a square or rectangle having a measurement of 24 inches on each side +/− 0.1 inch; 24 inches by 30 inches +/− 0.1 inch; or 24 by 36 inches +/− 0.1 inch.

8. Excluded from the investigation are the following types of steel poles, segments of steel poles, and steel components of those poles:

- Steel Electric Transmission Poles, or segments of such poles, that meet (1) the American Society of Civil Engineers (ASCE)—Design of Steel Transmission Pole Structures, ASCE/SEI 48 or (2) the USDA RUS bulletin 1724E–214 Guide specification for standard class Steel Transmission Poles. The exclusion for steel electric transmission poles also encompasses the following components thereof: Transmission arms which attach to poles; pole bases; angles that do not exceed 8″ x 8″ x 0.75″; steel vangs, steel brackets, steel flanges, and steel caps; safety climbing cables; ladders; and steel templates.
- Steel Electric Substation Poles, or segments of such poles, that meet the American Society of Civil Engineers (ASCE)—Manuals and Reports on Engineering Practice No. 113. The exclusion for steel electric substation poles also encompasses the following components thereof: Substation dead end poles; substation bus stands; substation mast poles, arms, and cross-arms; steel brackets, steel flanges, and steel caps; pole bases; safety climbing cables; ladders; and steel templates.
- Steel Electric Distribution Poles, or segments of such poles, that meet (1) American Society of Civil Engineers (ASCE)—Design of Steel Transmission Pole Structures, ASCE/SEI 48, (2) USDA RUS bulletin 1724E–204 Guide specification for steel single pole and H-frame structures, or (3) ANSI 05.1 height and class requirements for steel poles. The exclusion for steel electric distribution poles also encompasses the following components thereof: Distribution arms and cross-arms; pole bases; angles that do not exceed 8″ x 8″ x 0.75″; steel vangs, steel brackets, steel flanges, and steel caps; safety climbing cables; ladders; and steel templates.
- Steel Traffic Signal Poles, Steel Roadway Lighting Poles, Steel Parking Lot Lighting Poles, and Steel Sports Lighting Poles, or segments of such poles, that meet (1) the American Association of State Highway and Transportation Officials (AASHTO)—Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, (2) any state or local derivatives of the AASHTO highway sign, luminaries, and traffic signals requirements, or (3) American National Standard Institute (ANSI) C136—American National Standard for Roadway and Area Lighting Equipment standards. The exclusion for steel traffic signal poles, steel roadway lighting poles, steel parking lot lighting poles, and steel sports lighting poles also encompasses the following components thereof: Luminaire arms; hand hole rims; hand hole covers; base plates that connect to either the shaft or the arms; mast arm clamps; mast arm tie rods; transformer base boxes; formed full base covers that hide anchor bolts; step lugs; internal cable guides;

lighting cross arms; lighting service platforms; angles that do not exceed 8″ x 8″ x 0.75″; stainless steel hand hole door hinges and wind restraints; steel brackets, steel flanges, and steel caps; safety climbing cables; ladders; and steel templates.

• Communication Poles, or segments of such poles, that meet (1) Telecommunications Industry Association (TIA) ANSI/TIA–222 Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, or (2) American Association of State Highway and Transportation Officials (AASHTO)—Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals. The exclusion for communication poles also encompasses the following components thereof: Luminaire arms; hand hole rims; hand hole covers; base plate that connects the pole to the foundation or arm to the pole; safety climbing cables; ladders; service ground platforms; step lugs; pole steps; steel brackets, steel flanges, and steel caps; angles that do not exceed 8″ x 8″ x 0.75″; coax, and safety brackets; subcomponent kits for antenna mounts weighing 80 lbs. or less; service platforms; ice bridges; stainless steel hand hole door hinges and wind restraints; and steel templates.

• OEM Round or Polygonal Tapered Steel Poles, segments or shaft components of such poles, that meet the (1) ASCE 48 or AASHTO, (2) ANSI/TIA 222, (3) ANSI 05.1, (4) RUS bulletin 1724E–204, or (5) RUS bulletin 1724E–214. The exclusion for OEM round or polygonal tapered steel poles also encompasses the following components thereof: Subcomponent kits for antenna mounts weighing 80 lbs. or less; mounts and platforms; steel brackets, steel flanges, and steel caps; angles that do not exceed 8″ x 8″ x 0.75″; bridge kits; safety climbing cables; ladders; and steel templates.

The inclusion or attachment of one or more of the above-referenced steel poles in a structure containing fabricated structural steel does not remove the fabricated structural steel from the scope of the investigation. No language included in this exclusion should be read or understood to have applicability to any other aspect of this scope or to have applicability to or to exclude any product, part, or component other than those specifically identified in the exclusion.

9. Also excluded from the scope of the investigation are Shuttering, Formworks, Propping and Shoring and parts and accessories thereof that comply with ANSI/ASSE A10.9—Safety Requirements for Concrete and Masonry Work and ACI–347—Recommended Practice for Concrete Formwork. For Shoring and propping made from tube, the outside diameter of the tubing covered by this exclusion ranges from 48mm to 250mm. For Shuttering and Formworks, the panel sizes covered by this exclusion range from 25mm x 600mm to 3000mm x 3000mm.

10. Also excluded from the scope of the investigation are consumer items for do-it-yourself assembly that are prepackaged for retail sale. For the purposes of this exclusion, prepackaged for retail sale means that, at the time of importation, all components necessary to assemble the merchandise, including all steel components, all accessory parts (*e.g.,* screws, bolts, washers, nails), and instructions providing guidance on the assembly of the finished merchandise or directions on where to find such instructions, are enclosed in retail packaging, such that an end-use, retail consumer could assemble the completed product with no additional components. The items may enter the United States in one or in multiple retail packages as long as all of the components are imported together.

The products subject to the investigation are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings: 7308.90.3000, 7308.90.6000, and 7308.90.9590.

The products subject to the investigation may also enter under the following HTSUS subheadings: 7216.91.0010, 7216.91.0090, 7216.99.0010, 7216.99.0090, 7222.40.6000, 7228.70.6000, 7301.10.0000, 7301.20.1000, 7301.20.5000, 7308.40.0000, 7308.90.9530, and 9406.90.0030.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Investigation
IV. Scope Comments
V. Changes Since the Preliminary Determination
VI. Analysis of Comments
General
Comment 1: Whether There Was Sufficient Industry Support To Initiate This Investigation
Comment 2: Calculation of U.S. Price
Comment 3: Revisions to the Fabricated Structural Steel Ratio
Comment 4: Whether To Deduct Use Taxes From U.S. Price
Beauce-Atlas
Comment 5: Beauce-Atlas' Reporting of the Substantial Completion Date for Certain Projects
Comment 6: Collapsing Beauce-Atlas' Affiliate, Les Dessins de Structures Steltec
Comment 7: Whether Commerce Double Counted a Billing Adjustment in the *Preliminary Determination*
Comment 8: Adjusting Revenue for One Home Market Project With a Delayed Payment
Comment 9: Calculating General and Administrative Expenses and Interest Expenses Based on the Revised Cost of Manufacturing
Canatal
Comment 10: Treatment of All of Canatal's U.S. Sales as Constructed Export Price Sales
Comment 11: Canatal's Further Manufacturing Costs for a Constructed Export Price Sale
Comment 12: Whether One U.S. Project is In-Scope Merchandise
Comment 13: Revisions to Canatal's Data Based on Commerce's Verification Findings
Comment 14: Calculation of Constructed Value Selling Expenses and Profit
VII. Recommendation

[FR Doc. 2020–01718 Filed 1–29–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–102]

Certain Fabricated Structural Steel From the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that certain fabricated structural steel (fabricated structural steel) from the People's Republic of China (China) is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation is July 1, 2018 through December 31, 2018. The final dumping margins of sales at LTFV are listed below in the ''Final Determination'' section of this notice.

DATES: Applicable January 30, 2020.

FOR FURTHER INFORMATION CONTACT: Manuel Rey or Benjamin Luberda, 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) 482–5518 or (202) 482–2185, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 10, 2019, Commerce published the *Preliminary Determination* of sales at LTFV of fabricated structural steel from China,[1] in which we also postponed the final determination to January 23, 2020. The petitioner in this investigation is the American Institute of Steel Construction Full Member Subgroup. The mandatory respondents in this investigation are Jinhuan Construction Group (JCG), Modern Heavy Industries (Taicang) Co., Ltd. (Modern Heavy), and Wison

[1] *See Certain Fabricated Structural Steel from the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 84 FR 47491 (September 10, 2019) (*Preliminary Determination*) and accompanying Preliminary Decision Memorandum.

(Nantong) Heavy Industry Co. Ltd. (Wison).[2]

A summary of the events that occurred since Commerce published the *Preliminary Determination,* as well as a full discussion of the issues raised by the parties for this final determination are discussed in the Issues and Decision Memorandum.[3] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and is available to all parties in the Central Records Unit, room B8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Scope of the Investigation

The product covered by this investigation is fabricated structural steel from China. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[5] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* Commerce addressed these comments in the *Preliminary Determination,* wherein Commerce preliminarily modified the scope language.

In addition, certain interested parties commented on Commerce's preliminary scope decisions. For a summary of the product coverage comments and rebuttal comments submitted to the record for this final determination, and accompanying discussion and analysis of all comments timely received, *see* the Final Scope Decision Memorandum.[6] Based on the comments received, Commerce is modifying the scope language as it appeared in the *Preliminary Determination. See* the revised scope in Appendix I of this notice.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues raised is attached to this notice as Appendix II.

Verification

As provided in section 782(i) of the Tariff Act of 1930, as amended (the Act), in September 2019, we conducted verifications of the sales and factors of production (FOP) data reported by JCG and Wison. We used standard verification procedures, including an examination of relevant accounting and production records, and original source documents provided by JCG and Wison.

In addition, as provided in section 782(i) of Act, in September 2019, we also attempted to verify the sales and factors information submitted by Modern Heavy, using standard verification procedures. However, as explained in the Issues and Decision Memorandum, we were unable to validate the accuracy of Modern Heavy's FOP reporting.[7] As a consequence, we find that Modern Heavy's reported FOP data are unverifiable, and thus cannot serve as a reliable basis for reaching a determination in this investigation. For further discussion, *see* the Issues and Decision Memorandum at Comment 12.

Changes Since the Preliminary Determination

Based on our review and analysis of the comments received from parties, minor corrections presented at verification, and our verification findings, we made certain changes to the antidumping duty margin calculations for Modern Heavy, JCG, and Wison. As a result of the changes to the respondents' calculated rates, Commerce has revised the rate for those companies entitled to a separate rate, and the China-wide entity. For a discussion of these changes, *see* the Issues and Decision Memorandum and the Final Calculation Memoranda.[8]

Adverse Facts Available

In determining Modern Heavy's dumping margin, we find that the application of facts available is appropriate under sections 776(a)(2)(A) through (D) of the Act because Modern Heavy withheld information requested by Commerce, did not submit requested information by the established deadline in the form or manner requested, and provided information that was unable to be verified. Further, *in toto,* we find that these actions significantly impeded the proceeding. Additionally, we find that Modern Heavy did not cooperate to the best of its ability to comply with Commerce's requests for information, and thus, an adverse inference is warranted in selecting from the facts available, within the meaning of section 776(b) of the Act. Therefore, as AFA, we have assigned Modern Heavy the highest transaction-specific dumping margin calculated for Wison, which is 154.14 percent. For further discussion, *see* the Issues and Decision Memorandum at ''Use of Adverse Facts Available'' and Comment 12.

For the reasons explained in the *Preliminary Determination,* we continue to find that the use of adverse facts available (AFA), pursuant to sections 776(a) and (b) of the Act, is warranted in determining the rate for the China-wide entity.[9] In selecting the AFA rate for the China-wide entity, Commerce's practice is to select a rate that is sufficiently adverse to ensure that the uncooperative party does not obtain a more favorable result by failing to cooperate than if it had fully cooperated.[10] For the final determination, we are assigning the China-wide entity, as AFA, the highest transaction-specific margin of 154.14 percent, which is for Wison. Because this constitutes primary information, the statutory corroboration requirement in

[2] Consistent with our *Preliminary Determination,* we are treating Wison (Nantong) Heavy Industry Co., Ltd. and its affiliate Wison Offshore & Marine (Hong Kong) Limited, as a single-entity (collectively, Wison).

[3] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Certain Fabricated Structural Steel from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[5] *See Certain Fabricated Structural Steel from Canada, Mexico, and the People's Republic of China: Initiation of Less-Than-Fair-Value Investigations,* 84 FR 7330, 7331 (March 4, 2019) (*Initiation Notice*).

[6] *See* Memorandum, ''Fabricated Structural Steel from Canada, Mexico, and the People's Republic of China: Final Scope Decision Memorandum,'' dated concurrently with, and hereby adopted by, this notice (Final Scope Decision Memorandum).

[7] For discussion of our verification findings, *see* the Memorandum, ''Verification of the Responses of Modern Heavy Industries (Taicang) Co., Ltd. in the Less-Than-Fair-Value Investigation of Certain Fabricated Structural Steel from the People's Republic of China,'' dated November 14, 2019.

[8] *See* Memoranda, ''Final Analysis Memorandum for JCG;'' and ''Final Analysis Memorandum for Wison,'' dated concurrently with this notice (collectively, Final Calculation Memoranda).

[9] The China-wide entity includes those companies who did not submit a separate rate application, and those companies Commerce determined were ineligible to receive a separate rate.

[10] *See, e.g., Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Purified Carboxymethyl Cellulose from Finland,* 69 FR 77216 (December 27, 2004), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value: Purified Carboxymethyl Cellulose from Finland,* 70 FR 28279 (May 17, 2005).

section 776(c) of the Act does not apply. For further discussion, *see* the Issues and Decision Memorandum at ''Use of Adverse Facts Available.''

Separate Rates

For the final determination, we continue to find that JCG, Modern Heavy, and Wison are eligible for separate rates. Generally, Commerce looks to section 735(c)(5)(A) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when calculating the rate for separate rate respondents that we did not individually examine. Section 735(c)(5)(A) of the Act states that the estimated all-others rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding zero or *de minimis* margins, and any margins determined entirely under section 776 of Act.[11] In this proceeding, Commerce calculated above *de minimis* rates that are not based entirely on facts available for two mandatory respondents under individual examination, *i.e.,* JCG and Wison. Thus, looking to section 735(c)(5)(A) of the Act for guidance, and consistent with our practice,[12] based on publicly ranged sales data, we are assigning the weighted-average of these mandatory respondents' rates as the rate for non-individually examined companies that have qualified for a separate rate, other than Modern Heavy, whose rate is based entirely on section 776 of the Act as discussed above.

Combination Rates

In the *Initiation Notice,*[13] Commerce stated that it would calculate producer/exporter combination rates for the respondents that are eligible for a separate rate in this investigation. For a list of the respondents that established eligibility for their own separate rates and the exporter/producer combination rates applicable to these respondents, *see* Appendix III.

Final Determination

The final estimated weighted-average dumping margins are as follows:

Exporter	Producer	Estimated weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offset) (percent)
Jinhuan Construction Group	Jinhuan Construction Group	61.71	51.17
Modern Heavy Industries (Taicang) Co., Ltd	Modern Heavy Industries (Taicang) Co., Ltd	154.14	143.60
Wison (Nantong) Heavy Industry Co., Ltd./Wison Offshore & Marine (Hong Kong) Limited.	Wison (Nantong) Heavy Industry Co., Ltd	90.52	79.98
Non-Individually Examined Exporters Receiving Separate Rates (*see* Appendix III).	Producers Supplying the Non-Individually-Examined Exporters (*see* Appendix III).	72.19	61.65
China-Wide Entity	China-Wide Entity	154.14	143.60

Disclosure

Commerce intends to disclose the calculations performed in connection with this final determination within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to suspend liquidation of all appropriate entries of fabricated structural steel from JCG, Modern Heavy, Wison, the separate rates companies, and the China-wide entity.

To determine the cash deposit rate, Commerce normally adjusts the estimated weighted-average dumping margin by the amount of domestic subsidy pass-through and export subsidies determined in a companion CVD proceeding when CVD provisional measures are in effect. Accordingly, where Commerce makes an affirmative determination for domestic subsidy pass-through or export subsidies, Commerce offsets the calculated estimated weighted-average dumping margin by the appropriate rate(s). In this case, we have made a negative determination for domestic subsidy pass-through for all respondents, but have also found export subsidies for all respondents. However, suspension of liquidation for provisional measures in the companion CVD case has been discontinued; therefore, we are not instructing CBP to collect cash deposits based upon the adjusted estimated weighted-average dumping margin for those export subsidies at this time.

In addition, pursuant to section 735(c)(1)(B)(ii) of the Act, Commerce will instruct CBP to require a cash deposit equal to the weighted-average amount by which NV exceeds U.S. price as follows: (1) The cash deposit rate for the exporter/producer combination listed in the table above or in Appendix III will be the rate identified for that combination in that table or Appendix III; (2) for all combinations of exporters/producers of merchandise under consideration that have not received their own separate rate above or in Appendix III, the cash deposit rate will be the cash deposit rate established for the China-wide entity; and (3) for all non-Chinese exporters of the merchandise under consideration which have not received their own separate rate above, the cash deposit rate will be the cash deposit rate applicable to the Chinese exporter/producer combination that supplied that non-Chinese exporter. These suspension of liquidation instructions will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of our determination. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make

[11] *See, e.g., Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews and Rescission of Reviews in Part,* 73 FR 52823, 52824 (September 11, 2008), and accompanying Issues and Decision Memorandum at Comment 16.

[12] *See, e.g., Preliminary Determination of Sales at Less Than Fair Value and Partial Affirmative Determination of Critical Circumstances: Certain Polyester Staple Fiber from the People's Republic of China,* 71 FR 77373, 77377 (December 26, 2006), unchanged in *Final Determination of Sales at Less Than Fair Value and Partial Affirmative Determination of Critical Circumstances: Certain Polyester Staple Fiber from the People's Republic of China,* 72 FR 19690 (April 19, 2007).

[13] *See Initiation Notice,* 84 FR 7330, 7335.

its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of fabricated structural steel from China no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Orders

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: January 23, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by the investigation is carbon and alloy fabricated structural steel. Fabricated structural steel is made from steel in which: (1) Iron predominates, by weight, over each of the other contained elements; and (2) the carbon content is two percent or less by weight. Fabricated structural steel products are steel products that have been fabricated for erection or assembly into structures, including, but not limited to, buildings (commercial, office, institutional, and multi-family residential); industrial and utility projects; parking decks; arenas and convention centers; medical facilities; and ports, transportation and infrastructure facilities. Fabricated structural steel is manufactured from carbon and alloy (including stainless) steel products such as angles, columns, beams, girders, plates, flange shapes (including manufactured structural shapes utilizing welded plates as a substitute for rolled wide flange sections), channels, hollow structural section (HSS) shapes, base plates, and plate-work components. Fabrication includes, but is not limited to cutting, drilling, welding, joining, bolting, bending, punching, pressure fitting, molding, grooving, adhesion, beveling, and riveting and may include items such as fasteners, nuts, bolts, rivets, screws, hinges, or joints.

The inclusion, attachment, joining, or assembly of non-steel components with fabricated structural steel does not remove the fabricated structural steel from the scope.

Fabricated structural steel is covered by the scope of the investigation regardless of whether it is painted, varnished, or coated with plastics or other metallic or non-metallic substances and regardless of whether it is assembled or partially assembled, such as into modules, modularized construction units, or sub-assemblies of fabricated structural steel.

Subject merchandise includes fabricated structural steel that has been assembled or further processed in the subject country or a third country, including but not limited to painting, varnishing, trimming, cutting, drilling, welding, joining, bolting, punching, bending, beveling, riveting, galvanizing, coating, and/or slitting or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the fabricated structural steel.

All products that meet the written physical description of the merchandise covered by the investigation are within the scope of the investigation unless specifically excluded or covered by the scope of an existing antidumping duty order.

Specifically excluded from the scope of the investigation are:

1. Fabricated steel concrete reinforcing bar (rebar) if: (i) It is a unitary piece of fabricated rebar, not joined, welded, or otherwise connected with any other steel product or part; or (ii) it is joined, welded, or otherwise connected only to other rebar.

2. Fabricated structural steel for bridges and bridge sections that meets American Association of State and Highway and Transportation Officials (AASHTO) bridge construction requirements or any state or local derivatives of the AASHTO bridge construction requirements.

3. Pre-engineered metal building systems, which are defined as complete metal buildings that integrate steel framing, roofing and walls to form one, pre-engineered building system, that meet Metal Building Manufacturers Association guide specifications. Pre-engineered metal building systems are typically limited in height to no more than 60 feet or two stories.

4. Steel roof and floor decking systems that meet Steel Deck Institute standards.

5. Open web steel bar joists and joist girders that meet Steel Joist Institute specifications.

6. Also excluded from the scope of the investigation is scaffolding, and parts and accessories thereof, that comply with ANSI/ASSE A10.8—2011—Scaffolding Safety Requirements, and/or Occupational Safety and Health Administration regulations at 29 CFR part 1926 subpart L—Scaffolds. The outside diameter of the scaffold tubing covered by this exclusion ranges from 25mm to 150mm.

7. Excluded from the scope of the investigation are access flooring systems panels and accessories, where such panels have a total thickness ranging from 0.75 inches to 1.75 inches and consist of concrete, wood, other non-steel materials, or hollow space permanently attached to a top and bottom layer of galvanized or painted steel sheet or formed coil steel, the whole of which has been formed into a square or rectangle having a measurement of 24 inches on each side ± 0.1 inch; 24 inches by 30 inches ± 0.1 inch; or 24 by 36 inches ± 0.1 inch.

8. Excluded from the investigation are the following types of steel poles, segments of steel poles, and steel components of those poles:

- Steel Electric Transmission Poles, or segments of such poles, that meet (1) the American Society of Civil Engineers (ASCE)—Design of Steel Transmission Pole Structures, ASCE/SEI 48 or (2) the USDA RUS bulletin 1724E–214 Guide specification for standard class Steel Transmission Poles. The exclusion for steel electric transmission poles also encompasses the following components thereof: Transmission arms which attach to poles; pole bases; angles that do not exceed 8″ x 8″ x 0.75″; steel vangs, steel brackets, steel flanges, and steel caps; safety climbing cables; ladders; and steel templates.
- Steel Electric Substation Poles, or segments of such poles, that meet the American Society of Civil Engineers (ASCE)—Manuals and Reports on Engineering Practice No. 113. The exclusion for steel electric substation poles also encompasses the following components thereof: Substation dead end poles; substation bus stands; substation mast poles, arms, and cross-arms; steel brackets, steel flanges, and steel caps; pole bases; safety climbing cables; ladders; and steel templates.
- Steel Electric Distribution Poles, or segments of such poles, that meet (1) American Society of Civil Engineers (ASCE)—Design of Steel Transmission Pole Structures, ASCE/SEI 48, (2) USDA RUS bulletin 1724E–204 Guide specification for steel single pole and H-frame structures, or (3) ANSI 05.1 height and class requirements for steel poles. The exclusion for steel electric distribution poles also encompasses the following components thereof: Distribution arms and cross-arms; pole bases; angles that do not exceed 8″ x 8″ x 0.75″; steel vangs, steel brackets, steel flanges, and steel caps; safety climbing cables; ladders; and steel templates.
- Steel Traffic Signal Poles, Steel Roadway Lighting Poles, Steel Parking Lot Lighting Poles, and Steel Sports Lighting Poles, or segments of such poles, that meet (1) the American Association of State Highway and Transportation Officials (AASHTO)—

Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, (2) any state or local derivatives of the AASHTO highway sign, luminaries, and traffic signals requirements, or (3) American National Standard Institute (ANSI) C136—American National Standard for Roadway and Area Lighting Equipment standards. The exclusion for steel traffic signal poles, steel roadway lighting poles, steel parking lot lighting poles, and steel sports lighting poles also encompasses the following components thereof: Luminaire arms; hand hole rims; hand hole covers; base plates that connect to either the shaft or the arms; mast arm clamps; mast arm tie rods; transformer base boxes; formed full base covers that hide anchor bolts; step lugs; internal cable guides; lighting cross arms; lighting service platforms; angles that do not exceed 8″ x 8″ x 0.75″; stainless steel hand hole door hinges and wind restraints; steel brackets, steel flanges, and steel caps; safety climbing cables; ladders; and steel templates.

• Communication Poles, or segments of such poles, that meet (1) Telecommunications Industry Association (TIA) ANSI/TIA–222 Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, or (2) American Association of State Highway and Transportation Officials (AASHTO)—Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals. The exclusion for communication poles also encompasses the following components thereof: Luminaire arms; hand hole rims; hand hole covers; base plate that connects the pole to the foundation or arm to the pole; safety climbing cables; ladders; service ground platforms; step lugs; pole steps; steel brackets, steel flanges, and steel caps; angles that do not exceed 8″ x 8″ x 0.75″; coax, and safety brackets; subcomponent kits for antenna mounts weighing 80 lbs. or less; service platforms; ice bridges; stainless steel hand hole door hinges and wind restraints; and steel templates.

• OEM Round or Polygonal Tapered Steel Poles, segments or shaft components of such poles, that meet the (1) ASCE 48 or AASHTO, (2) ANSI/TIA 222, (3) ANSI 05.1, (4) RUS bulletin 1724E–204, or (5) RUS bulletin 1724E–214. The exclusion for OEM round or polygonal tapered steel poles also encompasses the following components thereof: Subcomponent kits for antenna mounts weighing 80 lbs. or less; mounts and platforms; steel brackets, steel flanges, and steel caps; angles that do not exceed 8″ x 8″ x 0.75″; bridge kits; safety climbing cables; ladders; and steel templates.

The inclusion or attachment of one or more of the above-referenced steel poles in a structure containing fabricated structural steel does not remove the fabricated structural steel from the scope of the investigation. No language included in this exclusion should be read or understood to have applicability to any other aspect of this scope or to have applicability to or to exclude any product, part, or component other than those specifically identified in the exclusion.

9. Also excluded from the scope of the investigation are Shuttering, Formworks, Propping and Shoring and parts and accessories thereof that comply with ANSI/ASSE A10.9—Safety Requirements for Concrete and Masonry Work and ACI–347—Recommended Practice for Concrete Formwork. For Shoring and propping made from tube, the outside diameter of the tubing covered by this exclusion ranges from 48mm to 250mm. For Shuttering and Formworks, the panel sizes covered by this exclusion range from 25mm X 600mm to 3000mm X 3000mm.

10. Also excluded from the scope of the investigation are consumer items for do-it-yourself assembly that are prepackaged for retail sale. For the purposes of this exclusion, prepackaged for retail sale means that, at the time of importation, all components necessary to assemble the merchandise, including all steel components, all accessory parts (*e.g.,* screws, bolts, washers, nails), and instructions providing guidance on the assembly of the finished merchandise or directions on where to find such instructions, are enclosed in retail packaging, such that an end-use, retail consumer could assemble the completed product with no additional components. The items may enter the United States in one or in multiple retail packages as long as all of the components are imported together.

The products subject to the investigation are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings: 7308.90.3000, 7308.90.6000, and 7308.90.9590.

The products subject to the investigation may also enter under the following HTSUS subheadings: 7216.91.0010, 7216.91.0090, 7216.99.0010, 7216.99.0090, 7222.40.6000, 7228.70.6000, 7301.10.0000, 7301.20.1000, 7301.20.5000, 7308.40.0000, 7308.90.9530, and 9406.90.0030.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

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II. Background
III. Scope of the Investigation
IV. Scope Comments
V. Use of Adverse Facts Available
VI. Changes Since the Preliminary Determination
VII. Adjustment Under Section 777A(f) of the Act
VIII. Adjustments to Cash Deposit Rates for Export Subsidies
IX. Discussion of the Issues
General Comments
Comment 1: Value Added Tax
Surrogate Values
Comment 2: Surrogate Country
Comment 3: Surrogate Value for Ocean Freight
Comment 4: Surrogate Value for Truck Freight
Comment 5: Surrogate Value for Timber
Comment 6: Surrogate Value for JCG's Market Economy Input
Comment 7: Surrogate Value for Angle and Channel Steel
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Comment 9: Surrogate Value for Wison's Packing Input
Comment 10: Selling and Distribution Expenses
Company-Specific Comments
Comment 11: JCG's U.S. Sale Classification
Comment 12: Modern Heavy's Verification Failures
Comment 13: Modern Heavy's Moot Arguments
Comment 14: Wison's Galvanizing Costs
Comment 15: Wison's Further Manufacturing Costs
Comment 16: Wison's Further Manufacturing General and Administrative Expenses
Comment 17: Wison's Steel Scrap Offset
Comment 18: United Steel Structures Ltd.'s Separate Rate
X. Recommendation

Appendix III

SEPARATE RATE COMPANIES

Exporter	Producer
Non-individually examined exporters receiving separate rates	Producers supplying the non-individually-examined exporters
Beijing Chengdong International Modular Housing Corporation	Beijing Chengdong International Modular Housing Corporation.
Brantingham & Carroll International Ltd. AKA BCI Engineering	Suzhou Baojia New Energy Technology Co., Ltd.
Brantingham & Carroll International Ltd. AKA BCI Engineering	Suzhou Unique Precision Technology Co., Ltd.
Brantingham & Carroll International Ltd. AKA BCI Engineering	Yueqing Yihua New Energy Technology Co., Ltd.
Shanghai Shuangyan Chemical Equipment Manufacturing Co., Ltd	Shanghai Shuangyan Chemical Equipment Manufacturing Co., Ltd.
Shandhai Yanda Engineering Co., Ltd	Shandhai Yanda Engineering Co., Ltd.
WAP Intelligence Storage Equipment (Shanghai) Corp., Ltd	WAP Intelligence Storage Equipment (Shanghai) Corp., Ltd.
Wuxi Hengtong Metal Framing System Co., Ltd	Wuxi Hengtong Metal Framing System Co., Ltd.
Wuxi Huishan Metalwork Technology Co., Ltd	Wuxi Huishan Metalwork Technology Co., Ltd.

SEPARATE RATE COMPANIES—Continued

Exporter	Producer
Non-individually examined exporters receiving separate rates	Producers supplying the non-individually-examined exporters
Yanda (Haimen) Heavy Equipment Manufacturing Co., Ltd	Yanda (Haimen) Heavy Equipment Manufacturing Co., Ltd.

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–201–851]

Certain Fabricated Structural Steel From Mexico: Final Affirmative Countervailing Duty Determination

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 certain fabricated structural steel (fabricated structural steel) from Mexico. The period of investigation is January 1, 2018 through December 31, 2018.

DATES: Applicable January 30, 2020.

FOR FURTHER INFORMATION CONTACT: Maliha Khan, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0895.

SUPPLEMENTARY INFORMATION:

Background

On July 12, 2019, Commerce published the *Preliminary Determination.*[1] The petitioner in this investigation is the American Institute of Steel Construction Full Member Subgroup. In addition to the Government of Mexico (GOM), the mandatory respondents in this investigation are Building Systems de Mexico, S.A. de C.V. (BSM) and Corey S.A. de C.V. (Corey).

A summary of the events that occurred since Commerce published the *Preliminary Determination,* as well as a full discussion of the issues raised by parties for this final determination, are discussed in the Issues and Decision Memorandum, which is hereby adopted by this notice.[2] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov* and is available to all parties in the Central Records Unit, room B8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Scope of the Investigation

The products covered by this investigation is fabricated structural steel from Mexico. For a complete description of the scope of the investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,[3] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[4] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* Commerce addressed these comments in the *Preliminary Determination,* wherein Commerce preliminarily modified the scope language.

In addition, certain interested parties commented on Commerce's preliminary scope decisions. For a summary of the product coverage comments and rebuttal comments submitted to the record for this final determination, and accompanying discussion and analysis of all comments timely received, *see* the Final Scope Decision Memorandum.[5] Based on the comments received, Commerce is modifying the scope language as it appeared in the *Preliminary Determination. See* the revised scope in Appendix I to this notice.

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation and the issues raised in the case and rebuttal briefs by parties in this investigation are discussed in the Issues and Decision Memorandum. A list of the issues that parties raised is attached to this notice as Appendix II.

Methodology

Commerce conducted this investigation in accordance with section 701 of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, Commerce determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[6] For a full description of the methodology underlying our final determination, *see* the Issues and Decision Memorandum.

Use of Adverse Facts Available (AFA)

For purposes of this final determination, we relied on facts available, and because certain respondents did not act to the best of their ability in responding to Commerce's requests for information, we drew an adverse inference, where appropriate, in selecting from among the facts otherwise available in accordance with sections 776(a) and (b) of the Act.[7] A full discussion of our decision to rely on adverse facts available is presented in the ''Use of Facts Otherwise Available and Adverse Inferences'' section of the Issues and Decision Memorandum.

[1] *See Certain Fabricated Structural Steel from Mexico: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination with Final Antidumping Duty Determination,* 84 FR 33227 (July 12, 2019). (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Determination in the Countervailing Duty Investigation of Certain Fabricated Structural Steel from Mexico,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[4] *See Certain Fabricated Structural Steel from Canada, Mexico, and the People's Republic of China: Initiation of Less-Than-Fair-Value Investigations,* 84 FR 7330, 7331 (March 4, 2019) (*Initiation Notice*).

[5] *See* Memorandum, ''Fabricated Structural Steel from Canada, Mexico, and the People's Republic of China: Final Scope Decision Memorandum,'' dated concurrently with, and hereby adopted by, this notice (Final Scope Decision Memorandum).

[6] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[7] *See* sections 776(a) and (b) of the Act.

Verification

As provided in section 782(i) of the Act, in August 2019, Commerce verified the subsidy information reported by BSM, Corey, and the GOM. We used standard verification procedures, including an examination of relevant accounting records and original source documents provided by the respondents.[8]

Changes Since the Preliminary Determination

Based on our review and analysis of the comments received from parties, we made certain changes to Commerce's application of adverse facts available to certain companies. For a discussion of these changes, *see* the Issues and Decision Memorandum.

Final Determination

In accordance with section 705(c)(1)(B)(i)(I) of the Act, we calculated individual estimated countervailable subsidy rates for BSM and Corey and established subsidy rates for the 5 companies that failed to respond to Commerce's quantity and value questionnaire by applying AFA. Section 705(c)(5)(A)(i) of the Act states that, for companies not individually investigated, Commerce will determine an all-others rate equal to the weighted-average countervailable subsidy rates established for exporters and producers individually examined, excluding any zero and *de minimis* countervailable subsidy rates, and any rates determined entirely under section 776 of the Act.

In this investigation, Commerce has found a *de minimis* rate for mandatory respondent BSM. Therefore, the only rate that is not zero, *de minimis* or based entirely on facts otherwise available for exporters or producers individually examined is the rate calculated for Corey. Consequently, the rate calculated for Corey is also assigned as the rate for all other producers and exporters.

Commerce determines the total estimated net countervailable subsidy rates to be the following:

Company	Subsidy rate (percent)
Building Systems de Mexico, S.A. de C.V	0.01
Corey S.A. de C.V.[9]	13.62
Acero Technologia, S.A. de C.V	68.87
Construcciones Industriales Tapia S.A. de C.V	68.87
Estructuras Metalicas la Popular S.A. de C.V./MSCI	68.87
Operadora CICSA, S. A. de C. V. Swecomex—Guadalajara	68.87
Preacero Pellizzari Mexico S.A. de C.V	68.87
All Others	13.62

Disclosure

Commerce intends to disclose the calculations performed in connection with this final determination within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

As a result of our *Preliminary Determination,* and pursuant to sections 703(d)(1)(B) and (d)(2) of the Act, Commerce instructed U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in the scope of the investigation section, that was entered or withdrawn from warehouse for consumption on or after July 12, 2019, the date of publication of the *Preliminary Determination* in the **Federal Register**. In accordance with section 703(d) of the Act, we issued instructions to CBP to discontinue the suspension of liquidation for countervailing duty (CVD) purposes for subject merchandise entered, or withdrawn from warehouse, on or after November 9, 2019 but to continue the suspension of liquidation of all entries from July 12, 2019 through November 8, 2019.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a CVD order, reinstate the suspension of liquidation under section 706(a) of the Act, and will require a cash deposit of estimated countervailing duties for such entries of subject merchandise in the amounts indicated above. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. Because the final determination in this proceeding is affirmative, in accordance with section 705(b) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of fabricated structural steel from China no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue a CVD order directing CBP to assess, upon further instruction by Commerce, countervailing duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Orders

In the event the ITC issues a final negative injury determination, this notice serves as the only reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

Notification to Interested Parties

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act and 19 CFR 351.210(c).

Dated: January 23, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by the investigation is carbon and alloy fabricated structural steel. Fabricated structural steel is made from steel in which: (1) Iron predominates, by weight, over each of the other contained elements; and (2) the carbon content is two percent or less by weight.

[8] *See* Memoranda, ''Countervailing Duty Investigation of Certain Fabricated Structural Steel from Mexico: Verification of the Questionnaire Responses of Building Systems de Mexico S.A. de C.V.,'' dated September 6, 2019; ''Countervailing Duty Investigation of Certain Fabricated Structural Steel from Mexico: Verification of the Questionnaire Responses of Corey S.A. de C.V.,'' dated September 26, 2019; and ''Countervailing Duty Investigation of Certain Fabricated Structural Steel from Mexico: Verification of the Questionnaire Responses of the Government of Mexico,'' dated September 10, 2019.

[9] As discussed in the Preliminary Decision Memorandum, Commerce has found the following companies to be cross-owned with Corey: Inversiones de Jalisco, S.A. de C.V.; Aceros Corey, S.A.P.I. de C.V.; Industrias Recal, S.A. de C.V.; 6190, S.A. de C.V; Servicios Integrales Corey, S.A. de C.V.; Servicios Técnicos Corey, S.A. de C.V.; Estructuras de Acero CVGS, S.A. de C.V.; and Operadora Industrial El Salto, S.A. de C.V. *See* Preliminary Decision Memorandum at 15.

Fabricated structural steel products are steel products that have been fabricated for erection or assembly into structures, including, but not limited to, buildings (commercial, office, institutional, and multi-family residential); industrial and utility projects; parking decks; arenas and convention centers; medical facilities; and ports, transportation and infrastructure facilities. Fabricated structural steel is manufactured from carbon and alloy (including stainless) steel products such as angles, columns, beams, girders, plates, flange shapes (including manufactured structural shapes utilizing welded plates as a substitute for rolled wide flange sections), channels, hollow structural section (HSS) shapes, base plates, and plate-work components. Fabrication includes, but is not limited to cutting, drilling, welding, joining, bolting, bending, punching, pressure fitting, molding, grooving, adhesion, beveling, and riveting and may include items such as fasteners, nuts, bolts, rivets, screws, hinges, or joints.

The inclusion, attachment, joining, or assembly of non-steel components with fabricated structural steel does not remove the fabricated structural steel from the scope.

Fabricated structural steel is covered by the scope of the investigation regardless of whether it is painted, varnished, or coated with plastics or other metallic or non-metallic substances and regardless of whether it is assembled or partially assembled, such as into modules, modularized construction units, or sub-assemblies of fabricated structural steel.

Subject merchandise includes fabricated structural steel that has been assembled or further processed in the subject country or a third country, including but not limited to painting, varnishing, trimming, cutting, drilling, welding, joining, bolting, punching, bending, beveling, riveting, galvanizing, coating, and/or slitting or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the fabricated structural steel.

All products that meet the written physical description of the merchandise covered by the investigation are within the scope of the investigation unless specifically excluded or covered by the scope of an existing countervailing duty order.

Specifically excluded from the scope of the investigation are:

1. Fabricated steel concrete reinforcing bar (rebar) if: (i) It is a unitary piece of fabricated rebar, not joined, welded, or otherwise connected with any other steel product or part; or (ii) it is joined, welded, or otherwise connected only to other rebar.

2. Fabricated structural steel for bridges and bridge sections that meets American Association of State and Highway and Transportation Officials (AASHTO) bridge construction requirements or any state or local derivatives of the AASHTO bridge construction requirements.

3. Pre-engineered metal building systems, which are defined as complete metal buildings that integrate steel framing, roofing and walls to form one, pre-engineered building system, that meet Metal Building Manufacturers Association guide specifications. Pre-engineered metal building systems are typically limited in height to no more than 60 feet or two stories.

4. Steel roof and floor decking systems that meet Steel Deck Institute standards.

5. Open web steel bar joists and joist girders that meet Steel Joist Institute specifications.

6. Also excluded from the scope of the investigation is scaffolding, and parts and accessories thereof, that comply with ANSI/ASSE A10.8—2011—Scaffolding Safety Requirements, and/or Occupational Safety and Health Administration regulations at 29 CFR part 1926 subpart L—Scaffolds. The outside diameter of the scaffold tubing covered by this exclusion ranges from 25mm to 150mm.

7. Excluded from the scope of the investigation are access flooring systems panels and accessories, where such panels have a total thickness ranging from 0.75 inches to 1.75 inches and consist of concrete, wood, other non-steel materials, or hollow space permanently attached to a top and bottom layer of galvanized or painted steel sheet or formed coil steel, the whole of which has been formed into a square or rectangle having a measurement of 24 inches on each side ± 0.1 inch; 24 inches by 30 inches ± 0.1 inch; or 24 by 36 inches ± 0.1 inch.

8. Excluded from the investigation are the following types of steel poles, segments of steel poles, and steel components of those poles:

- Steel Electric Transmission Poles, or segments of such poles, that meet (1) the American Society of Civil Engineers (ASCE)—Design of Steel Transmission Pole Structures, ASCE/SEI 48 or (2) the USDA RUS bulletin 1724E–214 Guide specification for standard class Steel Transmission Poles. The exclusion for steel electric transmission poles also encompasses the following components thereof: Transmission arms which attach to poles; pole bases; angles that do not exceed 8″ x 8″ x 0.75″; steel vangs, steel brackets, steel flanges, and steel caps; safety climbing cables; ladders; and steel templates.
- Steel Electric Substation Poles, or segments of such poles, that meet the American Society of Civil Engineers (ASCE)—Manuals and Reports on Engineering Practice No. 113. The exclusion for steel electric substation poles also encompasses the following components thereof: Substation dead end poles; substation bus stands; substation mast poles, arms, and cross-arms; steel brackets, steel flanges, and steel caps; pole bases; safety climbing cables; ladders; and steel templates.
- Steel Electric Distribution Poles, or segments of such poles, that meet (1) American Society of Civil Engineers (ASCE)—Design of Steel Transmission Pole Structures, ASCE/SEI 48, (2) USDA RUS bulletin 1724E–204 Guide specification for steel single pole and H-frame structures, or (3) ANSI 05.1 height and class requirements for steel poles. The exclusion for steel electric distribution poles also encompasses the following components thereof: Distribution arms and cross-arms; pole bases; angles that do not exceed 8″ x 8″ x 0.75″; steel vangs, steel brackets, steel flanges, and steel caps; safety climbing cables; ladders; and steel templates.
- Steel Traffic Signal Poles, Steel Roadway Lighting Poles, Steel Parking Lot Lighting Poles, and Steel Sports Lighting Poles, or segments of such poles, that meet (1) the American Association of State Highway and Transportation Officials (AASHTO)—Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, (2) any state or local derivatives of the AASHTO highway sign, luminaries, and traffic signals requirements, or (3) American National Standard Institute (ANSI) C136—American National Standard for Roadway and Area Lighting Equipment standards. The exclusion for steel traffic signal poles, steel roadway lighting poles, steel parking lot lighting poles, and steel sports lighting poles also encompasses the following components thereof: Luminaire arms; hand hole rims; hand hole covers; base plates that connect to either the shaft or the arms; mast arm clamps; mast arm tie rods; transformer base boxes; formed full base covers that hide anchor bolts; step lugs; internal cable guides; lighting cross arms; lighting service platforms; angles that do not exceed 8″ x 8″ x 0.75″; stainless steel hand hole door hinges and wind restraints; steel brackets, steel flanges, and steel caps; safety climbing cables; ladders; and steel templates.
- Communication Poles, or segments of such poles, that meet (1) Telecommunications Industry Association (TIA) ANSI/TIA–222 Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, or (2) American Association of State Highway and Transportation Officials (AASHTO)—Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals. The exclusion for communication poles also encompasses the following components thereof: Luminaire arms; hand hole rims; hand hole covers; base plate that connects the pole to the foundation or arm to the pole; safety climbing cables; ladders; service ground platforms; step lugs; pole steps; steel brackets, steel flanges, and steel caps; angles that do not exceed 8″ x 8″ x 0.75″; coax, and safety brackets; subcomponent kits for antenna mounts weighing 80 lbs. or less; service platforms; ice bridges; stainless steel hand hole door hinges and wind restraints; and steel templates.
- OEM Round or Polygonal Tapered Steel Poles, segments or shaft components of such poles, that meet the (1) ASCE 48 or AASHTO, (2) ANSI/TIA 222, (3) ANSI 05.1, (4) RUS bulletin 1724E–204, or (5) RUS bulletin 1724E–214. The exclusion for OEM round or polygonal tapered steel poles also encompasses the following components thereof: Subcomponent kits for antenna mounts weighing 80 lbs. or less; mounts and platforms; steel brackets, steel flanges, and steel caps; angles that do not exceed 8″ x 8″ x 0.75″; bridge kits; safety climbing cables; ladders; and steel templates.

The inclusion or attachment of one or more of the above-referenced steel poles in a structure containing fabricated structural steel does not remove the fabricated

structural steel from the scope of the investigation. No language included in this exclusion should be read or understood to have applicability to any other aspect of this scope or to have applicability to or to exclude any product, part, or component other than those specifically identified in the exclusion.

9. Also excluded from the scope of the investigation are Shuttering, Formworks, Propping and Shoring and parts and accessories thereof that comply with ANSI/ASSE A10.9—Safety Requirements for Concrete and Masonry Work and ACI–347—Recommended Practice for Concrete Formwork. For Shoring and propping made from tube, the outside diameter of the tubing covered by this exclusion ranges from 48mm to 250mm. For Shuttering and Formworks, the panel sizes covered by this exclusion range from 25mm X 600mm to 3000mm X 3000mm.

10. Also excluded from the scope of the investigation are consumer items for do-it-yourself assembly that are prepackaged for retail sale. For the purposes of this exclusion, prepackaged for retail sale means that, at the time of importation, all components necessary to assemble the merchandise, including all steel components, all accessory parts (*e.g.,* screws, bolts, washers, nails), and instructions providing guidance on the assembly of the finished merchandise or directions on where to find such instructions, are enclosed in retail packaging, such that an end-use, retail consumer could assemble the completed product with no additional components. The items may enter the United States in one or in multiple retail packages as long as all of the components are imported together.

The products subject to the investigation are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings: 7308.90.3000, 7308.90.6000, and 7308.90.9590.

The products subject to the investigation may also enter under the following HTSUS subheadings: 7216.91.0010, 7216.91.0090, 7216.99.0010, 7216.99.0090, 7222.40.6000, 7228.70.6000, 7301.10.0000, 7301.20.1000, 7301.20.5000, 7308.40.0000, 7308.90.9530, and 9406.90.0030.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the investigation is dispositive.

Appendix II

List of Topics Discussed in the Final Decision Memorandum

I. Summary
II. Background
III. Scope of the Investigation
IV. Scope Comments
V. Use of Facts Otherwise Available and Adverse Inferences
VI. Subsidies Valuation Information
VII. Analysis of Programs
VIII. Analysis of Comments
Comment 1: Eighth Rule
Comment 2: Calculation of Total Adverse Facts Available Rate
Comment 3: Application of Adverse Facts Available to BSM
Comment 4: Application of Adverse Facts Available to Certain Companies
Comment 5: Modification of Corey's Denominators
IX. Recommendation

[FR Doc. 2020–01723 Filed 1–29–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–103]

Certain Fabricated Structural Steel From the People's Republic of China: Final Affirmative Countervailing Duty Determination

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/or exporters of certain fabricated structural steel (fabricated structural steel) from the People's Republic of China (China). The period of investigation is January 1, 2018 through December 31, 2018.

DATES: Applicable January 30, 2020.

FOR FURTHER INFORMATION CONTACT: Darla Brown or 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) 482–1791 or (202) 482–3906, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 12, 2019, Commerce published the *Preliminary Determination.*[1] The petitioner in this investigation is the American Institute of Steel Construction Full Member Subgroup. In addition to the Government of China (GOC), the mandatory respondents in this investigation are Modern Heavy Industries (Taicang) Co., Ltd. (Modern Heavy) and Shanghai Matsuo Steel Structure Co., Ltd. (Shanghai Matsuo).

A summary of the events that occurred since Commerce published the *Preliminary Determination,* as well as a full discussion of the issues raised by parties for this final determination, are discussed in the Issues and Decision Memorandum, which is hereby adopted by this notice.[2] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and to all parties in the Central Records Unit, room B8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Scope of the Investigation

The product covered by this investigation is fabricated structural steel from China. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,[3] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[4] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* Commerce addressed these comments in the *Preliminary Determination,* wherein Commerce preliminarily modified the scope language.

In addition, certain interested parties commented on Commerce's preliminary scope decisions. For a summary of the product coverage comments and rebuttal comments submitted to the record for this final determination, and accompanying discussion and analysis of all comments timely received, *see* the Final Scope Decision Memorandum.[5] Based on the comments received, Commerce is modifying the scope language as it appeared in the *Preliminary Determination. See* the

[1] *See Certain Fabricated Structural Steel from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination with Final Antidumping Duty Determination,* 84 FR 33224 (July 12, 2019) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Determination in the Countervailing Duty Investigation of Certain Fabricated Structural Steel from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[4] *See Certain Fabricated Structural Steel from Canada, Mexico, and the People's Republic of China: Initiation of Countervailing Duty Investigations,* 84 FR 7339 (March 4, 2019) (*Initiation Notice*).

[5] *See* Memorandum, ''Fabricated Structural Steel from Canada, Mexico, and the People's Republic of China: Final Scope Decision Memorandum,'' dated concurrently with, and hereby adopted by, this notice (Final Scope Decision Memorandum).

revised scope in Appendix I to this notice.

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation and the issues raised in the case and rebuttal briefs by parties in this investigation are discussed in the Issues and Decision Memorandum. A list of the issues that parties raised is attached to this notice as Appendix II.

Methodology

Commerce conducted this investigation in accordance with section 701 of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, Commerce determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[6] For a full description of the methodology underlying our final determination, *see* the Issues and Decision Memorandum.

Verification

As provided in section 782(i) of the Act, in August and September 2019, Commerce verified the subsidy information reported by Modern Heavy and Shanghai Matsuo. We used standard verification procedures, including an examination of relevant accounting records and original source documents provided by the respondents.[7]

Changes Since the Preliminary Determination

Based on our review and analysis of the comments received from parties, minor corrections presented at verification, and our verification findings, we made certain changes to the subsidy rate calculations for Modern Heavy and Shanghai Matsuo. As a result of the changes to the respondents' calculated rates, Commerce has revised the all-others rate. Commerce has also revised the adverse facts available (AFA) rate. For a discussion of these changes, *see* the Issues and Decision Memorandum and the Final Calculation Memoranda.[8]

Final Determination

In accordance with section 705(c)(1)(B)(i)(I) of the Act, we calculated individual estimated subsidy rates for Modern Heavy and Shanghai Matsuo, and established subsidy rates for the 12 companies that failed to respond to Commerce's quantity and value questionnaire by applying AFA. Section 705(c)(5)(A)(i) of the Act states that, for companies not individually investigated, Commerce will determine an all-others rate equal to the weighted-average countervailable subsidy rates established for exporters and/or producers individually investigated, excluding any zero and *de minimis* countervailable subsidy rates, and any rates determined entirely under section 776 of the Act. Therefore, Commerce calculated the all-others rate using a weighted-average of the individual estimated subsidy rates calculated for the examined respondents using each company's publicly-ranged values for the merchandise under consideration.[9]

Commerce determines the total estimated net countervailable subsidy rates to be the following:

Company	Subsidy rate (percent)
Hongju Metals Co., Ltd	206.49
Huaye Steel Structure Co	206.49
Jiangsu Kingmore Storage Equipment	206.49
Jiangsu Zhengchang Cereal Oil & Feed	206.49
Modern Heavy Industries (Taicang) Co., Ltd	27.34
Ningbo Jiangbei Huarentai Trade	206.49
Ningbo Win Success Machinery Co., Ltd	206.49
Shangdong Taipeng Home Products Co	206.49
Shanghai Matsuo Steel Structure Co., Ltd.[10]	34.70
Sinopec Engineering (Group) Co., Ltd	206.49
Sunjoy Industrial Group Limited	206.49
Sunjoy Industries (Jiashan) Co., Ltd	206.49
Wuxi Huishan Metalwork Technology Co., Ltd	206.49
Yueqing Yihua New Energy Technology	206.49
All Others	30.28

Disclosure

Commerce intends to disclose the calculations performed in connection with this final determination within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

As a result of our *Preliminary Determination* and pursuant to sections 703(d)(1)(B) and (d)(2) of the Act, Commerce instructed U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in the scope of the investigation section, entered, or withdrawn from warehouse, for consumption on or after July 12, 2019, the date of publication of the *Preliminary Determination* in the **Federal Register**. In accordance with section 703(d) of the Act, we issued instructions to CBP to discontinue the suspension of liquidation for countervailing duty (CVD) purposes for subject merchandise entered, or withdrawn from warehouse, on or after November 9, 2019, but to continue the suspension of liquidation of all entries from July 12, 2019 through November 8, 2019.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we intend to issue a CVD order, reinstate the suspension of liquidation under section 706(a) of the Act, and require a cash deposit of estimated countervailing duties for such entries of subject merchandise in the amounts indicated

[6] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[7] *See* Memoranda, ''Verification of the Questionnaire Responses of Modern Heavy Industries (Taicang) Co., Ltd. (Modern Heavy),'' dated October 10, 2019, and ''Verification of the Questionnaire Responses of Shanghai Matsuo Steel Structure Co., Ltd.,'' dated October 11, 2019.

[8] *See* Memoranda, ''Countervailing Duty Investigation of Fabricated Structural Steel from the People's Republic of China: Final Determination Calculation Memorandum for Modern Heavy Industries (Taicang) Co., Ltd.,'' and ''Countervailing Duty Investigation of Fabricated Structural Steel from the People's Republic of China: Final Determination Calculation Memorandum for Shanghai Matsuo Steel Structure Co., Ltd.,'' both dated concurrently with this notice (collectively, Final Calculation Memoranda).

[9] With two respondents under examination, Commerce normally calculates (A) a weighted-average of the estimated subsidy rates calculated for the examined respondents; (B) a simple average of the estimated subsidy rates calculated for the examined respondents; and (C) a weighted-average of the estimated subsidy rates calculated for the examined respondents using each company's publicly-ranged U.S. sale quantities for the merchandise under consideration. Commerce then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all other producers and exporters. *See, e.g., Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part,* 75 FR 53661, 53662–63 (September 1, 2010). As complete publicly ranged sales data was available, Commerce based the all-others rate on the publicly ranged sales data of the mandatory respondents. For a complete analysis of the data, *see* Memorandum, ''Calculation of the 'All Others' Rate in the Final Determination of the Countervailing Duty Investigation of Certain Fabricated Structural Steel from the People's Republic of China,'' dated concurrently with this notice.

[10] As discussed in the *Preliminary Determination,* Commerce has found the following companies to be cross-owned with Shanghai Matsuo: (1) Chixiao Enterprise Co., Ltd.; and (2) Nanshan Development (Group) Incorporation.

above. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. Because the final determination in this proceeding is affirmative, in accordance with section 705(b) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of fabricated structural steel from China no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue a CVD order directing CBP to assess, upon further instruction by Commerce, countervailing duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Order (APO)

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to the APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: January 23, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by the investigation is carbon and alloy fabricated structural steel. Fabricated structural steel is made from steel in which: (1) Iron predominates, by weight, over each of the other contained elements; and (2) the carbon content is two percent or less by weight. Fabricated structural steel products are steel products that have been fabricated for erection or assembly into structures, including, but not limited to, buildings (commercial, office, institutional, and multi-family residential); industrial and utility projects; parking decks; arenas and convention centers; medical facilities; and ports, transportation and infrastructure facilities. Fabricated structural steel is manufactured from carbon and alloy (including stainless) steel products such as angles, columns, beams, girders, plates, flange shapes (including manufactured structural shapes utilizing welded plates as a substitute for rolled wide flange sections), channels, hollow structural section (HSS) shapes, base plates, and plate-work components. Fabrication includes, but is not limited to cutting, drilling, welding, joining, bolting, bending, punching, pressure fitting, molding, grooving, adhesion, beveling, and riveting and may include items such as fasteners, nuts, bolts, rivets, screws, hinges, or joints.

The inclusion, attachment, joining, or assembly of non-steel components with fabricated structural steel does not remove the fabricated structural steel from the scope.

Fabricated structural steel is covered by the scope of the investigation regardless of whether it is painted, varnished, or coated with plastics or other metallic or non-metallic substances and regardless of whether it is assembled or partially assembled, such as into modules, modularized construction units, or sub-assemblies of fabricated structural steel.

Subject merchandise includes fabricated structural steel that has been assembled or further processed in the subject country or a third country, including but not limited to painting, varnishing, trimming, cutting, drilling, welding, joining, bolting, punching, bending, beveling, riveting, galvanizing, coating, and/or slitting or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the fabricated structural steel.

All products that meet the written physical description of the merchandise covered by the investigation are within the scope of the investigation unless specifically excluded or covered by the scope of an existing countervailing duty order.

Specifically excluded from the scope of the investigation are:

1. Fabricated steel concrete reinforcing bar (rebar) if: (i) It is a unitary piece of fabricated rebar, not joined, welded, or otherwise connected with any other steel product or part; or (ii) it is joined, welded, or otherwise connected only to other rebar.

2. Fabricated structural steel for bridges and bridge sections that meets American Association of State and Highway and Transportation Officials (AASHTO) bridge construction requirements or any state or local derivatives of the AASHTO bridge construction requirements.

3. Pre-engineered metal building systems, which are defined as complete metal buildings that integrate steel framing, roofing and walls to form one, pre-engineered building system, that meet Metal Building Manufacturers Association guide specifications. Pre-engineered metal building systems are typically limited in height to no more than 60 feet or two stories.

4. Steel roof and floor decking systems that meet Steel Deck Institute standards.

5. Open web steel bar joists and joist girders that meet Steel Joist Institute specifications.

6. Also excluded from the scope of the investigation is scaffolding, and parts and accessories thereof, that comply with ANSI/ASSE A10.8—2011—Scaffolding Safety Requirements, and/or Occupational Safety and Health Administration regulations at 29 CFR part 1926 subpart L—Scaffolds. The outside diameter of the scaffold tubing covered by this exclusion ranges from 25mm to 150mm.

7. Excluded from the scope of the investigation are access flooring systems panels and accessories, where such panels have a total thickness ranging from 0.75 inches to 1.75 inches and consist of concrete, wood, other non-steel materials, or hollow space permanently attached to a top and bottom layer of galvanized or painted steel sheet or formed coil steel, the whole of which has been formed into a square or rectangle having a measurement of 24 inches on each side ± 0.1 inch; 24 inches by 30 inches ± 0.1 inch; or 24 by 36 inches ± 0.1 inch.

8. Excluded from the investigation are the following types of steel poles, segments of steel poles, and steel components of those poles:

- Steel Electric Transmission Poles, or segments of such poles, that meet (1) the American Society of Civil Engineers (ASCE)—Design of Steel Transmission Pole Structures, ASCE/SEI 48 or (2) the USDA RUS bulletin 1724E–214 Guide specification for standard class Steel Transmission Poles. The exclusion for steel electric transmission poles also encompasses the following components thereof: Transmission arms which attach to poles; pole bases; angles that do not exceed 8″ x 8″ x 0.75″; steel vangs, steel brackets, steel flanges, and steel caps; safety climbing cables; ladders; and steel templates.
- Steel Electric Substation Poles, or segments of such poles, that meet the American Society of Civil Engineers (ASCE)—Manuals and Reports on Engineering Practice No. 113. The exclusion for steel electric substation poles also encompasses the following components thereof: Substation dead end poles; substation bus stands; substation mast poles, arms, and cross-arms; steel brackets, steel flanges, and steel caps; pole bases; safety climbing cables; ladders; and steel templates.
- Steel Electric Distribution Poles, or segments of such poles, that meet (1) American Society of Civil Engineers (ASCE)—Design of Steel Transmission Pole Structures, ASCE/SEI 48, (2) USDA RUS bulletin 1724E–204 Guide specification for steel single pole and H-frame structures, or (3) ANSI 05.1 height and class requirements

for steel poles. The exclusion for steel electric distribution poles also encompasses the following components thereof: Distribution arms and cross-arms; pole bases; angles that do not exceed 8″ x 8″ x 0.75″; steel vangs, steel brackets, steel flanges, and steel caps; safety climbing cables; ladders; and steel templates.

• Steel Traffic Signal Poles, Steel Roadway Lighting Poles, Steel Parking Lot Lighting Poles, and Steel Sports Lighting Poles, or segments of such poles, that meet (1) the American Association of State Highway and Transportation Officials (AASHTO)—Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, (2) any state or local derivatives of the AASHTO highway sign, luminaries, and traffic signals requirements, or (3) American National Standard Institute (ANSI) C136—American National Standard for Roadway and Area Lighting Equipment standards. The exclusion for steel traffic signal poles, steel roadway lighting poles, steel parking lot lighting poles, and steel sports lighting poles also encompasses the following components thereof: Luminaire arms; hand hole rims; hand hole covers; base plates that connect to either the shaft or the arms; mast arm clamps; mast arm tie rods; transformer base boxes; formed full base covers that hide anchor bolts; step lugs; internal cable guides; lighting cross arms; lighting service platforms; angles that do not exceed 8″ x 8″ x 0.75″; stainless steel hand hole door hinges and wind restraints; steel brackets, steel flanges, and steel caps; safety climbing cables; ladders; and steel templates.

• Communication Poles, or segments of such poles, that meet (1) Telecommunications Industry Association (TIA) ANSI/TIA–222 Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, or (2) American Association of State Highway and Transportation Officials (AASHTO)—Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals. The exclusion for communication poles also encompasses the following components thereof: Luminaire arms; hand hole rims; hand hole covers; base plate that connects the pole to the foundation or arm to the pole; safety climbing cables; ladders; service ground platforms; step lugs; pole steps; steel brackets, steel flanges, and steel caps; angles that do not exceed 8″ x 8″ x 0.75″; coax, and safety brackets; subcomponent kits for antenna mounts weighing 80 lbs. or less; service platforms; ice bridges; stainless steel hand hole door hinges and wind restraints; and steel templates.

• OEM Round or Polygonal Tapered Steel Poles, segments or shaft components of such poles, that meet the (1) ASCE 48 or AASHTO, (2) ANSI/TIA 222, (3) ANSI 05.1, (4) RUS bulletin 1724E–204, or (5) RUS bulletin 1724E–214. The exclusion for OEM round or polygonal tapered steel poles also encompasses the following components thereof: Subcomponent kits for antenna mounts weighing 80 lbs. or less; mounts and platforms; steel brackets, steel flanges, and steel caps; angles that do not exceed 8″ x 8″ x 0.75″; bridge kits; safety climbing cables; ladders; and steel templates.

The inclusion or attachment of one or more of the above-referenced steel poles in a structure containing fabricated structural steel does not remove the fabricated structural steel from the scope of the investigation. No language included in this exclusion should be read or understood to have applicability to any other aspect of this scope or to have applicability to or to exclude any product, part, or component other than those specifically identified in the exclusion.

9. Also excluded from the scope of the investigation are Shuttering, Formworks, Propping and Shoring and parts and accessories thereof that comply with ANSI/ASSE A10.9—Safety Requirements for Concrete and Masonry Work and ACI–347—Recommended Practice for Concrete Formwork. For Shoring and propping made from tube, the outside diameter of the tubing covered by this exclusion ranges from 48mm to 250mm. For Shuttering and Formworks, the panel sizes covered by this exclusion range from 25mm X 600mm to 3000mm X 3000mm.

10. Also excluded from the scope of the investigation are consumer items for do-it-yourself assembly that are prepackaged for retail sale. For the purposes of this exclusion, prepackaged for retail sale means that, at the time of importation, all components necessary to assemble the merchandise, including all steel components, all accessory parts (*e.g.,* screws, bolts, washers, nails), and instructions providing guidance on the assembly of the finished merchandise or directions on where to find such instructions, are enclosed in retail packaging, such that an end-use, retail consumer could assemble the completed product with no additional components. The items may enter the United States in one or in multiple retail packages as long as all of the components are imported together.

The products subject to the investigation are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings: 7308.90.3000, 7308.90.6000, and 7308.90.9590.

The products subject to the investigation may also enter under the following HTSUS subheadings: 7216.91.0010, 7216.91.0090, 7216.99.0010, 7216.99.0090, 7222.40.6000, 7228.70.6000, 7301.10.0000, 7301.20.1000, 7301.20.5000, 7308.40.0000, 7308.90.9530, and 9406.90.0030.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Investigation
IV. Scope Comments
V. Use of Adverse Facts Available
VI. Subsidies Valuation Information
VII. Analysis of Programs
VIII. Analysis of Comments
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Comment 3: Whether the Provision of Electricity for Less Than Adequate Remuneration (LTAR) Is Specific
Comment 4: Whether Input Purchases for LTAR Are Specific
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Comment 6: Whether To Adjust Benchmark Ocean Freight Rates for Input Purchases for LTAR
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Company-Specific Issues
Modern Heavy
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Comment 10: Errors in the Benefit Calculation for the Electricity for LTAR Program
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Comment 11: Uncreditworthiness Allegation for Shanghai Matsuo's Cross-Owned Affiliates
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Comment 13: Whether Input Purchases From Market-Economy Suppliers Are Countervailable
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Comment 15: Whether Commerce Should Countervail Policy Loans Uncovered During the Course of the Investigation
IX. Recommendation

[FR Doc. 2020–01721 Filed 1–29–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–122–865]

Certain Fabricated Structural Steel From Canada: Final Negative Countervailing Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that countervailable subsidies are not being provided to producers and exporters of certain fabricated structural steel (fabricated structural steel) from Canada. The period of investigation is January 1, 2018 through December 31, 2018.

DATES: Applicable January 30, 2020.

FOR FURTHER INFORMATION CONTACT: Whitley Herndon or Jacob Garten, 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) 482–6274 or (202) 482–3342, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 12, 2019, Commerce published the *Preliminary Determination.*[1] The petitioner in this investigation is the American Institute of Steel Construction Full Member Subgroup. In addition to the Government of Canada (GOC), the mandatory respondents in this investigation are Les Constructions Beauce-Atlas, Inc. (LC Beauce-Atlas) and its cross-owned affiliates (collectively, Beauce-Atlas) and Les Industries Canatal Inc. (LI Canatal) and its cross-owned affiliates (collectively, Canatal).

A summary of the events that occurred since Commerce published the *Preliminary Determination,* as well as a full discussion of the issues raised by parties for this final determination, are discussed in the Issues and Decision Memorandum, which is hereby adopted by this notice.[2] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and is available to all parties in the Central Records Unit, Room B8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Scope of the Investigation

The product covered by this investigation is fabricated structural steel from Canada. For a complete description of the scope of the investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,[3] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[4] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* Commerce addressed these comments in the *Preliminary Determination,* wherein Commerce preliminarily modified the scope language.

In addition, certain interested parties commented on Commerce's preliminary scope decisions. For a summary of the product coverage comments and rebuttal comments submitted to the record for this final determination, and accompanying discussion and analysis of all comments timely received, *see* the Final Scope Decision Memorandum.[5] Based on the comments received, Commerce is modifying the scope language as it appeared in the *Preliminary Determination. See* the revised scope in Appendix I to this notice.

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation and the issues raised in the case and rebuttal briefs by parties in this investigation are discussed in the Issues and Decision Memorandum. A list of the issues that parties raised, and to which we responded in the Issues and Decision Memorandum, is attached to this notice as Appendix II.

Methodology

Commerce conducted this investigation in accordance with section 701 of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, Commerce determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[6] For a full description of the methodology underlying our final determination, *see* the Issues and Decision Memorandum.

Verification

As provided in section 782(i) of the Act, in July and September 2019, Commerce verified the subsidy information reported by Beauce-Atlas, Canatal, the Government of Québec, the GOC, Caisse de dépôt et Placement du Québec, and Énergir, L.P. We used standard verification procedures, including an examination of relevant accounting records and original source documents provided by the respondents.

Changes Since the Preliminary Determination

Based on our review and analysis of the comments received from parties, minor corrections presented at verification, and our verification findings, we made certain changes to the subsidy rate calculations for both respondents. For a discussion of these changes, *see* the Issues and Decision Memorandum.

Final Determination

In accordance with section 705(c)(1)(B)(i)(I) of the Act, we calculated individual estimated subsidy rates for Beauce-Atlas and Canatal. We determine the total estimated net countervailable subsidy rates to be:

Producer/exporter	Percent *ad valorem*
Les Constructions Beauce-Atlas Inc.	0.22 (*de minimis*).
Les Industries Canatal Inc.	0.32 (*de minimis*).

Because the total estimated net countervailable subsidy rates are *de minimis,* we determine that countervailable subsidies are not being provided to producers or exporters of fabricated structural steel from Canada. We have not calculated an all-others rate pursuant to sections 705(c)(1)(B) and (c)(5) of the Act because we have not reached an affirmative final determination. Because our final determination is negative, this proceeding is terminated in accordance with section 705(c)(2) of the Act.

Disclosure

Commerce intends to disclose the calculations performed in connection with this final determination within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Suspension of Liquidation

In the *Preliminary Determination,* the total net countervailable subsidy rates

[1] *See Certain Fabricated Structural Steel from Canada: Preliminary Negative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Duty Determination,* 84 FR 33232 (July 12, 2019) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Determination in the Countervailing Duty Investigation of Certain Fabricated Structural Steel from Canada,'' dated concurrently with this determination (Issues and Decision Memorandum).

[3] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[4] *See Certain Fabricated Structural Steel from Canada, Mexico, and the People's Republic of China: Initiation of Less-Than-Fair-Value Investigations,* 84 FR 7330, 7331 (March 4, 2019) (*Initiation Notice*).

[5] *See* Memorandum, ''Fabricated Structural Steel from Canada, Mexico, and the People's Republic of China: Final Scope Decision Memorandum,'' dated concurrently with, and hereby adopted by, this notice (Final Scope Decision Memorandum).

[6] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

for the individually examined respondents were *de minimis* and, therefore, we did not suspend liquidation of entries of fabricated structural steel from Canada.[7] Because the estimated subsidy rates for both examined companies are *de minimis* in this final determination, we are not directing U.S. Customs and Border Protection to suspend liquidation of entries of fabricated structural steel from Canada, for countervailing duty purposes.

ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination.

Notification Regarding Administrative Protective Orders

This notice serves as a reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation that is subject to sanction.

Notification to Interested Parties

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act and 19 CFR 351.210(c).

Dated: January 23, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by the investigation is carbon and alloy fabricated structural steel. Fabricated structural steel is made from steel in which: (1) Iron predominates, by weight, over each of the other contained elements; and (2) the carbon content is two percent or less by weight. Fabricated structural steel products are steel products that have been fabricated for erection or assembly into structures, including, but not limited to, buildings (commercial, office, institutional, and multi-family residential); industrial and utility projects; parking decks; arenas and convention centers; medical facilities; and ports, transportation and infrastructure facilities. Fabricated structural steel is manufactured from carbon and alloy (including stainless) steel products such as angles, columns, beams, girders, plates, flange shapes (including manufactured structural shapes utilizing welded plates as a substitute for rolled wide flange sections), channels, hollow structural section (HSS) shapes, base plates, and plate-work components. Fabrication includes, but is not limited to cutting, drilling, welding, joining, bolting, bending, punching, pressure fitting, molding, grooving, adhesion, beveling, and riveting and may include items such as fasteners, nuts, bolts, rivets, screws, hinges, or joints.

The inclusion, attachment, joining, or assembly of non-steel components with fabricated structural steel does not remove the fabricated structural steel from the scope.

Fabricated structural steel is covered by the scope of the investigation regardless of whether it is painted, varnished, or coated with plastics or other metallic or non-metallic substances and regardless of whether it is assembled or partially assembled, such as into modules, modularized construction units, or sub-assemblies of fabricated structural steel.

Subject merchandise includes fabricated structural steel that has been assembled or further processed in the subject country or a third country, including but not limited to painting, varnishing, trimming, cutting, drilling, welding, joining, bolting, punching, bending, beveling, riveting, galvanizing, coating, and/or slitting or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the fabricated structural steel.

All products that meet the written physical description of the merchandise covered by the investigation are within the scope of the investigation unless specifically excluded or covered by the scope of an existing countervailing duty order.

Specifically excluded from the scope of the investigation are:

1. Fabricated steel concrete reinforcing bar (rebar) if: (i) It is a unitary piece of fabricated rebar, not joined, welded, or otherwise connected with any other steel product or part; or (ii) it is joined, welded, or otherwise connected only to other rebar.

2. Fabricated structural steel for bridges and bridge sections that meets American Association of State and Highway and Transportation Officials (AASHTO) bridge construction requirements or any state or local derivatives of the AASHTO bridge construction requirements.

3. Pre-engineered metal building systems, which are defined as complete metal buildings that integrate steel framing, roofing and walls to form one, pre-engineered building system, that meet Metal Building Manufacturers Association guide specifications. Pre-engineered metal building systems are typically limited in height to no more than 60 feet or two stories.

4. Steel roof and floor decking systems that meet Steel Deck Institute standards.

5. Open web steel bar joists and joist girders that meet Steel Joist Institute specifications.

6. Also excluded from the scope of the investigation is scaffolding, and parts and accessories thereof, that comply with ANSI/ASSE A10.8–2011—Scaffolding Safety Requirements, and/or Occupational Safety and Health Administration regulations at 29 CFR part 1926 subpart L—Scaffolds. The outside diameter of the scaffold tubing covered by this exclusion ranges from 25mm to 150mm.

7. Excluded from the scope of the investigation are access flooring systems panels and accessories, where such panels have a total thickness ranging from 0.75 inches to 1.75 inches and consist of concrete, wood, other non-steel materials, or hollow space permanently attached to a top and bottom layer of galvanized or painted steel sheet or formed coil steel, the whole of which has been formed into a square or rectangle having a measurement of 24 inches on each side +/− 0.1 inch; 24 inches by 30 inches +/− 0.1 inch; or 24 by 36 inches +/− 0.1 inch.

8. Excluded from the investigation are the following types of steel poles, segments of steel poles, and steel components of those poles:

- Steel Electric Transmission Poles, or segments of such poles, that meet (1) the American Society of Civil Engineers (ASCE)—Design of Steel Transmission Pole Structures, ASCE/SEI 48 or (2) the USDA RUS bulletin 1724E–214 Guide specification for standard class Steel Transmission Poles. The exclusion for steel electric transmission poles also encompasses the following components thereof: Transmission arms which attach to poles; pole bases; angles that do not exceed 8″ x 8″ x 0.75″; steel vangs, steel brackets, steel flanges, and steel caps; safety climbing cables; ladders; and steel templates.
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- Steel Traffic Signal Poles, Steel Roadway Lighting Poles, Steel Parking Lot Lighting Poles, and Steel Sports Lighting Poles, or segments of such poles, that meet (1) the American Association of State Highway and Transportation Officials (AASHTO)—Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, (2) any state or local derivatives of the AASHTO highway sign, luminaries, and

[7] *See Preliminary Determination.*

traffic signals requirements, or (3) American National Standard Institute (ANSI) C136—American National Standard for Roadway and Area Lighting Equipment standards. The exclusion for steel traffic signal poles, steel roadway lighting poles, steel parking lot lighting poles, and steel sports lighting poles also encompasses the following components thereof: Luminaire arms; hand hole rims; hand hole covers; base plates that connect to either the shaft or the arms; mast arm clamps; mast arm tie rods; transformer base boxes; formed full base covers that hide anchor bolts; step lugs; internal cable guides; lighting cross arms; lighting service platforms; angles that do not exceed 8″ x 8″ x 0.75″; stainless steel hand hole door hinges and wind restraints; steel brackets, steel flanges, and steel caps; safety climbing cables; ladders; and steel templates.

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The inclusion or attachment of one or more of the above-referenced steel poles in a structure containing fabricated structural steel does not remove the fabricated structural steel from the scope of the investigation. No language included in this exclusion should be read or understood to have applicability to any other aspect of this scope or to have applicability to or to exclude any product, part, or component other than those specifically identified in the exclusion.

9. Also excluded from the scope of the investigation are Shuttering, Formworks, Propping and Shoring and parts and accessories thereof that comply with ANSI/ASSE A10.9—Safety Requirements for Concrete and Masonry Work and ACI–347—Recommended Practice for Concrete Formwork. For Shoring and propping made from tube, the outside diameter of the tubing covered by this exclusion ranges from 48mm to 250mm. For Shuttering and Formworks, the panel sizes covered by this exclusion range from 25mm × 600mm to 3000mm × 3000mm.

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VI. Analysis of Programs
VII. Analysis of Comments
Comment 1: Whether There Was Sufficient Industry Support to Initiate this Investigation
Comment 2: Whether to Apply Adverse Facts Available (AFA) to the Respondents
Comment 3: Whether to Adjust the Respondents' Denominator
Comment 4: Whether the Additional Depreciation for Class 1 and 1B Assets Program is Specific and Provides a Countervailable Benefit
Comment 5: Whether the Hydro-Québec Industrial Systems (Energy Efficiency) Program is Specific and Provides a Countervailable Benefit
Comment 6: Whether the Québec Tax Credit for On-the-Job Training Program is Specific and Provides a Countervailable Benefit
Comment 7: Whether the Québec Additional Reduction in Tax Rate for Primary and Manufacturing Sectors Program is Specific and Provides a Countervailable Benefit
Comment 8: Whether the Énergir L.P. Efficiency Program is Specific and Provides a Countervailable Benefit
Comment 9: Whether the EcoPerformance Program is Specific and Provides a Countervailable Benefit
Comment 10: Whether the MEI Audit Industry 4.0 Program is Specific and Provides a Countervailable Benefit
Comment 11: Whether the Québec Scientific Research and Development Tax Credit is *de facto* Specific
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Comment 13: Whether Énergir L.P. is an ''Authority''
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Comment 15: Whether Taxes Should Be Included in the Benefit Amount for the Hydro-Quebec Industrial Systems Program
Comment 16: Whether Commerce Double-Counted Benefit Amounts for Certain Programs Used by Canatal
Comment 17: Whether Commerce Correctly Determined that Three Hydro-Québec Programs Were Not Used in the POI
VIII. Recommendation

[FR Doc. 2020–01719 Filed 1–29–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–850]

Certain Fabricated Structural Steel From Mexico: Final Determination of Sales at Less Than Fair Value

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that certain fabricated structural steel (fabricated structural steel) from Mexico is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is January 1, 2018 through December 31, 2018. The final dumping margins of sales at LTFV are shown in the ''Final Determination'' section of this notice.

DATES: Applicable January 30, 2020.

FOR FURTHER INFORMATION CONTACT: Krisha Hill or Aleksandras Nakutis, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4037 or (202) 482–3147, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 10, 2019, Commerce published the *Preliminary Determination* of sales at LTFV of fabricated structural steel from Mexico, in which we also postponed the final determination to January 23, 2020.[1] The petitioner in this investigation is the American Institute of Steel Construction Full Member Subgroup. The mandatory respondents in this investigation are Building Systems de Mexico, S.A. de C.V. (BSM) and Corey S.A. de C.V. (Corey).[2]

A summary of the events that occurred since Commerce published the *Preliminary Determination,* as well as a full discussion of the issues raised by parties for this final determination, are discussed in the Issues and Decision Memorandum, which is hereby adopted by this notice.[3] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and to all parties in the Central Records Unit, room B8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Issues and Decision Memorandum are identical in content.

Scope of the Investigation

The product covered by this investigation is fabricated structural steel from Mexico. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[5] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* Commerce addressed these comments in the *Preliminary Determination,* wherein Commerce preliminarily modified the scope language.

In addition, certain interested parties commented on Commerce's preliminary scope decisions. For a summary of the product coverage comments and rebuttal comments submitted to the record for this final determination, and accompanying discussion and analysis of all comments timely received, *see* the Final Scope Decision Memorandum.[6] Based on the comments received, Commerce is modifying the scope language as it appeared in the *Preliminary Determination. See* the revised scope in Appendix I to this notice.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues raised is attached to this notice as Appendix II.

Verification

As provided in section 782(i) of the Tariff Act of 1930, as amended (the Act), in September and October 2019, we conducted verifications of the sales and cost information submitted by BSM and Corey for use in our final determination. We used standard verification procedures, including an examination of relevant accounting and production records, and original source documents provided by BSM and Corey.[7]

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings at verification, we made certain changes to the dumping margin calculations. For a discussion of these changes, *see* the Issues and Decision Memorandum and Final Calculation Memoranda.[8]

In addition, we revised the margin calculation for BSM to reflect the application of partial facts available with an adverse inference pursuant to section 776 of the Act. For a discussion of this change, *see* Comment 16 of the Issues and Decision Memorandum.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated all-others rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and margins determined entirely under section 776 of the Act. BSM is the only respondent for which Commerce calculated an estimated weighted-average dumping margin that is not zero, *de minimis,* or based entirely on facts otherwise available. Therefore, for purposes of determining the all-others rate, pursuant to section 735(c)(5)(A) of the Act, we are using the estimated weighted-average dumping margin calculated for BSM, as referenced in the ''Final Determination'' section below.

Use of Adverse Facts Available

In the *Preliminary Determination,* we based the dumping margins for certain non-responsive companies on adverse facts available (AFA).[9] The AFA rate is

[1] *See Certain Fabricated Structural Steel from Mexico: Preliminary Affirmative Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 84 FR 47487 (September 10, 2019) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

[2] Corey refers to the collapsed entity consisting of Corey S.A. de C.V. and Industrias Recal S.A. de C.V.; *see Preliminary Determination* and accompanying PDM; *see also* Memorandum, ''Antidumping Duty Investigation of Fabricated Structural Steel from Mexico: Preliminary Affiliation and Collapsing Memorandum for Corey S.A. de C.V.,'' dated September 3, 2019.

[3] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Certain Fabricated Structural Steel from Mexico,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[5] *See Certain Fabricated Structural Steel from Canada, Mexico, and the People's Republic of China: Initiation of Less-Than-Fair-Value Investigations,* 84 FR 7330, 7331 (March 4, 2019) (*Initiation Notice*).

[6] *See* Memorandum, ''Fabricated Structural Steel from Canada, Mexico, and the People's Republic of China: Final Scope Decision Memorandum,'' dated concurrently with, and hereby adopted by, this notice (Final Scope Decision Memorandum).

[7] For a discussion of our verification findings, *see* Memoranda, ''Verification of the Sales Questionnaire Responses of Building Systems de Mexico S.A. de C.V. in the Antidumping Duty Investigation of Certain Fabricated Structural Steel from Mexico,'' dated October 31, 2019; ''Verification of NCI Group, Inc. and Robertson-Ceco II Corporation in the Antidumping Duty Investigation of Certain Fabricated Structural Steel from Mexico,'' dated October 31, 2019; ''Verification of the Cost Responses of Building Systems de Mexico S.A. de C.V. in the Antidumping Duty Investigation of Certain Fabricated Structural Steel from Mexico,'' dated November 1, 2019; ''Verification of the Sales Response of Corey S.A. de C.V. and Industrias Recal S.A. de C.V.'' dated November 5, 2019; and ''Verification of the Cost Response of Corey S.A. de C.V. in the Antidumping Duty Investigation of Fabricated Structural Steel from Mexico,'' dated October 31, 2019).

[8] *See* Memoranda, ''Analysis Memorandum for the Final Determination in the Antidumping Duty Investigation of Certain Fabricated Structural Steel From Mexico: Building Systems de Mexico S.A. de C.V.''; ''Constructed Value Calculation Adjustments for the Final Determination—Building Systems de Mexico S.A. de C.V.''; ''Analysis Memorandum for the Final Determination in the Antidumping Duty Investigation of Certain Fabricated Structural Steel from Mexico: Corey S.A. de C.V.''; and ''Constructed Value Calculation Adjustments for the Final Determination—Corey S.A. de C.V.,'' all dated concurrently with this notice (collectively, Final Calculation Memoranda).

[9] *See Preliminary Determination* and accompanying PDM.

the only, and therefore, the highest, dumping margin in the petition (*i.e.,* 30.58 percent). We received no comments on our determination to use AFA with respect to these companies. Accordingly, we are continuing to assign a dumping margin based on AFA to the non-responsive companies in this investigation.

Final Determination

The final estimated weighted-average dumping margins are as follows:

Exporter/producer	Estimated weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offset(s)) (percent)
Building Systems de Mexico, S.A. de C.V	8.47	8.47
Corey S.A. de C.V./Industrias Recal S.A. de C.V	0	0
Acero Technologia, S.A. de C.V	30.58	0
Construcciones Industriales Tapia S.A. de C.V	30.58	0
Estructuras Metalicas la Popular S.A. de C.V./MSCI	30.58	0
Operadora CICSA, S.A. de C.V. Swecomex—Guadalajara	30.58	0
All Others	8.47	0

Disclosure

Commerce intends to disclose the calculations performed in connection with this final determination within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) and C of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to suspend liquidation of all appropriate entries of fabricated structural steel from Mexico, as described in Appendix I of this notice, which are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register** other than entries of fabricated structural steel produced and exported by Corey, because its rate is zero. These suspension-of-liquidation instructions will remain in effect until further notice.

In addition, pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), Commerce will instruct CBP to require a cash deposit for such entries of merchandise equal to the estimated weighted-average dumping margin as follows: (1) The cash deposit rate for the companies listed in the table above will be equal to the company-specific estimated weighted-average dumping margin identified for that company in the table; (2) if the exporter is not a company listed in the table above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin listed for that producer of the subject merchandise in the above table; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension of liquidation instructions will remain in effect until further notice.

To determine the cash deposit rate, Commerce normally adjusts the estimated weighted-average dumping margin by the amount of export subsidies determined in a companion CVD proceeding when CVD provisional measures are in effect. Accordingly, where Commerce makes an affirmative determination for export subsidies, Commerce offsets the calculated estimated weighted-average dumping margin by the appropriate rate(s). In this case, we have found export subsidies for certain respondents. However, suspension of liquidation for provisional measures in the companion CVD case has been discontinued; therefore, we are not instructing CBP to collect cash deposits based upon the estimated weighted-average dumping margin adjusted for export subsidies at this time.

International Trade Commission Notification

In accordance with section 735(d) of the Act, Commerce will notify the International Trade Commission (ITC) of its final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) of subject merchandise for importation no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, and all cash deposits posted will be refunded. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section of this notice.

Notification Regarding Administrative Protective Order (APO)

In the event that the ITC issues a final negative injury determination, this notice will serve as a final reminder to the parties subject to APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: January 23, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by the investigation is carbon and alloy fabricated structural steel. Fabricated structural steel is made from steel in which: (1) Iron predominates, by weight, over each of the other contained elements; and (2) the carbon content is two percent or less by weight. Fabricated structural steel products are steel

products that have been fabricated for erection or assembly into structures, including, but not limited to, buildings (commercial, office, institutional, and multi-family residential); industrial and utility projects; parking decks; arenas and convention centers; medical facilities; and ports, transportation and infrastructure facilities. Fabricated structural steel is manufactured from carbon and alloy (including stainless) steel products such as angles, columns, beams, girders, plates, flange shapes (including manufactured structural shapes utilizing welded plates as a substitute for rolled wide flange sections), channels, hollow structural section (HSS) shapes, base plates, and plate-work components. Fabrication includes, but is not limited to cutting, drilling, welding, joining, bolting, bending, punching, pressure fitting, molding, grooving, adhesion, beveling, and riveting and may include items such as fasteners, nuts, bolts, rivets, screws, hinges, or joints.

The inclusion, attachment, joining, or assembly of non-steel components with fabricated structural steel does not remove the fabricated structural steel from the scope.

Fabricated structural steel is covered by the scope of the investigation regardless of whether it is painted, varnished, or coated with plastics or other metallic or non-metallic substances and regardless of whether it is assembled or partially assembled, such as into modules, modularized construction units, or sub-assemblies of fabricated structural steel.

Subject merchandise includes fabricated structural steel that has been assembled or further processed in the subject country or a third country, including but not limited to painting, varnishing, trimming, cutting, drilling, welding, joining, bolting, punching, bending, beveling, riveting, galvanizing, coating, and/or slitting or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the fabricated structural steel.

All products that meet the written physical description of the merchandise covered by the investigation are within the scope of the investigation unless specifically excluded or covered by the scope of an existing antidumping duty order.

Specifically excluded from the scope of the investigation are:

1. Fabricated steel concrete reinforcing bar (rebar) if: (i) It is a unitary piece of fabricated rebar, not joined, welded, or otherwise connected with any other steel product or part; or (ii) it is joined, welded, or otherwise connected only to other rebar.

2. Fabricated structural steel for bridges and bridge sections that meets American Association of State and Highway and Transportation Officials (AASHTO) bridge construction requirements or any state or local derivatives of the AASHTO bridge construction requirements.

3. Pre-engineered metal building systems, which are defined as complete metal buildings that integrate steel framing, roofing and walls to form one, pre-engineered building system, that meet Metal Building Manufacturers Association guide specifications. Pre-engineered metal building systems are typically limited in height to no more than 60 feet or two stories.

4. Steel roof and floor decking systems that meet Steel Deck Institute standards.

5. Open web steel bar joists and joist girders that meet Steel Joist Institute specifications.

6. Also excluded from the scope of the investigation is scaffolding, and parts and accessories thereof, that comply with ANSI/ASSE A10.8—2011—Scaffolding Safety Requirements, and/or Occupational Safety and Health Administration regulations at 29 CFR part 1926 subpart L—Scaffolds. The outside diameter of the scaffold tubing covered by this exclusion ranges from 25mm to 150mm.

7. Excluded from the scope of the investigation are access flooring systems panels and accessories, where such panels have a total thickness ranging from 0.75 inches to 1.75 inches and consist of concrete, wood, other non-steel materials, or hollow space permanently attached to a top and bottom layer of galvanized or painted steel sheet or formed coil steel, the whole of which has been formed into a square or rectangle having a measurement of 24 inches on each side ± 0.1 inch; 24 inches by 30 inches ± 0.1 inch; or 24 by 36 inches ± 0.1 inch.

8. Excluded from the investigation are the following types of steel poles, segments of steel poles, and steel components of those poles:

- Steel Electric Transmission Poles, or segments of such poles, that meet (1) the American Society of Civil Engineers (ASCE)—Design of Steel Transmission Pole Structures, ASCE/SEI 48 or (2) the USDA RUS bulletin 1724E–214 Guide specification for standard class Steel Transmission Poles. The exclusion for steel electric transmission poles also encompasses the following components thereof: Transmission arms which attach to poles; pole bases; angles that do not exceed 8″ x 8″ x 0.75″; steel vangs, steel brackets, steel flanges, and steel caps; safety climbing cables; ladders; and steel templates.
- Steel Electric Substation Poles, or segments of such poles, that meet the American Society of Civil Engineers (ASCE)—Manuals and Reports on Engineering Practice No. 113. The exclusion for steel electric substation poles also encompasses the following components thereof: Substation dead end poles; substation bus stands; substation mast poles, arms, and cross-arms; steel brackets, steel flanges, and steel caps; pole bases; safety climbing cables; ladders; and steel templates.
- Steel Electric Distribution Poles, or segments of such poles, that meet (1) American Society of Civil Engineers (ASCE)—Design of Steel Transmission Pole Structures, ASCE/SEI 48, (2) USDA RUS bulletin 1724E–204 Guide specification for steel single pole and H-frame structures, or (3) ANSI 05.1 height and class requirements for steel poles. The exclusion for steel electric distribution poles also encompasses the following components thereof: Distribution arms and cross-arms; pole bases; angles that do not exceed 8″ x 8″ x 0.75″; steel vangs, steel brackets, steel flanges, and steel caps; safety climbing cables; ladders; and steel templates.
- Steel Traffic Signal Poles, Steel Roadway Lighting Poles, Steel Parking Lot Lighting Poles, and Steel Sports Lighting Poles, or segments of such poles, that meet (1) the American Association of State Highway and Transportation Officials (AASHTO)—Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, (2) any state or local derivatives of the AASHTO highway sign, luminaries, and traffic signals requirements, or (3) American National Standard Institute (ANSI) C136—American National Standard for Roadway and Area Lighting Equipment standards. The exclusion for steel traffic signal poles, steel roadway lighting poles, steel parking lot lighting poles, and steel sports lighting poles also encompasses the following components thereof: Luminaire arms; hand hole rims; hand hole covers; base plates that connect to either the shaft or the arms; mast arm clamps; mast arm tie rods; transformer base boxes; formed full base covers that hide anchor bolts; step lugs; internal cable guides; lighting cross arms; lighting service platforms; angles that do not exceed 8″ x 8″ x 0.75″; stainless steel hand hole door hinges and wind restraints; steel brackets, steel flanges, and steel caps; safety climbing cables; ladders; and steel templates.
- Communication Poles, or segments of such poles, that meet (1) Telecommunications Industry Association (TIA) ANSI/TIA–222 Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, or (2) American Association of State Highway and Transportation Officials (AASHTO)—Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals. The exclusion for communication poles also encompasses the following components thereof: Luminaire arms; hand hole rims; hand hole covers; base plate that connects the pole to the foundation or arm to the pole; safety climbing cables; ladders; service ground platforms; step lugs; pole steps; steel brackets, steel flanges, and steel caps; angles that do not exceed 8″ x 8″ x 0.75″, coax, and safety brackets; subcomponent kits for antenna mounts weighing 80 lbs. or less; service platforms; ice bridges; stainless steel hand hole door hinges and wind restraints; and steel templates.
- OEM Round or Polygonal Tapered Steel Poles, segments or shaft components of such poles, that meet the (1) ASCE 48 or AASHTO, (2) ANSI/TIA 222, (3) ANSI 05.1, (4) RUS bulletin 1724E–204, or (5) RUS bulletin 1724E–214. The exclusion for OEM round or polygonal tapered steel poles also encompasses the following components thereof: Subcomponent kits for antenna mounts weighing 80 lbs. or less; mounts and platforms; steel brackets, steel flanges, and steel caps; angles that do not exceed 8″ x 8″ x 0.75″; bridge kits; safety climbing cables; ladders; and steel templates.

The inclusion or attachment of one or more of the above-referenced steel poles in a structure containing fabricated structural steel (FSS) does not remove the FSS from the scope of the investigation. No language

included in this exclusion should be read or understood to have applicability to any other aspect of this scope or to have applicability to or to exclude any product, part, or component other than those specifically identified in the exclusion.

9. Also excluded from the scope of the investigation are Shuttering, Formworks, Propping and Shoring and parts and accessories thereof that comply with ANSI/ASSE A10.9—Safety Requirements for Concrete and Masonry Work and ACI–347—Recommended Practice for Concrete Formwork. For Shoring and propping made from tube, the outside diameter of the tubing covered by this exclusion ranges from 48mm to 250mm. For Shuttering and Formworks, the panel sizes covered by this exclusion range from 25mm X 600mm to 3000mm X 3000mm.

10. Also excluded from the scope of the investigation are consumer items for do-it-yourself assembly that are prepackaged for retail sale. For the purposes of this exclusion, prepackaged for retail sale means that, at the time of importation, all components necessary to assemble the merchandise, including all steel components, all accessory parts (*e.g.,* screws, bolts, washers, nails), and instructions providing guidance on the assembly of the finished merchandise or directions on where to find such instructions, are enclosed in retail packaging, such that an end-use, retail consumer could assemble the completed product with no additional components. The items may enter the United States in one or in multiple retail packages as long as all of the components are imported together.

The products subject to the investigation are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings: 7308.90.3000, 7308.90.6000, and 7308.90.9590.

The products subject to the investigation may also enter under the following HTSUS subheadings: 7216.91.0010, 7216.91.0090, 7216.99.0010, 7216.99.0090, 7222.40.6000, 7228.70.6000, 7301.10.0000, 7301.20.1000, 7301.20.5000, 7308.40.0000, 7308.90.9530, and 9406.90.0030.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

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III. Scope of Investigation
IV. Scope Comments
V. Changes Since the Preliminary Determination
VI. Discussion of the Issues
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BSM
Comment 3: Whether BSM Failed To Report Accurate and Reliable U.S. Prices, and Whether To Apply Adverse Facts Available to BSM
Comment 4: Whether BSM Should Report the Value of Subject Merchandise Through a Section E Questionnaire Response
Comment 5: Valuation of an Order Associated With Two Different Sales
Comment 6: Whether BSM Double Counted Revenue for an Order
Comment 7: Alternate Differential Pricing Analysis
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Comment 10: Whether Commerce Should Use BSM's Reported Date of Sale
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Comment 15: Adjustments Required by Mexican Financial Reporting Standards (MFRS)
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Corey
Comment 17: Whether Corey's Hudson Yards Tower A Project Sale Fell Within the POI
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Comment 19: Adjust Corey's Report Costs To Account for All Affiliated Purchases
Comment 20: Subtract Scrap Revenue From Total Cost of Manufacturing
VII. Recommendation

[FR Doc. 2020–01722 Filed 1–29–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–838]

Carbazole Violet Pigment 23 From India: Preliminary Results of Antidumping Duty Administrative Review; 2017–2018

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that Pidilite Industries Limited (Pidilite), a producer/exporter of carbazole violet pigment 23 (CVP 23) from India, did not sell subject merchandise at prices below normal value (NV) during the period of review (POR) December 1, 2017 through November 30, 2018.

DATES: Applicable January 30, 2020.

FOR FURTHER INFORMATION CONTACT: George Ayache, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2623.

SUPPLEMENTARY INFORMATION:

Background

On March 14, 2019, in accordance with 19 CFR 351.221(c)(1)(i), we published a notice of initiation of an administrative review of the antidumping duty order on CVP 23 from India.[1] Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018 through the resumption of operations on January 29, 2019.[2] The revised deadline for the preliminary results in this administrative review was October 3, 2019.[3] Subsequently, on August 15, 2019, Commerce postponed the deadline for the preliminary results of this administrative review until January 31, 2020, in accordance with section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2).[4]

Scope of the Order [5]

The merchandise covered by the *Order* is CVP–23 identified as Color Index No. 51319 and Chemical Abstract No. 6358–30–1, with the chemical name of *diindolo [3,2-b:3′,2′-m]*[6] *triphenodioxazine, 8,18-dichloro-5, 15-diethy-5, 15-dihydro-,* and molecular

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[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 84 FR 9297 (March 14, 2019).

[2] *See* Memorandum to the Record from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations for Enforcement and Compliance, ''Deadlines Affected by the Partial Shutdown of the Federal Government,'' dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

[3] *See* Memorandum to the Record from Irene Darzenta Tzafolias, Director, Office VIII, Antidumping and Countervailing Duty Operations, ''December Order Deadlines Affected by the Partial Shutdown of the Federal Government,'' dated August 7, 2019.

[4] *See* Memorandum to James Maeder, Deputy Assistance Secretary for Antidumping and Countervailing Duty Operations, ''Carbazole Violet Pigment 23 from India: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated August 15, 2019.

[5] *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Carbazole Violet Pigment 23 From India,* 69 FR 77988 (December 29, 2004) (*Order*).

[6] The bracketed section of the product description, [3,2-b:3′,2′-m], is not business proprietary information. In this case, the brackets are simply part of the chemical nomenclature. *See* ''Amendment to Petition for Antidumping Investigations of China and India and a Countervailing Duty Investigation of India on Imports of Carbazole Violet Pigment 23 in the forms of Crude Pigment, Presscake and Dry Color Pigment,'' dated December 3, 2003, at 8.

formula of C34 H22 Cl2 N4 O2. The subject merchandise includes the crude pigment in any form (*e.g.,* dry powder, paste, wet cake) and finished pigment in the form of presscake and dry color. Pigment dispersions in any form (*e.g.,* pigments dispersed in oleoresins, flammable solvents, water) are not included within the scope of the *Order.*

The merchandise subject to the *Order* is classifiable under subheading 3204.17.9040 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of the *Order* is dispositive.

Methodology

We are conducting this review in accordance with section 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Constructed export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.[7] The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and to all parties in the Central Records Unit, Room B8024 of the main Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that a weighted-average dumping margin of 0.00 percent exists for Pidilite for the period December 1, 2017 through November 30, 2018.

Disclosure and Public Comment

We intend to disclose the calculations performed in connection with these preliminary results to interested parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Interested parties may submit case briefs no later than 30 days after the date of publication of this notice.[8] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[9] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. Case and rebuttal briefs should be filed using ACCESS.[10]

All submissions to Commerce must be filed electronically using ACCESS and must also be served on interested parties.[11] An electronically filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5:00 p.m. Eastern Time on the date that the document is due.

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, using Enforcement and Compliance's ACCESS system within 30 days of publication of this notice.[12] Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2), Commerce intends to issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice.[13]

Assessment Rates

Upon issuance of the final results, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess upon issuance of the final results, antidumping duties on all appropriate entries covered by this review.[14]

If Pidilite's calculated weighted-average dumping margin is above *de minimis* in the final results of this review, we will calculate importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales to that importer, and we will instruct CBP to assess antidumping duties on all appropriate entries covered by this review. If Pidilite's weighted-average dumping margin continues to be zero or *de minimis,* or the importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.[15]

In accordance with our ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by Pidilite for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate.[16]

We intend to issue instructions to CBP 15 days after the date of publication of the final results of this review.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Pidilite will be the rate established in the final results of this review, except if the rate is *de minimis* within the meaning of 19 CFR 351.106(c)(1) (*i.e.,* less than 0.50 percent), in which case the cash deposit rate will be zero; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a prior completed segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently-

[7] *See* Memorandum, ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Carbazole Violet Pigment 23 from India; 2017–2018,'' dated concurrently with, and hereby adopted by, this notice.

[8] *See* 19 CFR 351.309(c)(1)(ii).

[9] *See* 19 CFR 351.309(d).

[10] *See* 19 CFR 351.303.

[11] *See* 19 CFR 351.303(f).

[12] *See* 19 CFR 351.310(c).

[13] *See* section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

[14] *See* 19 CFR 351.212(b)(1).

[15] *See* 19 CFR 351.106(c)(2).

[16] For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

completed segment; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recently-completed segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 27.48 percent, the all-others rate established in the less-than-fair-value investigation.[17] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: January 24, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Discussion of the Methodology
IV. Recommendation

[FR Doc. 2020–01695 Filed 1–29–20; 8:45 am]

BILLING CODE 3510–DS–P

[17] *See Order.*

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XR086]

Endangered and Threatened Species; Recovery Plans

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

ACTION: Notice of availability; request for comments.

SUMMARY: This notice announces the availability of the Black Abalone (*Haliotis cracherodii*) Draft Recovery Plan (Plan) for public review. NMFS is soliciting review and comment from the public and all interested parties on the Plan, and will consider all substantive comments received during the review period before submitting the Plan for final approval.

DATES: Comments and information on the draft Plan must be received by close of business on March 30, 2020.

ADDRESSES: You may submit comments on this document by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal at *www.regulations.gov/.* The Docket Number is: NOAA–NMFS–2020–0016. Click the 'Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to the National Marine Fisheries Service, Attn: Black Abalone Recovery Team, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802.

Instructions: You must submit comments by one of the above methods to ensure that we receive, document, and consider them. 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. All comments received are a part of the public record and will generally be posted for public viewing 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.

The draft recovery plan is available online at: *https://www.fisheries.noaa.gov/resource/document/recovery-plan-outline-black-abalone.*

FOR FURTHER INFORMATION CONTACT: NMFS West Coast Region Protected Resources Division: Susan Wang at (562) 980–4199 or *Susan.Wang@noaa.gov;* or Melissa Neuman at (562) 980–4115 or *Melissa.Neuman@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On January 14, 2009, we, NMFS, listed the black abalone as an endangered species under the Endangered Species Act (74 FR 1937). This determination was based on the high risk of extinction faced by black abalone due to low abundance, low growth and productivity, compromised spatial structure and population connectivity, loss of genetic diversity, and the continued threat of the disease called withering syndrome. This disease was identified as the primary threat contributing to the decline of black abalone. This determination was based on a suite of risks that black abalone face, including: (1) A disease called withering syndrome that caused mass mortalities of populations throughout a large portion of the species' range; (2) low adult densities below the critical threshold needed for successful spawning and recruitment; (3) elevated water temperatures that accelerate the spread of withering syndrome; (4) loss of genetic diversity making populations less able to adapt to environmental changes; and (5) illegal harvest. On October 27, 2011, we designated critical habitat for black abalone throughout the coast of California (76 FR 66806). In 2013, we convened a recovery team to assist the NMFS West Coast Region with developing the draft recovery plan. We completed a recovery outline in 2016. In 2016, we announced initiation of a five-year review for black abalone (81 FR 93902). We completed the five-year review in 2018 and determined that black abalone should remain listed as endangered under the ESA. The five-year review is available at: *https://www.fisheries.noaa.gov/resource/document/endangered-species-act-5-year-status-review-black-abalone-haliotis-cracherodii.*

Draft Recovery Plan

Recovery plans describe actions beneficial to the conservation and recovery of species listed under the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*). Section 4(f)(1) of the ESA requires that recovery plans incorporate, to the maximum extent practicable: (1) A description of such site-specific management actions as may be necessary to achieve the plan's goals for the conservation and survival of the species; (2) objective, measurable criteria which, when met, would result in a determination that the species be removed from the list; and (3) estimates of the time required and the cost necessary to carry out those measures needed to achieve the plan's goal and to achieve intermediate steps toward that goal. The ESA requires the development of recovery plans for each listed species unless such a plan would not promote the conservation of the species.

The NMFS West Coast Region developed the Plan for black abalone in cooperation with a recovery team made

up of experts from the California Department of Fish and Wildlife, Monterey Bay National Marine Sanctuary, NMFS Northwest Fisheries Science Center and Southwest Fisheries Science Center, National Park Service, Tenera Environmental, University of California at Santa Cruz, University of California at Davis Bodega Marine Laboratory, University of Oregon, University of Rhode Island, University of Washington, and U.S. Geological Survey.

NMFS' goal is to restore black abalone populations in the wild to the point where it is a self-sustaining species that no longer needs the protections of the ESA. The Plan gives a brief background on the natural history, status, and threats to black abalone. The Plan lays out a recovery strategy to address the threats based on the best available science, identifies site-specific actions with time lines and costs, and includes demographic and threats-based recovery criteria to gauge progress toward recovery. Demographic recovery criteria describe the characteristics of recovered, viable black abalone populations, and threats-based recovery criteria represent the conditions needed to minimize the impacts of threats and support the species' long-term viability.

The Plan is not regulatory, but presents guidance for use by agencies and interested parties to assist in the recovery of black abalone. To recover black abalone, the recommended recovery actions within the Plan aim to restore populations in southern California and Baja California that have experienced significant declines; maintain healthy populations in Central and North-Central California; promote planning, coordination, and research to address threats such as disease, contaminant spills and spill response activities, illegal take, and ocean acidification; and facilitate outreach and education with the public and law enforcement to support recovery efforts. Continued long-term monitoring of black abalone populations throughout their range will be critical to assessing the species' status and the effectiveness of the recovery actions.

We expect the Plan to inform section 7 consultations with Federal agencies under the ESA and to support other ESA decisions, such as considering research and enhancement or incidental take permits under section 10. NMFS and our partners have already begun implementation of several actions as described in the Plan. For example, many partners have been monitoring black abalone populations along the California coast for decades, since the mid-1970s at some sites. Researchers at the University of Washington and the University of California at Davis have been conducting disease research since the 1990s. In addition, the California Department of Fish and Wildlife coordinates with NMFS to address enforcement issues and spill response plans. After public comment and the adoption of the Final Recovery plan, we will continue to implement actions for which we have authority, encourage other Federal and state agencies to implement recovery actions for which they have authority, and work cooperatively with them to implement those actions.

The total time and cost to recovery are difficult to predict. The total time to recovery will depend on several factors. Those include: (1) Our ability to address threats such as disease and spills, which are difficult to manage with much certainty; (2) the species' biological constraints, such as episodic recruitment events; (3) the effectiveness of the recommended actions to achieve the Recovery Criteria and any adaptations needed as we learn more through implementation; and (4) the availability of funding to carry out the recovery actions.

We can predict that recovery will likely take decades and at a minimum about 20 years. To generate a minimum cost estimate, we assumed that annual costs for each activity would be similar to those estimated for the first five years of implementation. For the minimum time frame of 20 years, we estimate that recovery will cost approximately $16 million.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: January 27, 2020.

Angela Somma,

Chief, Endangered Species Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2020–01685 Filed 1–29–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XR096]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice of receipt and request for public comment on ten permit renewal applications, one permit modification, and five new permits.

SUMMARY: Notice is hereby given that NMFS has received sixteen scientific research permit application requests relating to Pacific salmon and steelhead, rockfish, and eulachon. The proposed research is intended to increase knowledge of species listed under the Endangered Species Act (ESA) and to help guide management and conservation efforts. The applications may be viewed online at: *https://apps.nmfs.noaa.gov/preview/preview_open_for_comment.cfm.*

DATES: Comments or requests for a public hearing on the applications must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific standard time on March 2, 2020.

ADDRESSES: Written comments on the applications should be sent to the Protected Resources Division, NMFS, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232–1274. Comments may also be sent via fax to 503–230–5441 or by email to *nmfs.wcr-apps@noaa.gov* (include the permit number in the subject line of the fax or email).

FOR FURTHER INFORMATION CONTACT: Rob Clapp, Portland, OR (ph.: 503–231–2314), Fax: 503–230–5441, email: *Robert.Clapp@noaa.gov*). Permit application instructions are available from the address above, or online at *https://apps.nmfs.noaa.gov.*

SUPPLEMENTARY INFORMATION:

Species Covered in This Notice

The following listed species are covered in this notice:

Chinook salmon (Oncorhynchus tshawytscha): Threatened Lower Columbia River (LCR); threatened Puget Sound (PS); threatened Snake River (SnkR) spring/summer-run; threatened Snake River (SnkR) fall-run; endangered Upper Columbia River (UCR) spring-run; threatened Upper Willamette River (UWR).

Steelhead (O. mykiss): Threatened Middle Columbia River (MCR); threatened PS; threatened SnkR; threatened UCR; threatened Central California Coast (CCC); threatened California Central Valley (CCV).

Chum salmon (O. keta): Threatened Hood Canal Summer-run (HCS).

Coho salmon (O. kisutch): Threatened LCR; threatened Oregon Coast (OC) coho; threatened Southern Oregon/Northern California Coast (SONCC).

Sockeye salmon (O. nerka): Endangered SnkR.

Eulachon (Thaleichthys pacificus): Threatened southern (S).

Rockfish (Sebastes spp.): Endangered Puget Sound/Georgia Basin (PS/GB) bocaccio (*Sebastes paucispinis*);

threatened PS/GB yelloweye rockfish (*S. ruberrimus*).

Authority

Scientific research permits are issued in accordance with section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et seq.*) and regulations governing listed fish and wildlife permits (50 CFR 222–226). NMFS issues permits based on findings that such permits: (1) Are applied for in good faith; (2) if granted and exercised, would not operate to the disadvantage of the listed species that are the subject of the permit; and (3) are consistent with the purposes and policy of section 2 of the ESA. The authority to take listed species is subject to conditions set forth in the permits.

Anyone requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). Such hearings are held at the discretion of the Assistant Administrator for Fisheries, NMFS.

Applications Received

1339–5M

The Nez Perce Tribe (NPT) under the authorization of the Columbia River Intertribal Fish Commission (CRITFC) is seeking to modify a permit that allows them to annually take adult and juvenile SnkR spring/summer Chinook salmon and SnkR steelhead while conducting research in a number of the tributaries to the Imnaha River (Cow, Lightning, Horse, Big Sheep, Camp, Little Sheep, Freezeout, Grouse, Crazyman, Mahogany, and Gumboot Creeks), the Grande Ronde River (Joseph Creek, Wenaha and Minam rivers), the Clearwater River (South Fork Clearwater River and Lolo Creek), and the Snake River (Lower Granite Dam adult trap). The Imnaha and Grande Ronde Rivers are in northeastern Oregon, the Clearwater is in Idaho, and the work in the Snake River would take place in Washington. The NPT has been conducting this work for more than two decades in the Pacific Northwest. The NPT is seeking to modify the permit in one way: They would like to be able to capture a number of adult steelhead at temporary weirs in the Salmon River subbasin in Idaho—primarily at a small number of locations in the lower Salmon River below the town of Riggins. The purpose of the research is to acquire information on the status (escapement abundance, genetic structure, life history traits) of juvenile and adult steelhead in the Imnaha, Grande Ronde, Clearwater, and Salmon River subbasins. The research would benefit the listed species by providing information on current status that fishery managers can use to determine if recovery actions are helping increase Snake River salmonid populations. Baseline information on steelhead populations in the Imnaha, Grande Ronde, and Clearwater River subbasins would also be used to help guide future management actions. Adult and juvenile salmon and steelhead would be observed, handled, and marked. The researchers would use temporary/portable picket and resistance board weirs and rotary screw traps to capture the fish and would then sample some of them for biological information (fin tissue and scale samples). They may also mark some of the fish with opercule punches, fin clips, dyes, and PIT, floy, and/or Tyvek disk tags. Adult steelhead carcasses would also be collected and sampled. The researchers do not intend to kill any of the fish being captured, but a small number may die as an unintended result of the activities.

14772–4R

The Oregon Department of Fish and Wildlife (ODFW) is seeking to renew a permit that currently allows it to take juvenile and adult OC coho salmon while studying fish abundance, distribution, and habitat preference in the Umpqua River. The ODFW would also study the distribution of non-native invasive species, interspecific competition, and predator-prey interactions. The information would benefit OC coho by helping to improve management plans. The researchers would use backpack and boat electrofishing equipment to capture the fish. Stunned fish would be recovered in a soft mesh dipnet and immediately put in an aerated holding tank. The fish would then be measured, weighed, recorded by species, and swiftly returned to the water. The researchers would avoid adult coho, but a few may be encountered. In the event that an adult coho is encountered, the ODFW would shut off the electrical current and allow the fish to swim away, and no more electrofishing would occur in that location. The researchers do not intend to kill any of the fish being captured, but a small number of juvenile coho may die as an unintended result of the activities.

15205–4R

The KWIAHT Center for the Historical Ecology of the Salish Sea (KWIAHT) is seeking to renew for five years a research permit that currently allows them to take juvenile PS Chinook salmon. Sampling sites would occur offshore of Decatur, Lopez, and Waldron island beaches in the San Juan Island archipelago in Puget Sound (San Juan County, WA). The purpose of this research is to understand long-term changes in the food web that supports Salish Sea salmon populations that annually congregate in the San Juan Islands basin. Since 2010, this study has been analyzing trends in juvenile Chinook salmon, their prey species (sand lance and Pacific herring), and their changing environment (*i.e.,* water temperatures). This research would benefit PS Chinook salmon by continuing to keep managers informed of the changes in the salmonids' environment and the impact those changes are having on juvenile wild Chinook salmon during their neritic life history stage. The researchers propose capturing fish using a beach seine. Once captured, the fish would be anesthetized and measured, and a tissue sample would be taken (sample scale and fin clip). The fishes' stomach contents would then be sampled by gastric lavage. The fish would then be returned to an aerated holding bucket until they are ready for release. The researchers do not propose to kill any of the listed salmonids being captured, but a small number may die as an unintended result of the activities.

15230–3R

West Fork Environmental, Inc. (WFE) is seeking to renew for five years a research permit that currently allows them to take juvenile PS Chinook salmon and PS steelhead on the South Fork of the Tolt River (Snoqualmie River sub-basin; King County, WA). The purpose of the study is to better understand the seasonal use of the Tolt River and its tributaries by juvenile PS steelhead prior to their outmigration. Since 2010, this study has increased our knowledge of size- and age-based movements in the upper reaches of the South Fork Tolt River. Further research would benefit PS steelhead by including an additional PIT-tag array to provide a better understanding of population-specific age structure, genetic structure, and movement patterns for both juveniles and returning adults. The WFE researchers propose capturing fish using backpack electrofishing and hook and line angling. The listed steelhead would be captured, anesthetized, measured, weighed, have a tissue sample taken (sample scale and fin clip), PIT tagged, and returned to an aerated holding bucket until they are ready for release. All other fish would be captured, identified to species, and released. The researchers do not propose to kill any of the listed salmonids being captured, but

a small number may die as an unintended result of the activities.

17062–6R

The Northwest Fisheries Science Center (NWFSC) is seeking to renew for five years a research permit that currently allows them to take juvenile and adult PS Chinook salmon, PS steelhead, HCS chum salmon, and PS/GB bocaccio. The NWFSC research may also cause them to take adult S eulachon and juvenile and adult PS/GB yelloweye rockfish, for which there are currently no ESA take prohibitions. Sampling would take place throughout the Puget Sound, the Strait of Juan de Fuca, and Hood Canal, WA. The purposes of the study are to (1) determine how much genetic variation exists between coastal and PS/GB DPS bocaccio populations; (2) investigate how characteristics (patch size and level of nearby urbanization) of rocky reef habitats, kelp forests, and eelgrass beds affect the relative quality of these habitats as nursery habitat for rockfishes in Puget Sound; and (3) examine the trophic relationships of rockfish in Puget Sound and their reliance on productivity from rocky reef habitats, kelp forests, and eelgrass beds. Since 2012, this study has been collecting genetic samples from ESA-listed rockfish to determine whether or not the PS/GB DPS rockfish designations are supported. For yelloweye and canary rockfish, enough genetic information was collected to support the PS/GB DPS designation for yelloweye rockfish but suggested that canary rockfish in Puget Sound were not a unique DPS. For bocaccio, not enough individuals were captured to support a determination. Further research would benefit these ESA-listed rockfish by collecting more biological samples to better understand DPS/species uniqueness and their habitat (*i.e.,* rocky reef, kelp forests, and eelgrass beds) interactions. The NWFSC proposes to capture fish by using (1) hook and line equipment at depths of 20–200 meters; (2) hand nets and spear guns while conducting SCUBA diving transects; and (3) anchored minnow traps and Standard Monitoring Units for the recruitment of Reef Fishes (SMURFs). For the hook and line fishing, captured fish would be reeled slowly to the surface to reduce the impacts of barotrauma. All captured ESA-listed rockfish would be measured, weighed, sexed, tissue sampled (caudal fin clip and dorsal musculature), floy tagged, and released to the water via rapid submersion techniques to reduce barotrauma. If a rockfish individual is captured dead or deemed nonviable, it would be retained for genetic analysis. All other ESA-listed fish would be released after capture. For the SCUBA diving transects, juvenile rockfish would be collected in a plastic bag and brought to the surface and sacrificed for full body analysis. For minnow traps and SMURFs, the traps would be brought to the surface, emptied into a tub of water, and the fish would be identified to species, enumerated, and sacrificed for full body analysis. The researchers do not propose to kill any adult listed fish being captured, but a small number may die as an unintended result of the activities.

17761–2R

The East Bay Municipal Utility District (EBMUD), Fisheries and Wildlife Division is seeking to renew for a five years a permit that currently allows them to take juvenile and adult CCV steelhead in the lower Mokelumne River in the San Joaquin Valley, CA. Fish would be observed (video monitoring in the fish ladder, escapement surveys, snorkel surveys, and redd surveys), captured (boat and backpack electrofishing, rotary screw traps, fish ladder trap, fyke traps, beach seines, smolt bypass trap, hook and line, trawling), handled (anesthetize, weigh, measure, and check for marks or tags), and released. A subsample may be marked, tagged, and/or sampled for stomach content or biological tissue. The purpose of the research is to collect scientific data on anadromous fish, resident fish, and fish habitat on the lower Mokelumne River as part of an ongoing process to measure the success of the flow requirements and non-flow measures set forth in the 1998 Joint Settlement Agreement (JSA) between EBMUD, the U.S. Fish and Wildlife Service (USFWS), and the California Department of Fish and Game (CDFW) as part of the 1991 Federal Energy Regulatory Commission (FERC) license proceeding. Data will also be used to develop and implement Hatchery and Genetics Management Plans for operation of the Mokelumne River Fish Hatchery's fall run Chinook salmon program and Central Valley steelhead program. The researchers are not proposing to kill any of the fish they capture, but a small number of individuals may be killed as an inadvertent result of the activities.

18696–4R

The Idaho Power company is seeking to renew for five years a research permit that currently allows them to annually capture juvenile and adult SnkR fall-run and SnkR spring/summer run Chinook salmon, SnkR sockeye and SnkR steelhead. The researchers are targeting juvenile white sturgeon in Lower Granite Reservoir, Idaho. The researchers currently use small-mesh gill nets and d-ring nets to capture white sturgeon. They also employ a benthic (near-bottom) trawl in Lower Granite Reservoir and do some gill-netting upstream from that reservoir. The gill net fishing would continue to take place at times (October and November) and in areas (the bottom of the reservoir and river) that have purposefully been chosen to have the least possible impact on listed fish. When the nets are pulled to the surface, listed species would immediately be released (including by cutting the net, if necessary) and allowed to return to the reservoir. The d-ring fishing would take place in June and July, but the same restrictions (immediately releasing listed fish, etc.) would still apply. The purpose of the research is to document sturgeon survival in early life stages in the mainstem Snake River. The research targets a species that is not listed, but the research would benefit listed salmonids by generating information about the habitat conditions near and in Lower Granite Reservoir and by helping managers develop conservation plans for the species that inhabit those areas. The researchers are not proposing to kill any of the fish they capture, but a small number of individuals may be killed as an inadvertent result of the activities.

18852–2R

The USFWS Mid-Columbia River Fishery Resource Office is seeking to renew for five years a research permit that currently allows them to annually capture juvenile and adult UCR spring-run Chinook salmon and steelhead, and juvenile MCR steelhead. Sampling would take place throughout the Yakima, Wenatchee, Entiat, Methow and Okanogan river basins in WA. The researchers currently use backpack electrofishing, hand/dip nets, and hook and line to capture fish. The purpose of this project is to (1) determine the distribution and status of Pacific lamprey, bull trout, and other native fish species and (2) implement and assess recovery actions associated with passage at existing structures and at lamprey passage engineered structures. During this research, non-target species, including Chinook salmon and steelhead will be released with minimal handling. In some study areas, Chinook salmon and steelhead may be anesthetized and identified to species, measured, and scanned for PIT tags. The research targets Pacific lamprey and bull trout, but the research would benefit listed salmonids by providing presence/absence data and helping inform habitat

restoration actions. The researchers are not proposing to kill any of the fish they capture, but a small number of individuals may be killed as an inadvertent result of the activities.

18906–2R

The Northwest Straits Foundation (NSF) is seeking to renew for five years a research permit that currently allows them to take juvenile PS Chinook salmon and PS steelhead. The researchers may also take adult S eulachon, for which there are currently no ESA take prohibitions. Sampling would take place at up to 30 sites in the eastern Puget Sound from Saratoga Passage (in the south) to Fidalgo Bay (to the north) (Island and Skagit counties, WA). The purpose of the study is to monitor ecosystem response to restoration efforts (pre- and post-) and determine their effectiveness at reestablishing habitat as a natural functioning ecosystem. The research would benefit the listed species by determining the effectiveness of these restoration efforts and applying them to future efforts which directly benefits listed salmon by increasing habitat. The NSF proposes capturing fish using a beach seine. Fish would be captured, identified to species, measured, and released. The researchers do not propose to kill any of the listed fish being captured, but a small number may die as an unintended result of the activities.

19013–2R

Long Live the Kings (LLTK) is seeking to renew for five years a research permit that currently allows them to take juvenile HCS chum salmon, PS Chinook salmon, and PS steelhead in the Hamma Hamma River (Mason County, WA). The purpose of the study is to assess the long-term effects and effectiveness of PS steelhead supplementation when utilizing low-impact, innovative wild steelhead supplementation techniques in streams throughout the Hood Canal region. Further research would benefit the listed species by determining what legacy effects the PS steelhead hatchery program have had on natural steelhead populations (abundance, genetic diversity, life history diversity). The researchers propose capturing fish using a rotary screw trap. PS steelhead would be captured, anesthetized, weighed, measured, have a tissue sample taken (sample scale and fin clip), and returned to an aerated holding bucket until they are ready for release. All other fish will be captured, identified to species, and released downstream of the trap. The researchers do not propose to kill any of the listed salmonids being captured, but a small number may die as an unintended result of the activities.

19386–2R

The Wood Environment & Infrastructure Solutions, Inc. (WEIS) is seeking to renew for five years a research permit that currently allows them to take juvenile PS Chinook salmon and PS steelhead in the Lower Duwamish River waterway (King County, WA). Under a Consent Decree settled through U.S. District Court (Western District of Washington), The Boeing Company agreed to construct two habitat restoration projects near Boeing Plant 2 in the Lower Duwamish Waterway to restore and create off-channel and riparian habitats in an area where they have been largely eliminated due to channelization and industrialization. The purpose of this study is to determine if fish, including ESA listed juvenile salmonids, are using the newly created/restored habitat. This is a planned ten-year study, and this renewal would cover the last five years of the study. This research would benefit the affected species by informing future restoration designs as well as providing data to support future enhancement projects. The researchers propose to capture fish using fyke nets during the spring salmonid outmigration (March through June). Fish would be anaesthetized, identified to species, measured for length, allowed to recover, and released. The researchers do not propose to kill any of the listed fish being captured, but a small number may die as an unintended result of the activities.

23567

Stillwater Sciences is seeking a five-year research permit to take juvenile CCC steelhead in Rector Creek extending 1.7 miles downstream from Rector Dam in Napa County, CA. Sampling would be for a period of 1 week during both the Spring (March–June) and again during Fall (September–October) in 2020, followed by repeat surveys in 2021–2024. The purpose of this study is to assess instream flow needs in Rector Creek. The license to operate Rector Dam does not include specific instream flow release requirements; however, California Fish and Game Code Section 5937 requires the owner or operator of any dam to allow sufficient flow to pass through or over the dam to keep fish downstream of the dam in good condition. Data will be collected to assess species composition, distribution, abundance, age-class distribution, and individual fish condition (size, growth rate, and presence of disease, parasites, or lesions) to evaluate the condition of fish in Rector Creek downstream of Rector Dam. Results of this study will be used to refine the conditions of the Rector Creek release schedule to improve habitat conditions for fish species downstream. Fish survey methods used will include direct observation using multi-pass snorkeling methods, beach seining, dip-netting, and single-pass backpack electrofishing. These methods will follow standard guidelines to reduce injury to steelhead and other native fish species. The researchers do not propose to kill any of the listed fish being captured, but a small number may die as an unintended result of the activities.

23600

The University of Washington (UW) is seeking a three-year research permit to annually take juvenile and adult PS Chinook salmon, PS steelhead, HCS chum salmon, and PS/GB bocaccio throughout the Puget Sound and the Strait of Juan de Fuca, WA. The UW research may also cause them to take adult PS/GB yelloweye rockfish, for which there are currently no ESA take prohibitions. The purpose of the study is to investigate the ecology and movement of broadnose sevengill shark (*Notorhynchus cepedianus*) and bluntnose sixgill shark (*Hexanchus griseus*) and to assess their potential to serve as sentinels for deep ocean ecosystems. This research would benefit the affected species by providing a better understanding of the marine ecosystem of Puget Sound and the Pacific Ocean. The UW proposes to capture fish using longline fishing gear. Targeted shark species would be tagged (satellite and acoustic), sampled (blood, fin clip, and muscle tissue biopsy), measured, and released. ESA-listed rockfish would be tissue sampled (fin clip), floy tagged, and released to the water via rapid submersion techniques to reduce barotrauma. If a rockfish individual is captured dead or deemed nonviable, it would be retained for genetic analysis. ESA-listed salmonids would either be immediately released or held an aerated livewell until they are ready for release. The researchers do not propose to kill any of the listed fish being captured, but a small number may die as an unintended result of the activities.

23633

The USFWS is seeking a five-year permit to capture juveniles from several species of native lamprey in Abernathy Creek, WA. The researchers would use backpack electrofishing units to capture the lamprey. Because the researchers are

targeting lamprey, the electrofishing units would be operated at very low setting—settings that generally have very little effect on salmonids. Nonetheless, if the researchers do encounter any juvenile LCR coho, those fish would be dip-netted, quickly enumerated, and returned to the creek downstream of the electrofishing team without further handling. Though the listed fish are not the target of the research, they would nonetheless benefit from the information to be gained. The researchers are collecting data on an important indicator of habitat health, and they are doing it in an area that has been designated as an ''intensively monitored watershed''—which means that managers will easily be able to use any information the researchers gather help recover listed salmonids elsewhere in the lower Columbia River. The researchers do not intend to kill any listed fish, but a small number some may die as an inadvertent result of the proposed activities.

23637

The Oregon Department of Fish and Wildlife (ODFW) is seeking a five-year permit to tag—with acoustic tags—adult MCR steelhead at Bonneville Dam on the Columbia River and monitor their subsequent migration patterns and routes. The fish would be taken and tagged as they pass through the Bonneville Dam adult fish facility. Captured adult steelhead would be anesthetized, held in an oxygenated, river-temperature tank, and implanted with an acoustic transmitter once they are fully anesthetized and deemed ready. Following their recovery from anesthesia, tagged adult steelhead would be released immediately upstream of the adult fish trap and allowed to proceed up the fish ladder to cross Bonneville Dam. The fish would then be tracked by acoustic receiver arrays in upstream reservoirs and dams and at a location near the confluence of the Columbia and John Day Rivers.

The research is intended to generate information about adult MCR steelhead migration and, in particular, it is intended to help managers address the question of why so many steelhead that originate in the John Day River tend to swim past that river and continue up the Columbia River when they return as adults. Currently, approximately 60% of the returning steelhead overshoot the John Day River when they return as adults. If managers can figure out why that is the case and develop measures to reduce that percentage (*i.e.,* help the fish find their way back to their spawning grounds), it could potentially greatly increase their survival and, therefore, vastly improve spawning success and overall steelhead numbers in the John Day River. The researchers do not intend to kill any of the fish being tagged, but some may die as an inadvertent result of the capturing and tagging activities.

23629

The U.S. Geological Survey (USGS) is seeking a five-year permit to annually take juvenile and adult UWR Chinook salmon, and adult and juvenile SONCC coho in the Willamette (Coast Fork and Middle Fork), North and South Santiam, McKenzie and Upper Rogue rivers in OR. The purpose of this study is to evaluate contaminants, particularly mercury in reservoirs/lakes and the relationships between contaminants in sediment and biota, water quality, and fish tissue mercury concentrations. Researchers will capture fish with back pack and boat electrofishing, hook and line, gill nets, beach seines and minnow traps. Captured listed fish will be quickly handled and released. A subset of other fish will be anesthetized, tissue sampled, allowed to recover and released. This research will benefit listed species by providing information to assess factors that influence contaminant exposure and allow researchers to evaluate contaminant exposure, bioaccumulation, and effects in aquatic ecosystems. The researchers do not intend to kill any listed fish, but a small number some may die as an inadvertent result of the proposed activities.

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the applications, associated documents, and comments submitted to determine whether the applications meet the requirements of section 10(a) of the ESA and Federal regulations. The final permit decisions will not be made until after the end of the 30-day comment period. NMFS will publish notice of its final action in the **Federal Register**.

Dated: January 27, 2020.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2020–01684 Filed 1–29–20; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

DATES: Comments must be submitted on or before March 2, 2020.

ADDRESSES: Comments regarding the burden estimate or any other aspect of the information collection, including suggestions for reducing the burden, may be submitted directly to the Office of Information and Regulatory Affairs (OIRA) in OMB within 30 days of this notice's publication by either of the following methods. Please identify the comments by ''OMB Control No. 3038–0025.''

- By email addressed to: *OIRAsubmissions@omb.eop.gov* or
- By mail addressed to: the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention Desk Officer for the Commodity Futures Trading Commission, 725 17th Street NW, Washington, DC 20503.

A copy of all comments submitted to OIRA should be sent to the Commodity Futures Trading Commission (the ''Commission'') by either of the following methods. The copies should refer to ''OMB Control No. 3038–0025.''

- *By mail addressed to:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581;
- By Hand Delivery/Courier to the same address; or
- Through the Commission's website at *http://comments.cftc.gov.* Please follow the instructions for submitting comments through the website.

A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting *http://RegInfo.gov.*

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *http://www.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according

to the procedures established in § 145.9 of the Commission's regulations.[1] The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *http://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT: John Dolan, Counsel for General Law, Office of the General Counsel, Commodity Futures Trading Commission, (202) 418–5337; email: *JDolan@cftc.gov,* and refer to OMB Control No. 3038–0025.

SUPPLEMENTARY INFORMATION:

Title: Practice by Former Members and Employees of the Commission (OMB Control No. 3038–0025). This is a request for an extension of a currently approved information collection.

Abstract: Commission Rule 140.735–6 governs the practice before the Commission of former members and employees of the Commission and is intended to ensure that the Commission is aware of any existing conflict of interest. The rule, at 17 CFR 140.735–6(e), requires former members and employees who are employed or retained to represent any person before the Commission within two years of their separation from the CFTC, to file a brief written statement with the Commission's Office of the General Counsel. The proposed rule was promulgated pursuant to the Commission's rulemaking authority contained in Section 8a(5) of the Commodity Exchange Act, 7 U.S.C. 12a(5) (1994), as amended.

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.[2] On November 20, 2019, the Commission published in the **Federal Register** notice of the proposed extension of this information collection and provided 60 days for public comment on the proposed extension, 84 FR 64050 (''60-Day Notice''). The Commission did not receive any comments on the 60-Day Notice.

Burden Statement: The respondent burden for this collection is estimated to average 0.10 hours per response to file the brief written statement. This estimate includes the time needed to review instructions, utilize technology and systems for the purposes of collecting, validating, verifying, processing and disclosing information, and adjust/update existing methods to comply with any previously applicable instructions and requirements.

Respondents/Affected Entities: Former Commission members, employees, and their current employers. *Estimated number of annual respondents/responses:* 30. *Estimated annual burden hours per respondent/response:* 0.10 hours (or 6 minutes). *Estimated total annual burden hours:* 3 hours. *Frequency of collection:* On occasion. There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: January 24, 2020.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2020–01605 Filed 1–29–20; 8:45 am]

BILLING CODE 6351–01–P

[1] 17 CFR 145.9.

[2] The OMB control numbers for the CFTC Regulations were published on December 30, 1981. *See* 46 FR 63035 (Dec. 30, 1981).

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

DATES: Comments must be submitted on or before March 2, 2020.

ADDRESSES: Comments regarding the burden estimate or any other aspect of the information collection, including suggestions for reducing the burden, may be submitted directly to the Office of Information and Regulatory Affairs (OIRA) in OMB within 30 days of this notice's publication by either of the following methods. Please identify the comments by ''OMB Control No. 3038–0013.''

- By email addressed to: *OIRAsubmissions@omb.eop.gov* or
- By mail addressed to: the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention Desk Officer for the Commodity Futures Trading Commission, 725 17th Street NW, Washington DC 20503.

A copy of all comments submitted to OIRA should be sent to the Commodity Futures Trading Commission (the ''Commission'') by either of the following methods. The copies should refer to ''OMB Control No. 3038–0013.''

- By mail addressed to: Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581;
- By Hand Delivery/Courier to the same address; or
- Through the Commission's website at *http://comments.cftc.gov.* Please follow the instructions for submitting comments through the website.

A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting *http://RegInfo.gov.*

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *http://www.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1] The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *http://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT: Steven Haidar, Division of Market Oversight, Commodity Futures Trading Commission, (202) 418–5611; email: *shaidar@cftc.gov,* and refer to OMB Control No. 3038–0013.

SUPPLEMENTARY INFORMATION:

Title: ''Exemptions from Speculative Limits'' (OMB Control No. 3038–0013). This is a request for extension of a

[1] 17 CFR 145.9.

currently approved information collection.

Abstract: Commission rule 150.4 provides that all persons holding a greater than 10 percent ownership or equity interest in another entity can avail themselves of an exemption in rule 150.4(b)(2) to disaggregate the positions of the owned entity. To claim the exemption, a person needs to meet certain criteria and file a notice with the Commission in accordance with the provisions of the rule. The rules establish reporting and recordkeeping requirements. Rule 150.4(b)(2) (would establish an exemption for a person to disaggregate the positions of a separately organized entity); 150.4(b)(5) (would expand the exemption for independent account controllers to include additional eligible participants); and 150.4(b)(8) (provides an exemption from aggregation where the sharing of information between persons would cause either person to violate federal law).

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. On November 19, 2019, the Commission published in the **Federal Register** notice of the proposed extension of this information collection and provided 60 days for public comment on the proposed extension, 84 FR 63861 (''60-Day Notice''). The Commission did not receive any relevant comments on the 60-Day Notice.

Burden Statement: The burden for this collection applies to an eligible entity as defined in Part 150. The respondent burden for this collection is estimated to be as follows:

Estimated Number of Respondents: 240.

Estimated Total Annual Responses: 340.

Estimated Average Burden Hours per Response: 20.15.

Estimated Total Annual Burden Hours: 6850.

Frequency of Collection: Once.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: January 24, 2020.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2020–01606 Filed 1–29–20; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Research and Engineering, Department of Defense (DoD).

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Science Board (DSB) will take place.

DATES: Closed to the public Tuesday, February 11, 2020 from 8:00 a.m. to 5:00 p.m. and Wednesday, February 12, 2020 from 8:00 a.m. to 4:00 p.m.

ADDRESSES: The address of the closed meeting is the Executive Conference Center at 4075 Wilson Blvd., Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Doxey, (703) 571–0081 (Voice), (703) 697–1860 (Facsimile), *kevin.a.doxey.civ@mail.mil* (Email). Mailing address is Defense Science Board, 3140 Defense Pentagon, Room 3B888A, Washington, DC 20301–3140. Website: *http://www.acq.osd.mil/dsb/.* The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: Due to circumstances beyond the control of the Department of Defense and the Designated Federal Officer, the Defense Science Board was unable to provide public notification required by 41 CFR 102–3.150(a) concerning the meeting on February 11 thru 12, 2020 of the Defense Science Board. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C., Appendix), the Government in the Sunshine Act (5 U.S.C. 552b), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting

The mission of the DSB is to provide independent advice and recommendations on matters relating to the DoD's scientific and technical enterprise. The objective of the meeting is to obtain, review, and evaluate classified information related to the DSB's mission. DSB members will meet to discuss classified future dimensions of conflict that might be exploited by our near-peer competitors and adversaries in response to the DSB's 2020 Summer Study on New Dimensions of Conflict tasking.

Agenda

The DSB meeting will begin on February 11, 2020 at 8:00 a.m. with opening remarks by Mr. Kevin Doxey, the Designated Federal Officer (DFO), and Dr. Craig Fields, DSB Chairman. The members of the study will meet to discuss classified future dimensions of conflict that might be exploited by our near-peer competitors and adversaries. Following break, the members will resume their meeting. The meeting will adjourn at 5:00 p.m. On February 12, 2020, the meeting will begin at 8:00 a.m. with a discussion of classified future dimensions of conflict that might be exploited by our near-peer competitors and adversaries. Following break, the members will resume their meeting. The meeting will adjourn at 4:00 p.m.

Meeting Accessibility

In accordance with Section 10(d) of the FACA and 41 CFR 102–3.155, the DoD has determined that the DSB meeting will be closed to the public. Specifically, the Under Secretary of Defense (Research and Engineering), in consultation with the DoD Office of General Counsel, has determined in writing that the meeting will be closed to the public because it will consider matters covered by 5 U.S.C. 552b(c)(1). The determination is based on the consideration that it is expected that discussions throughout will involve classified matters of national security concern. Such classified material is so intertwined with the unclassified material that it cannot reasonably be segregated into separate discussions without defeating the effectiveness and meaning of the overall meetings. To permit the meeting to be open to the public would preclude discussion of such matters and would greatly diminish the ultimate utility of the DSB's findings and recommendations to the Secretary of Defense and to the Under Secretary of Defense (Research and Engineering).

Written Statements

In accordance with Section 10(a)(3) of the FACA and 41 CFR 102–3.105(j) and 102–3.140, interested persons may submit a written statement for consideration by the DSB at any time regarding its mission or in response to the stated agenda of a planned meeting. Individuals submitting a written statement must submit their statement to the DSB DFO provided in the **FOR FURTHER INFORMATION CONTACT** section at

any point; however, if a written statement is not received at least three calendar days prior to the meeting, which is the subject of this notice, then it may not be provided to or considered by the DSB until a later date.

Dated: January 27, 2020.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2020–01753 Filed 1–29–20; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Inland Waterways Users Board Meeting Notice

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

ACTION: Notice of open Federal advisory committee meeting.

SUMMARY: The Department of the Army is publishing this notice to announce the following Federal advisory committee meeting of the U.S. Army Corps of Engineers, Inland Waterways Users Board (Board). This meeting is open to the public. For additional information about the Board, please visit the committee's website at *http://www.iwr.usace.army.mil/Missions/Navigation/InlandWaterwaysUsersBoard.aspx.*

DATES: The Army Corps of Engineers, Inland Waterways Users Board will meet from 8:00 a.m. to 12:00 p.m. on February 19, 2020. Public registration will begin at 7:15 a.m.

ADDRESSES: The Inland Waterways Users Board meeting will be conducted at the Fort Smith Convention Center, 55 South 7th Street, Fort Smith, Arkansas 72901, 479–788–8932.

FOR FURTHER INFORMATION CONTACT: Mr. Mark R. Pointon, the Designated Federal Officer (DFO) for the committee, in writing at the Institute for Water Resources, U.S. Army Corps of Engineers, ATTN: CEIWR–GM, 7701 Telegraph Road, Casey Building, Alexandria, VA 22315–3868; by telephone at 703–428–6438; and by email at *Mark.Pointon@usace.army.mil.* Alternatively, contact Mr. Steven D. Riley, an Alternate Designated Federal Officer (ADFO), in writing at the Institute for Water Resources, U.S. Army Corps of Engineers, ATTN: CEIWR–NDC, 7701 Telegraph Road, Casey Building, Alexandria, VA 22315–3868; by telephone at 703–659–3097; and by email at *Steven.D.Riley@usace.army.mil.*

SUPPLEMENTARY INFORMATION: The committee meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting: The Board is chartered to provide independent advice and recommendations to the Secretary of the Army on construction and rehabilitation project investments on the commercial navigation features of the inland waterways system of the United States. At this meeting, the Board will receive briefings and presentations regarding the investments, projects and status of the inland waterways system of the United States and conduct discussions and deliberations on those matters. The Board is interested in written and verbal comments from the public relevant to these purposes.

Agenda: At this meeting the agenda will include the status of FY 2020 funding for inland and coastal Navigation; status of the Inland Waterways Trust Fund (IWTF) and project updates; status of the construction activities for Olmsted Locks and Dam Project, the Monongahela River Locks and Dams 2, 3, and 4 Project, the Chickamauga Lock Project and the Kentucky Lock Project; the status of the inland waterways Capital Investment Strategy development; a briefing of USACE Economics 101 and Developing BCRs; status of the Three Rivers, Arkansas project; an update of the Calcasieu Lock project; and a briefing on the district reorganization for the Illinois Waterway.

Availability of Materials for the Meeting. A copy of the agenda or any updates to the agenda for the February 19, 2020 meeting will be available. The final version will be provided at the meeting. All materials will be posted to the website after the meeting.

Public Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.1 65, and subject to the availability of space, this meeting is open to the public. Registration of members of the public who wish to attend the meeting will begin at 7:15 a.m. on the day of the meeting. Seating is limited and is on a first-to-arrive basis. Attendees will be asked to provide their name, title, affiliation, and contact information to include email address and daytime telephone number at registration. Any interested person may attend the meeting, file written comments or statements with the committee, or make verbal comments from the floor during the public meeting, at the times, and in the manner, permitted by the committee, as set forth below.

Special Accommodations: The meeting venue is fully handicap accessible, with wheelchair access. Individuals requiring special accommodations to access the public meeting or seeking additional information about public access procedures, should contact Mr. Pointon, the committee DFO, or Ms. Noland, an ADFO, at the email addresses or telephone numbers listed in the **FOR FURTHER INFORMATION CONTACT** section, at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Written Comments or Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the Board about its mission and/or the topics to be addressed in this public meeting. Written comments or statements should be submitted to Mr. Pointon, the committee DFO, or Mr. Riley, a committee ADFO, via electronic mail, the preferred mode of submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section in the following formats: Adobe Acrobat or Microsoft Word. The comment or statement must include the author's name, title, affiliation, address, and daytime telephone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the committee DFO or ADFO at least five (5) business days prior to the meeting so that they may be made available to the Board for its consideration prior to the meeting. Written comments or statements received after this date may not be provided to the Board until its next meeting. Please note that because the Board operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection.

Verbal Comments: Members of the public will be permitted to make verbal comments during the Board meeting only at the time and in the manner allowed herein. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least three business (3) days in advance to the committee DFO or ADFO, via electronic mail, the preferred mode of submission, at the addresses listed in the **FOR**

FURTHER INFORMATION CONTACT section. The committee DFO and ADFO will log each request to make a comment, in the order received, and determine whether the subject matter of each comment is relevant to the Board's mission and/or the topics to be addressed in this public meeting. A 15-minute period near the end of the meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described above, will be allotted no more than three (3) minutes during this period, and will be invited to speak in the order in which their requests were received by the DFO and ADFO.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2020–01680 Filed 1–29–20; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2020–SCC–0019]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Credit Enhancement for Charter School Facilities Program (1894–0001)

AGENCY: Office of Innovation and Improvement (OII), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before March 2, 2020.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2020–SCC–0019. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W–208D, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Clifton Jones, 202–205–2204.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Credit Enhancement for Charter School Facilities Program (1894–0001).

OMB Control Number: 1855–0007.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 15.

Total Estimated Number of Annual Burden Hours: 1,200.

Abstract: An application is required by statute to award the Credit Enhancement for Charter School Facilities Program (formerly known as the Charter School Facilities Financing Demonstration Program) grants. These grants are made to private, non-profits; public entities; and consortia of these organizations. The funds are to be deposited into a reserve account that will be used to leverage private funds on behalf of charter schools to acquire, construct, and renovate school facilities.

The U.S. Department of Education is seeking OMB approval for an electronic collection for the application for the Credit Enhancement for Charter School Facilities Program.

Dated: January 27, 2020.

Kate Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer.

[FR Doc. 2020–01694 Filed 1–29–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2020–SCC–0021]

Agency Information Collection Activities; Comment Request; Application and Employment Certification for Public Service Loan Forgiveness

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before March 30, 2020.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2020–SCC–0021. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Strategic Collections and Clearance Governance

and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W–208D, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Application and Employment Certification for Public Service Loan Forgiveness.

OMB Control Number: 1845–0110.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 801,261.

Total Estimated Number of Annual Burden Hours: 400,631.

Abstract: The Department is consolidating the forms that borrowers must complete if they want to ultimately receive the Public Service Loan Forgiveness (PSLF) & Temporary Expanded PLSF (TESPLF). There will now be a single form for these programs. The form is being renamed the Public Service Loan Forgiveness (PSLF) & Temporary Expanded PLSF (TESPLF) Certification and Application. This revised form includes the Employment Certification Form which is already part of this collection. This consolidation of forms will remove the need for borrowers to separately complete the PSLF application and submit a separate email for the TEPSLF program. This combining will also aid the Department in streamlining the forgiveness determination process.

Dated: January 27, 2020.

Kate Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer.

[FR Doc. 2020–01715 Filed 1–29–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

National Advisory Council on Indian Education; Meeting

AGENCY: National Advisory Council on Indian Education (NACIE), U. S. Department of Education.

ACTION: Announcement of an open meeting.

SUMMARY: This notice sets forth the agenda for an upcoming public meeting of the National Advisory Council on Indian Education (NACIE). Notice of the meeting is required by section 10(a)(2) of the Federal Advisory Committee Act (FACA) and is intended to notify members of the public who may be interested in attending.

DATES: The NACIE meeting will be held on February 13–14, 2020 at the National Museum of the American Indian, Fourth Street & Independence Avenue SW, Washington, DC 20560, 4th Floor Meeting Room on February 13, 2020–10:00 a.m.–5:00 p.m. (EST) and February 14, 2020–9:00 a.m.–4:00 p.m.(EST).

FOR FURTHER INFORMATION CONTACT: Angeline Boulley, Director of the Office of Indian Education (OIE)/Designated Federal Official, Office of Elementary and Secondary Education (OESE), U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202. Telephone: 202–453–7042, Email: *Angeline.Boulley@ed.gov.*

SUPPLEMENTARY INFORMATION:

Statutory Authority and Function: NACIE is authorized by § 6141 of the Elementary and Secondary Education Act of 1965. NACIE is established within the U.S. Department of Education to advise the Secretary of Education (Secretary) and the Secretary of Interior on the funding and administration (including the development of regulations, and administrative policies and practices) of any program over which the Secretary has jurisdiction and includes Indian children or adults as participants or that may benefit Indian children or adults, including any program established under Title VI, Part A of the Elementary and Secondary Education Act. In addition, NACIE advises the White House Initiative on American Indian and Alaska Native Education, in accordance with section 5(a) of Executive Order 13592. NACIE submits to the Congress each year a report on the activities of the Council that includes recommendations that are considered appropriate for the improvement of Federal education programs that include Indian children or adults as participants or that may benefit Indian children or adults, and recommendations concerning the funding of any such program.

Meeting Agenda: The purpose of the meeting is to convene NACIE to conduct the following business:

February 13

(1) Welcome and Introductions; (2) Update from the Office of Elementary and Secondary Education; (3) Presentation-White House Initiative on American Indian and Alaska Native Education (WHIAIANE); (4) Presentation-Director of the National Indian Education Association(NIEA); (5) Presentation-National Comprehensive Center

February 14

(1) Presentation-Office of Indian Education; (2) Presentation-Expanding Education Options for Indian Children; (3) Presentation-Bureau of Indian Education; (4) Discussion of Data Requests for the 2020 NACIE Annual Report to Congress; (5) Discussion on NACIE Vacancies; (6) Confirmation of NACIE Calendar for 2020–2021; and (7) Public Comments.

Access to the Meeting: All attendees must RSVP for the meeting to ensure there is sufficient space to accommodate everyone. Please RSVP via email to *Angeline.Boulley@ed.gov* no later than February 11, 2020. There will be online and teleconference capabilities for individuals who would like to remotely attend the meeting. Adobe Connect hyperlink inserted: *NACIE Meeting*

To copy and paste the hyperlink into browser: *https://tribaltech.adobeconnect.com/rlsrws0as4df/.*

Adobe Connect Meeting Code: 6241321.

To join by telephone use call-in toll-free number 1–800–832–0736.

Public Comment: If you would like to provide public comment, please submit

your request no later than February 11, 2020 to *Angeline.Boulley@ed.gov.* Public comments will be heard in the order of requests received. Speakers will have up to five (5) minutes to provide a comment, with a one-hour maximum time limit for all public comments. Members of the public interested in submitting written comments may do so via email at *Angeline.Boulley@ed.gov.* Comments should pertain to the work of NACIE and/or the Office of Indian Education.

Reasonable Accommodations: The hearing site is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (*e.g.,* interpreting service, assistive listening device, or materials in an alternate format), notify Brandon Dent on 202–453–6450 or at *brandon.dent@ed.gov* no later than February 7, 2020. Although we will attempt to meet a request received after the request due date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to make arrangements.

Access to Records of the Meeting: The Department will post the official report of the meeting on the OESE website at: *https://oese.ed.gov/offices/office-of-indian-education/* 21 days after the meeting. Pursuant to the FACA, the public may also inspect NACIE records at the Office of Indian Education, United States Department of Education, 400 Maryland Avenue SW, Washington, DC 20202, Monday–Friday, 8:30 a.m. to 5:00 p.m. Eastern Time. Please email to schedule an appointment. *Wanda.Lee@ed.gov* or by calling Wanda Lee at (202) 3453–7262 to schedule an appointment.

Electronic Access to this Document: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

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

Authority: § 6141 of the Elementary and Secondary Education Act of 1965 (ESEA) as amended by Every Student Succeeds Act (ESSA) (20 U.S.C. 7471).

Frank T. Brogan,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2020–01613 Filed 1–29–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Alaska Native and Native Hawaiian-Serving Institutions Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for new awards for fiscal year (FY) 2020 for the Alaska Native and Native Hawaiian-Serving Institutions (ANNH) Program, Catalog of Federal Domestic Assistance (CFDA) numbers 84.031N (Alaska Native) and 84.031W (Native Hawaiian). This notice relates to the approved information collection under OMB control number 1840–0810.

DATES

Applications Available: January 30, 2020.

Deadline for Transmittal of Applications: March 16, 2020.

Deadline for Intergovernmental Review: May 14, 2020.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768), and available at *www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf.*

FOR FURTHER INFORMATION CONTACT: Robyn Wood, U.S. Department of Education, 400 Maryland Avenue SW, Room 268–42, Washington, DC 20202–4260. Telephone: (202) 453–7744. Email: *Robyn.Wood@ed.gov.*

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

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The ANNH Program provides grants to eligible institutions of higher education (IHEs) to enable them to improve and expand their capacity to serve Alaska Natives and Native Hawaiians. Institutions may use these grants to plan, develop, or implement activities that strengthen the institution.

Priority: This notice contains one competitive preference priority. This priority is from the Secretary's Final Supplemental Priorities and Definitions for Discretionary Grant Programs (Supplemental Priorities), which were published in the **Federal Register** on March 2, 2018 (83 FR 9096).

Competitive Preference Priority: For FY 2020 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i), we award up to an additional three points to an application, depending on how well the application meets this priority.

This priority is:

Fostering Knowledge and Promoting the Development of Skills that Prepare Students to be Informed, Thoughtful, and Productive Individuals and Citizens (up to 3 points).

Projects that are designed to address supporting instruction in personal financial literacy, knowledge of markets and economics, knowledge of higher education financing and repayment (*e.g.,* college savings and student loans), or other skills aimed at building personal financial understanding and responsibility.

Definitions: These definitions apply to the selection criteria for this competition and are from 34 CFR 77.1.

Demonstrates a rationale means a key project component included in the project's logic model is informed by research or evaluation findings that suggest the project component is likely to improve relevant outcomes.

Logic model (also referred to as theory of action) means a framework that identifies key project components of the proposed project (*i.e.,* the active ''ingredients'' that are hypothesized to be critical to achieving the relevant outcomes) and describes the theoretical and operational relationships among the key project components and relevant outcomes.

Note: In developing logic models, applicants may want to use resources such as the Regional Educational Laboratory Program's (REL Pacific) Education Logic Model Application, available at *https://ies.ed.gov/ncee/edlabs/regions/pacific/elm.asp,* to help design their logic models. Other sources include: *https://ies.ed.gov/ncee/edlabs/regions/pacific/pdf/REL_2014025.pdf, https://ies.ed.gov/ncee/edlabs/regions/pacific/pdf/REL_2014007.pdf,* and *https://ies.ed.gov/ncee/edlabs/regions/northeast/pdf/REL_2015057.pdf.*

Project component means an activity, strategy, intervention, process, product, practice, or policy included in a project. Evidence may pertain to an individual project component or to a combination of project components (*e.g.,* training teachers on instructional practices for English learners and follow-on coaching for these teachers).

Relevant outcome means the student outcome(s) or other outcome(s) the key project component is designed to improve, consistent with the specific goals of the program.

Program Authority: 20 U.S.C. 1059d (title III, part A, of the Higher Education Act of 1965, as amended (HEA)).

Note: In 2008, the HEA was amended by the Higher Education Opportunity Act of 2008 (HEOA), Public Law 110–315. Please note that the regulations for ANNH in 34 CFR part 607 have not been updated to reflect these statutory changes. The statute supersedes all other regulations.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The regulations for this program in 34 CFR part 607. (e) The Supplemental Priorities.

II. Award Information

Type of Award: Discretionary grants. Five-year Individual Development Grants and Cooperative Arrangement Development Grants will be awarded in FY 2020.

Note: A cooperative arrangement is an arrangement to carry out allowable grant activities between an institution eligible to receive a grant under this part and another eligible or ineligible IHE, under which the resources of the cooperating institutions are combined and shared to better achieve the purposes of this part and avoid costly duplication of effort.

Estimated Available Funds: $12,884,824.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2021 from the list of unfunded applications from this competition.

Individual Development Grants:

Estimated Range of Awards: $400,000–$450,000 per year.

Estimated Average Size of Awards: $425,000 per year.

Maximum Award: We will not make an award exceeding $450,000 for a single budget period of 12 months.

Estimated Number of Awards: 27.

Cooperative Arrangement Development Grants:

Estimated Range of Awards: $450,000–$500,000 per year.

Estimated Average Size of Awards: $475,000 per year.

Maximum Award: We will not make an award exceeding $500,000 for a single budget period of 12 months.

Estimated Number of Awards: 3.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. a. *Eligible Applicants:*

This program is authorized by title III, part A, of the HEA. At the time of submission of their applications, applicants must certify their total undergraduate headcount enrollment and that either 20 percent of the IHE's enrollment is Alaska Native or 10 percent is Native Hawaiian. An assurance form, which is included in the application materials for this competition, must be signed by an official for the applicant and submitted.

To qualify as an eligible institution under the ANNH Program, an institution must—

(i) Be accredited or preaccredited by a nationally recognized accrediting agency or association that the Secretary has determined to be a reliable authority as to the quality of education or training offered;

(ii) Be legally authorized by the State in which it is located to be a junior or community college or to provide an educational program for which it awards a bachelor's degree;

(iii) Be designated as an ''eligible institution,'' as defined in 34 CFR 600.2, by demonstrating that it: (1) Has an enrollment of needy students as described in 34 CFR 607.3; and (2) has low average educational and general expenditures per full-time equivalent (FTE) undergraduate student as described in 34 CFR 607.4.

Note: The notice announcing the FY 2020 process for designation of eligible institutions, and inviting applications for waiver of eligibility requirements, was published in the **Federal Register** on December 16, 2019 (84 FR 68434). Only institutions that the Department determines are eligible, or which are granted a waiver under the process described in that notice, may apply for a grant in this program.

b. *Relationship between the Title III, Part A Programs and the Developing Hispanic-Serving Institutions (HSI) Program:*

A grantee under the HSI Program, which is authorized under title V of the HEA, may not receive a grant under any HEA, title III, part A program. The title III, part A programs are: The Strengthening Institutions Program; the Tribally Controlled Colleges and Universities program; the Alaska Native and Native Hawaiian-Serving Institutions program; the Asian American and Native American Pacific Islander-Serving Institutions program; and the Native American-Serving Nontribal Institutions program. Furthermore, a current HSI program grantee may not give up its HSI grant in order to be eligible to receive a grant under ANNH or any title III, part A program as described in 34 CFR 607.2(g)(1).

An eligible HSI that is not a current grantee under the HSI program may apply for a FY 2020 grant under all title III, part A programs for which it is eligible, as well as receive consideration for a grant under the HSI program. However, a successful applicant may receive only one grant as described in 34 CFR 607.2(g)(1).

An eligible IHE that submits applications for an Individual Development Grant and a Cooperative Arrangement Development Grant in this competition may be awarded both in the same fiscal year. However, we will not award a second Cooperative Arrangement Development Grant to an otherwise eligible IHE for an award year for which the IHE already has a Cooperative Arrangement Development Grant award under the ANNH Program. A grantee with an Individual Development Grant or a Cooperative Arrangement Development Grant may be a subgrantee in one or more Cooperative Arrangement Development Grants. The lead institution in a Cooperative Arrangement Development Grant must be an eligible institution. Partners or subgrantees are not required to be eligible institutions.

2. a. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

b. *Supplement-Not-Supplant:* This program involves supplement-not-supplant funding requirements. Grant funds must be used so that they supplement and, to the extent practical, increase the funds that would otherwise be available for the activities to be carried out under the grant and in no case supplant those funds (34 CFR 607.30 (b)).

3. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application.

IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768), and available at *www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf,* which contain requirements and information on how to submit an application.

2. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

3. *Funding Restrictions:* We specify unallowable costs in 34 CFR 607.10(c). We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

4. *Recommended Page Limit:* The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 50 pages for Individual Development Grants and no more than 65 pages for Cooperative Arrangement Development Grants and (2) use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger, and no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract and the bibliography. However, the recommended page limit does apply to all of the application narrative.

Note: The Budget Information-Non-Construction Programs Form (ED 524) Sections A–C are not the same as the narrative response to the Budget section of the selection criteria.

V. Application Review Information

1. *Selection Criteria:* The following selection criteria for this competition are from 34 CFR 607.22(a) through (g) and 34 CFR 75.210. Applicants should address each of the following selection criteria separately for each proposed activity. The selection criteria are worth a total of 100 points; the maximum score for each criterion is noted in parentheses.

(a) *Quality of the applicant's comprehensive development plan.* (20 points). The extent to which—

(1) The strengths, weaknesses, and significant problems of the institution's academic programs, institutional management, and fiscal stability are clearly and comprehensively analyzed and result from a process that involved major constituencies of the institution;

(2) The goals for the institution's academic programs, institutional management, and fiscal stability are realistic and based on comprehensive analysis;

(3) The objectives stated in the plan are measurable, related to institutional goals, and, if achieved, will contribute to the growth and self-sufficiency of the institution; and

(4) The plan clearly and comprehensively describes the methods and resources the institution will use to institutionalize practice and improvements developed under the proposed project, including, in particular, how operational costs for personnel, maintenance, and upgrades of equipment will be paid with institutional resources.

(b) *Quality of activity objectives.* (15 points). The extent to which the objectives for each activity are—

(1) Realistic and defined in terms of measurable results; and

(2) Directly related to the problems to be solved and to the goals of the comprehensive development plan.

(c) *Quality of the project design.* (10 points).

(1) The Secretary considers the quality of the design of the proposed project.

(2) In determining the quality of the design of the proposed project, the Secretary considers the extent to which the proposed project demonstrates a rationale (as defined in this notice).

(d) *Quality of implementation strategy.* (18 points). The extent to which—

(1) The implementation strategy for each activity is comprehensive;

(2) The rationale for the implementation strategy for each activity is clearly described and is supported by the results of relevant studies or projects; and

(3) The timetable for each activity is realistic and likely to be attained.

(e) *Quality of key personnel.* (8 points). The extent to which—

(1) The past experience and training of key professional personnel are directly related to the stated activity objectives; and

(2) The time commitment of key personnel is realistic.

(f) *Quality of project management plan.* (10 points). The extent to which—

(1) Procedures for managing the project are likely to ensure efficient and effective project implementation; and

(2) The project coordinator and activity directors have sufficient authority to conduct the project effectively, including access to the president or chief executive officer.

(g) *Quality of evaluation plan.* (12 points). The extent to which—

(1) The data elements and the data collection procedures are clearly described and appropriate to measure the attainment of activity objectives and to measure the success of the project in achieving the goals of the comprehensive development plan; and

(2) The data analysis procedures are clearly described and are likely to produce formative and summative results on attaining activity objectives and measuring the success of the project on achieving the goals of the comprehensive development plan.

(h) *Budget.* (7 points). The extent to which the proposed costs are necessary and reasonable in relation to the project's objectives and scope.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws

that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

A panel of three non-Federal reviewers will review and score each application in accordance with the selection criteria. A rank order funding slate will be made from this review. Awards will be made in rank order according to the average score received from the peer review and from the competitive preference priority.

In tie-breaking situations for development grants, 34 CFR 607.23(b) requires that we award one additional point to an application from an IHE that has an endowment fund of which the current market value, per FTE enrolled student, is less than the average current market value of the endowment funds, per FTE enrolled student, at comparable type institutions that offer similar instruction. We award one additional point to an application from an IHE that has expenditures for library materials per FTE enrolled student that are less than the average expenditure for library materials per FTE enrolled student at similar type institutions. We also add one additional point to an application from an IHE that proposes to carry out one or more of the following activities—

(1) Faculty development;

(2) Funds and administrative management;

(3) Development and improvement of academic programs;

(4) Acquisition of equipment for use in strengthening management and academic programs;

(5) Joint use of facilities; and

(6) Student services.

For the purpose of these funding considerations, we use 2018–2019 data.

If a tie remains after applying the tie-breaker mechanism above, priority will be given to applicants that have the lowest endowment values per FTE enrolled student.

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this program the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose specific conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $250,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

5. *Performance Measures:* The Secretary has established the following key performance measures for assessing the effectiveness of the ANNH Program:

(a) The percentage change, over the five-year period, of the number of full-time degree-seeking undergraduates enrolled at Alaska Native and Native Hawaiian-Serving Institutions (*Note:* This is a long-term measure, which will be used to periodically gauge performance);

(b) The percentage of first-time, full-time degree-seeking undergraduate students at four-year Alaska Native and Native Hawaiian-Serving Institutions who were in their first year of postsecondary enrollment in the previous year and are enrolled in the current year at the same Alaska Native and Native Hawaiian-Serving Institution;

(c) The percentage of first-time, full-time degree-seeking undergraduate students at two-year Alaska Native and Native Hawaiian-Serving Institutions who were in their first year of postsecondary enrollment in the previous year and are enrolled in the

current year at the same Alaska Native and Native Hawaiian-Serving Institution;

(d) The percentage of first-time, full-time degree-seeking undergraduate students enrolled at four-year Alaska Native and Native Hawaiian-Serving Institutions who graduate within six years of enrollment; and

(e) The percentage of first-time, full-time degree-seeking undergraduate students enrolled at two-year Alaska Native and Native Hawaiian-Serving Institutions who graduate within three years of enrollment.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

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

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

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

Robert L. King,

Assistant Secretary for the Office of Postsecondary Education.

[FR Doc. 2020–01711 Filed 1–29–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER16–1257–002; ER10–1328–004; ER10–1330–008; ER10–1331–004; ER10–1332–004; ER10–2522–005; ER10–2567–005; ER12–1502–006; ER12–1504–006; ER12–2313–006; ER16–61–004; ER16–63–004; ER16–64–004; ER17–2–004; ER17–2336–006; ER17–360–003; ER17–361–003; ER17–362–003; ER17–539–002; ER17–540–002.

Applicants: Caprock Solar 1 LLC, Cimarron Windpower II, LLC, Frontier Windpower, LLC, Happy Jack Windpower, LLC, Ironwood Windpower, LLC, Kit Carson Windpower, LLC, Laurel Hill Wind Energy, LLC, North Allegheny Wind, LLC, Pumpjack Solar I, LLC, Rio Bravo Solar I, LLC, Rio Bravo Solar II, LLC, Seville Solar One LLC, Seville Solar Two LLC, Shoreham Solar Commons LLC, Silver Sage Windpower, LLC, Tallbear Seville LLC, Three Buttes Windpower, LLC, Top of the World Wind Energy LLC, Wildwood Solar I, LLC, Wildwood Solar II, LLC

Description: Notice of Change in Status of the Duke MBR Sellers.

Filed Date: 1/22/20.

Accession Number: 20200122–5142.

Comments Due: 5 p.m. ET 2/12/20.

Docket Numbers: ER17–1286–001.

Applicants: PJM Interconnection, L.L.C.

Description: Compliance filing: Original ISA, SA No. 4654; Queue No. AB2–109 (compliance filing) to be effective 4/12/2017.

Filed Date: 1/23/20.

Accession Number: 20200123–5032.

Comments Due: 5 p.m. ET 2/13/20.

Docket Numbers: ER18–2068–005.

Applicants: PJM Interconnection, L.L.C.

Description: Compliance filing: Revisions to the Tariff re Attachment QQ—FTR Waiver Settlement to be effective 12/30/2019.

Filed Date: 1/23/20.

Accession Number: 20200123–5020.

Comments Due: 5 p.m. ET 2/13/20.

Docket Numbers: ER19–1635–001.

Applicants: Glaciers Edge Wind Project, LLC.

Description: Notice of Change in Status of Glaciers Edge Wind Project, LLC.

Filed Date: 1/21/20.

Accession Number: 20200121–5395.

Comments Due: 5 p.m. ET 2/11/20.

Docket Numbers: ER19–1889–001; ER18–1984–001.

Applicants: Antrim Wind Energy LLC, Big Level Wind LLC.

Description: Notice of Change in Status of TransAlta MBR Sellers.

Filed Date: 1/21/20.

Accession Number: 20200121–5396.

Comments Due: 5 p.m. ET 2/11/20.

Docket Numbers: ER19–2915–001.

Applicants: PJM Interconnection, L.L.C.

Description: Compliance filing: Response to the Commission's 12/23/2019 Deficiency Letter re: Cost Commitment to be effective 1/1/2020.

Filed Date: 1/22/20.

Accession Number: 20200122–5118.

Comments Due: 5 p.m. ET 2/12/20.

Docket Numbers: ER20–480–001.

Applicants: AEP Indiana Michigan Transmission Company, PJM Interconnection, L.L.C.

Description: Tariff Amendment: AEPSC submits IMTCo & NIPSCO Interconnection Agreement SA No. 4247 to be effective 10/21/2019.

Filed Date: 1/22/20.

Accession Number: 20200122–5113.

Comments Due: 5 p.m. ET 2/12/20.

Docket Numbers: ER20–862–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2020–01–22_Interregional/NIPSCO Compliance filing to be effective 3/23/2020.

Filed Date: 1/22/20.

Accession Number: 20200122–5111.

Comments Due: 5 p.m. ET 2/12/20.

Docket Numbers: ER20–863–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to WMPA SA No. 4821; Queue AC1–017 to be effective 10/12/2017.

Filed Date: 1/23/20.

Accession Number: 20200123–5022.

Comments Due: 5 p.m. ET 2/13/20.

Docket Numbers: ER20–864–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2020–01–23_SA 3413 Ameren IL-Cass County Solar Project GIA (J859) to be effective 1/8/2020.

Filed Date: 1/23/20.

Accession Number: 20200123–5061.

Comments Due: 5 p.m. ET 2/13/20.

Docket Numbers: ER20–865–000.

Applicants: New York Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 205 re: Development Agreement among the NYISO, NMPC & NY Transco to be effective 1/10/2020.

Filed Date: 1/23/20.

Accession Number: 20200123–5069.

Comments Due: 5 p.m. ET 2/13/20.

Docket Numbers: ER20–866–000.

Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: Service Agreement No. 174 and 378 to be effective 12/27/2019.

Filed Date: 1/23/20.

Accession Number: 20200123–5077.

Comments Due: 5 p.m. ET 2/13/20.

Docket Numbers: ER20–867–000.

Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: Service Agreement No. 365 Cancellation to be effective 3/24/2020.

Filed Date: 1/23/20.

Accession Number: 20200123–5078.

Comments Due: 5 p.m. ET 2/13/20.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern Time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 23, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–01591 Filed 1–29–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3251–010]

Notice of Application Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions; Cornell University

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 3251–010.

c. *Date Filed:* June 28, 2019.

d. *Applicant:* Cornell University.

e. *Name of Project:* Cornell University Hydroelectric Project (Cornell Project).

f. *Location:* On Fall Creek within the Cornell University campus in the City of Ithaca, Tompkins County, New York. The project does not occupy federal land.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825 (r).

h. *Applicant Contact:* Mr. Frank Perry, Manager of Projects, Energy and Sustainability, Humphreys Service Building, Room 131, Cornell University, Ithaca, NY 14853–3701; (607) 255–6634; email—*fdp1@cornell.edu.*

i. *FERC Contact:* Christopher Millard at (202) 502–8256; or email at *christopher.millard@ferc.gov.*

j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file comments, recommendations, terms and conditions, and prescriptions using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–3251–010.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted and is ready for environmental analysis at this time.

l. *The project works consist of:* (1) An existing 28-foot-high, 260-foot-long reinforced-concrete gravity overflow-type dam, known as Beebe Lake Dam, with a crest elevation of 780.7 feet mean sea level (msl); (2) an impoundment (Beebe Lake) with a surface area of 16 acres and a storage capacity of 50 acre-feet at the normal pool elevation of 780.7 feet msl; (3) a concrete forebay wall and reinforced-concrete intake with a 6-foot-high, 6-foot-wide steel vertical-slide gate along the right (north) bank; (4) a 5-foot-diameter, 1,507-foot-long reinforced-concrete underground pipeline and a 5-foot-diameter, 200-foot-long riveted-steel underground penstock; (5) a 79-foot-long, 29-foot-wide, 24-foot-high powerhouse containing two Ossberger turbines and induction generators with a combined authorized capacity of 1,718 kilowatts; (6) a tailrace located on the river right-side of Fall Creek directly below the powerhouse; (7) a 385-foot-long, 2.4-kilovolt transmission line connecting to Cornell's distribution system; and (8) appurtenant facilities.

The Cornell Project is operated in a run-of-river mode and bypasses an 1,800-foot-long reach of Fall Creek that extends from the toe of the dam to the powerhouse tailrace. From 2013 through 2018, the average annual generation was 4,599 megawatt-hours.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

All filings must (1) bear in all capital letters the title ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish

the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. *A license applicant must file no later than 60 days following the date of issuance of this notice:* (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

o. *Procedural schedule:* The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
Deadline for filing comments, recommendations, terms and conditions, and prescriptions	March 2020.
Reply comments due	May 2020.
Commission issues EA	September 2020.
Comments on EA due	October 2020.

Dated: January 23, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–01597 Filed 1–29–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2503–178]

Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests; Duke Energy Carolinas, LLC

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Project Use of Project Lands and Waters.

b. *Project No:* 2503–178.

c. *Date Filed:* January 14, 2020.

d. *Applicant:* Duke Energy Carolinas, LLC.

e. *Name of Project:* Keowee-Toxaway Hydroelectric Project.

f. *Location:* Lake Keowee in Pickens County, South Carolina.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Kelvin Reagan, Manager, Lake Services Southern Region, Duke Energy, 526 S Church Street/EC12Q, Charlotte, NC 28202, (704) 382–9386, *kelvin.reagan@duke-energy.com*.

i. *FERC Contact:* Mark Carter, (678) 245–3083, *mark.carter@ferc.gov*.

j. *Deadline for filing comments, motions to intervene, and protests:* February 24, 2020.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–2503–178. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* Duke Energy Carolinas, LLC proposes to issue a lease for the construction and operation of a non-project, residential marina within the project boundary that would serve the Harborside Property Owner's Association. Harborside Marina would occupy 0.85 acre of project lands and waters and would include 36 boat docking locations (*i.e.,* 3 cluster docks with 12 double slips and 12 end ties). The marina proposal includes approximately 166 feet of riprap to be installed as shoreline stabilization.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received

on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: January 23, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–01602 Filed 1–29–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Order on Intent To Revoke Market-Based Rate Authority

	Docket Nos.
Electric Quarterly Reports	ER02–2001–020
Mint Energy, LLC	ER10–1110–000
Westmoreland Partners	ER10–2291–001
E–T Global Energy, LLC	ER11–2039–001
BBPC, LLC	ER11–3028–002
Amerigreen Energy, Inc	ER11–3879–001
Mac Trading, Inc	ER11–4447–000
Liberty Hill Power LLC	ER12–1202–001
Imperial Valley Solar Company (IVSC) 1, LLC.	ER12–1170–003
Lexington Power & Light, LLC.	ER15–455–000
Clear Choice Energy, LLC	ER13–183–000
Energy Discounters, LLC	ER14–663–001
Infinite Energy Corporation	ER14–2421–000
North Energy Power, LLC	ER15–626–000

1. Section 205 of the Federal Power Act (FPA), 16 U.S.C. 824d (2018), and 18 CFR part 35 (2019), require, among other things, that all rates, terms, and conditions for jurisdictional services be filed with the Commission. In Order No. 2001, the Commission revised its public utility filing requirements and established a requirement for public utilities, including power marketers, to file Electric Quarterly Reports.[1]

2. The Commission requires sellers with market-based rate authorization to file Electric Quarterly Reports summarizing contractual and transaction information related to their market-based power sales as a condition for retaining that authorization.[2] Commission staff's review of the Electric Quarterly Reports indicates that the following thirteen public utilities with market-based rate authorization have failed to file their Electric Quarterly Reports: Mint Energy, LLC, Westmoreland Partners, E–T Global Energy, LLC, BBPC, LLC, Amerigreen Energy, Inc., Mac Trading, Inc., Liberty Hill Power LLC, Imperial Valley Solar Company (IVSC) 1, LLC, Lexington Power & Light, LLC, Clear Choice Energy, LLC, Energy Discounters, LLC, Infinite Energy Corporation, and North Energy Power, LLC. This order notifies these public utilities that their market-based rate authorizations will be revoked unless they comply with the Commission's requirements within fifteen days of the date of issuance of this order.

3. In Order No. 2001, the Commission stated that,

> [i]f a public utility fails to file a[n] Electric Quarterly Report (without an appropriate request for extension), or fails to report an agreement in a report, that public utility may forfeit its market-based rate authority and may be required to file a new application for market-based rate authority if it wishes to resume making sales at market-based rates.[3]

4. The Commission further stated that,

> [o]nce this rule becomes effective, the requirement to comply with this rule will supersede the conditions in public utilities' market-based rate authorizations, and failure to comply with the requirements of this rule will subject public utilities to the same consequences they would face for not satisfying the conditions in their rate authorizations, including possible revocation of their authority to make wholesale power sales at market-based rates.[4]

5. Pursuant to these requirements, the Commission has revoked the market-based rate tariffs of market-based rate sellers that failed to submit their Electric Quarterly Reports.[5]

6. Sellers must file Electric Quarterly Reports consistent with the procedures set forth in Order Nos. 2001, 768,[6] and 770.[7] The exact filing dates for Electric Quarterly Reports are prescribed in 18 CFR 35.10b (2019). As noted above, Commission staff's review of the Electric Quarterly Reports for the period up to the third quarter of 2019 identified thirteen public utilities with market-based rate authorization that failed to file Electric Quarterly Reports. Commission staff contacted or attempted to contact these entities to remind them of their regulatory obligations. Despite these reminders, the public utilities listed in the caption of this order have not met these obligations. Accordingly, this order notifies these public utilities that their market-based rate authorizations will be revoked unless they comply with the Commission's requirements within fifteen days of the issuance of this order.

7. In the event that any of the above-captioned market-based rate sellers has already filed its Electric Quarterly Reports in compliance with the Commission's requirements, its inclusion herein is inadvertent. Such market-based rate seller is directed, within fifteen days of the date of issuance of this order, to make a filing with the Commission identifying itself and providing details about its prior filings that establish that it complied with the Commission's Electric Quarterly Report filing requirements.

[1] *Revised Pub. Util. Filing Requirements,* Order No. 2001, 99 FERC ¶ 61,107, *reh'g denied,* Order No. 2001–A, 100 FERC ¶ 61,074, *reh'g denied,* Order No. 2001–B, 100 FERC ¶ 61,342, *order directing filing,* Order No. 2001–C, 101 FERC ¶ 61,314 (2002), *order directing filing,* Order No. 2001–D, 102 FERC ¶ 61,334, *order refining filing requirements,* Order No. 2001–E, 105 FERC ¶ 61,352 (2003), *order on clarification,* Order No. 2001–F, 106 FERC ¶ 61,060 (2004), *order revising filing requirements,* Order No. 2001–G, 120 FERC ¶ 61,270, *order on reh'g and clarification,* Order No. 2001–H, 121 FERC ¶ 61,289 (2007), *order revising filing requirements,* Order No. 2001–I, 125 FERC ¶ 61,103 (2008). *See also Filing Requirements for Elec. Util. Serv. Agreements,* 155 FERC ¶ 61,280, *order on reh'g and clarification,* 157 FERC ¶ 61,180 (2016) (clarifying Electric Quarterly Reports reporting requirements and updating Data Dictionary).

[2] *See Refinements to Policies and Procedures for Market-Based Rates for Wholesale Sales of Elect. Energy, Capacity and Ancillary Servs. by Public Utils.,* Order No. 816, 153 FERC ¶ 61,065 (2015), *order on reh'g,* Order No. 816–A, 155 FERC ¶ 61,188 (2016); *Market-Based Rates for Wholesale Sales of Elec. Energy, Capacity and Ancillary Servs. by Pub. Utils.,* Order No. 697, 119 FERC ¶ 61,295 (2007), at P 3, *clarified,* 121 FERC ¶ 61,260 (2007), *order on reh'g,* Order No. 697–A, 123 FERC ¶ 61,055 (2008), *clarified,* 124 FERC ¶ 61,055, *order on reh'g,* Order No. 697–B, 125 FERC ¶ 61,326 (2008), *order on reh'g,* Order No. 697–C, 127 FERC ¶ 61,284 (2009), *order on reh'g,* Order No. 697–D, 130 FERC ¶ 61,206 (2010), *aff'd sub nom. Mont. Consumer Counsel* v. *FERC,* 659 F.3d 910 (9th Cir. 2011).

[3] Order No. 2001, 99 FERC ¶ 61,107 at P 222.

[4] *Id.* P 223.

[5] *See, e.g., Elec. Quarterly Reports,* 82 FR 60,976 (Dec. 26, 2017); *Elec. Quarterly Reports,* 80 FR 58,243 (Sep. 28, 2015); *Elec. Quarterly Reports,* 79 FR 65,651 (Nov. 5, 2014).

[6] *Elec. Mkt. Transparency Provisions of Section 220 of the Fed. Power Act,* Order No. 768, 140 FERC ¶ 61,232 (2012), *order on reh'g,* Order No. 768–A, 143 FERC ¶ 61,054 (2013), *order on reh'g,* Order No. 768–B, 150 FERC ¶ 61,075 (2015).

[7] *See Revisions to Elec. Quarterly Report Filing Process,* Order No. 770, 141 FERC ¶ 61,120 (2012).

8. If any of the above-captioned market-based rate sellers does not wish to continue having market-based rate authority, it may file a notice of cancellation with the Commission pursuant to section 205 of the FPA to cancel its market-based rate tariff.

The Commission orders:

(A) Within fifteen days of the date of issuance of this order, each public utility listed in the caption of this order shall file with the Commission all delinquent Electric Quarterly Reports. If a public utility subject to this order fails to make the filings required in this order, the Commission will revoke that public utility's market-based rate authorization and will terminate its electric market-based rate tariff. The Secretary is hereby directed, upon expiration of the filing deadline in this order, to promptly issue a notice, effective on the date of issuance, listing the public utilities whose tariffs have been revoked for failure to comply with the requirements of this order and the Commission's Electric Quarterly Report filing requirements.

(B) The Secretary is hereby directed to publish this order in the **Federal Register**.

By the Commission.

Issued: January 23, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–01590 Filed 1–29–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP20–10–000]

Rover Pipeline LLC; Notice of Schedule for Environmental Review of the Wick Meter and Regulator Station Project

On November 1, 2019, Rover Pipeline LLC (Rover) filed an application in Docket No. CP20–10–000 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(c) of the Natural Gas Act to construct, own, and operate a new meter station. The Wick Meter and Regulator Station Project (Project) would allow for the delivery of natural gas supplies from gathering facilities, under development by Eureka Midstream, LLC, for transportation on the Rover pipeline system, and it would be located along Rover's Sherwood Lateral Pipeline in Tyler County, West Virginia.

On November 19, 2019, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's Environmental Assessment (EA) for the Project. This instant notice identifies the FERC staff's planned schedule for the completion of the EA for the Project.

Schedule for Environmental Review

Issuance of EA: March 13, 2020.

90-day Federal Authorization Decision Deadline: June 11, 2020.

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

The Wick Meter and Regulator Station Project would consist of an ultrasonic meter skid and other ancillary facilities in Tyler County, West Virginia. The ancillary facilities would include piping and valves, electronic flow measurement devices, flow conditioners, instrumentation, telemetry, gas analysis devices, gas quality monitoring devices, flow control valves, condensate storage tank, and other related equipment. Rover would use about 2.1 acres of land to construct the station, of which 0.9 acre would be fenced and maintained for operation of the station.

Background

On January 21, 2020, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed Wick Meter and Regulator Station Project and Request for Comments on Environmental Issues* (NOI). The NOI was sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties. To date, no comments have been received in response to the NOI. All substantive comments will be addressed in the EA.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC website (*www.ferc.gov*). Using the eLibrary link, select General Search from the eLibrary menu, enter the selected date range and Docket Number excluding the last three digits (*i.e.,* CP20–10), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: January 24, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–01689 Filed 1–29–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1432–015]

PB Energy, Inc.; Notice of Termination of License (Minor Project) by Implied Surrender and Soliciting Comments, Protests, and Motions To Intervene

Take notice that the following hydroelectric proceeding has been initiated by the Commission:

a. *Type of Proceeding:* Termination of License by Implied Surrender.

b. *Project No.:* 1432–015.

c. *Date Initiated:* January 24, 2020.

d. *Licensee:* PB Energy, Inc.

e. *Name and Location of Project:* The Dry Spruce Bay Hydroelectric Project located on an unnamed stream near Port Bailey in Kodiak Island Borough County, Alaska.

f. *Filed Pursuant to:* Standard Article 24.

g. *Licensee Contact Information:* PB Energy, Inc., P.O. Box KPY, Kodiak, Alaska 99697.

h. *FERC Contact:* Kim Nguyen, (202) 502–6105, *kim.nguyen@ferc.gov.*

i. Deadline for filing comments, motions to intervene and protests, is thirty (30) days from the issuance date of this notice by the Commission. The Commission strongly encourages electronic filing. Please file motions to intervene, protests, and comments using the Commission's eFiling system at

http://www.ferc.gov/docs-filing/efiling.asp. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–1432–015.

j. *Description of Project Facilities:* (1) A 920-foot-long, 50-foot-wide ditch diverting water from an unnamed stream to an upper pond; (2) a 12.59-acre upper pond created by a 200-foot-long, 50-foot-wide, 5-foot-high earthen dam with a spillway and a 200-foot-long overflow ditch; (3) a short metal flume and a 275-foot-long, 12-inch-diamter wood stave pipe conveying water from the upper pond to the lower pond; (4) a 1000-foot-long, 50-foot-wide ditch diverting water from an unnamed stream to the lower pond; (5) a 2.2-acre lower pond created by a 200-foot-long, 50-foot-wide, 5-foot-high earthen dam; (6) a 6,772-foot-long PVC and steel penstock conveying water from the lower pond to the powerhouse; (7) a steel powerhouse with a 75-kilowatt Pelton turbine; (8) a short transmission line; and (9) appurtenant facilities.

k. *Description of Proceeding:* Article 24 of the license states in part: If the Licensee shall abandon or discontinue good faith operation of the project or refuse or neglect to comply with the terms of the license and the lawful orders of the Commission mailed to the record address of the Licensee or its agent, the Commission will deem it to be the intent of the Licensee to surrender the license.

The project has not been operational for at least five years. On May 30, 2018, the Licensee filed an application for a subsequent license for the project. Commission staff rejected the licensee's application for failing to cure deficiencies and respond to additional information requests. Subsequently, on May 3, 2019, Commission staff issued a notice soliciting applications from other potential applicants for the project. No filings or requests were received. By letters dated September 25, 2019, November 4, 2019, and December 12, 2019, Commission staff requested the licensee to file their plan and schedule for a license surrender. The licensee did not file the requested information. On January 16, 2020, Commission staff sent a letter notifying the licensee that the Commission will open a proceeding to terminate their license by implied surrender.

l. This filing may be viewed on the Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the notice. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call toll-free 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659. A copy of this notice is also available for review and reproduction at the Commission in the Public Reference Room, Room 2A, 888 First Street NE, Washington, DC 20426.

m. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210–12, and .214 (2019). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the application.

n. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title COMMENTS, PROTEST, or MOTION TO INTERVENE as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001–385.2005 (2019). All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b) (2019). All comments, motions to intervene, or protests should relate to project works which are the subject of the implied surrender. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010 (2019).

Dated: January 24, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–01690 Filed 1–29–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 10855–322]

Upper Peninsula Power Company; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Request for temporary variance of Article 402.

b. Project No.: 10855–322.

c. *Date Filed:* December 31, 2019, and supplemented January 10 and 21, 2020.

d. *Applicant:* Upper Peninsula Power Company.

e. *Name of Project:* Dead River Hydroelectric Project.

f. *Location:* Dead River, in Marquette County, Michigan.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Mr. Virgil Schlorke, Upper Peninsula Power Company, 800 Greenwood Street, Ishpeming, MI 49849, (906) 485–2480.

i. *FERC Contact:* Mr. Jeremy Jessup, (202) 502–6779, *Jeremy.Jessup@ferc.gov.*

j. Deadline for filing comments, motions to intervene, and protests, is 30 days from the issuance date of this notice by the Commission. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/doc-sfiling/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance,

please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. The first page of any filing should include docket numbers P–10855–322.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The applicant proposes to modify the start of month target reservoir surface elevation requirements at the Silver Lake Storage Basin (SLSB) and Dead River Storage Basin (DRSB) for the year 2020. Specifically, the applicant proposes to increase the SLSB start-of-month target elevations in February and March from 1,477.5 to 1,479.0 feet National Geodetic Vertical Datum (NGVD); April from 1,477.5 to 1,485.0 feet NGVD; May from 1,479.0 to 1,485.0 feet NGVD; June from 1,481.0 to 1,485.0 feet NGVD; July from 1,481.5 to 1,485.0 feet NGVD; August from 1,480.0 to 1,482.5 feet NGVD; September and October from 1,479.5 to 1480.0 feet NGVD. The licensee would continue to maintain the target elevations for the remaining months as required by Article 402. The applicant proposes to increase the DRSB start-of-month target elevation for May from 1,340.0 to 1,341.0 feet NGVD. The applicant states that the temporary variance will allow the applicant to continue to determine if there are operational modifications that can be employed to improve water quality in the Dead River.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208- 3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Motions to Intervene, or Protests:* Anyone may submit comments, a motion to intervene, or a protest in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, motions to intervene, or protests must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''MOTION TO INTERVENE'', or ''PROTEST'' as applicable; (2) set forth in the heading the name of the applicant and the project number(s) of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person intervening or protesting; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 385.2010.

Dated: January 23, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–01594 Filed 1–29–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG20–68–000.

Applicants: Oberon Solar IB, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Oberon Solar IB, LLC.

Filed Date: 1/22/20.

Accession Number: 20200122–5161.

Comments Due: 5 p.m. ET 2/12/20.

Docket Numbers: EG20–69–000.

Applicants: Prospero Energy Project, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Prospero Energy Project, LLC.

Filed Date: 1/24/20.

Accession Number: 20200124–5027.

Comments Due: 5 p.m. ET 2/14/20.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–1383–002.

Applicants: Diamond State Generation Partners, LLC.

Description: Notification of Non-Material Change in Status of Diamond State Generation Partners, LLC.

Filed Date: 1/22/20.

Accession Number: 20200122–5162.

Comments Due: 5 p.m. ET 2/12/20.

Docket Numbers: ER16–1969–006; EL13–88–002.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Compliance Filing of Midcontinent Independent System Operator, Inc.

Filed Date: 1/23/20.

Accession Number: 20200123–5152.

Comments Due: 5 p.m. ET 2/13/20.

Docket Numbers: ER19–2717–000.

Applicants: Madison ESS, LLC.

Description: Report Filing: Madison ESS, LLC Refund Report to be effective N/A.

Filed Date: 1/24/20.

Accession Number: 20200124–5129.

Comments Due: 5 p.m. ET 2/14/20.

Docket Numbers: ER20–289–001.

Applicants: AEP Ohio Transmission Company, Inc., Ohio Power Company, PJM Interconnection, L.L.C.

Description: Compliance filing: AEP submits compliance per Commission's 12/30/2019 order re: ILDSA SA No. 1336 to be effective 12/31/2019.

Filed Date: 1/23/20.

Accession Number: 20200123–5075.

Comments Due: 5 p.m. ET 2/13/20.

Docket Numbers: ER20–511–001.

Applicants: Wilderness Line Holdings, LLC.

Description: Tariff Amendment: Request to Hold Proceedings in Abeyance—OATT to be effective 12/31/9998.

Filed Date: 1/23/20.

Accession Number: 20200123–5103.

Comments Due: 5 p.m. ET 2/13/20.

Docket Numbers: ER20–529–001.

Applicants: Wilderness Line Holdings, LLC.

Description: Tariff Amendment: Request to Hold Proceedings in Abeyance—LGIA & TSA to be effective 12/31/9998.

Filed Date: 1/23/20.

Accession Number: 20200123–5104.

Comments Due: 5 p.m. ET 2/13/20.

Docket Numbers: ER20–868–000.

Applicants: Lake Benton Power Partners II, LLC.

Description: Tariff Cancellation: Lake Benton Power Partners II, LLC Notice of Cancellation of MBR Tariff to be effective 1/24/2020.

Filed Date: 1/23/20.

Accession Number: 20200123–5107.

Comments Due: 5 p.m. ET 2/13/20.

Docket Numbers: ER20–870–000.

Applicants: Panda Liberty LLC.

Description: Compliance filing: compliance 2020 information to be effective N/A.

Filed Date: 1/24/20.

Accession Number: 20200124–5150.

Comments Due: 5 p.m. ET 2/14/20.

Docket Numbers: ER20–871–000.

Applicants: Panda Patriot LLC.

Description: Compliance filing: compliance 2020 information to be effective N/A.

Filed Date: 1/24/20.

Accession Number: 20200124–5153.

Comments Due: 5 p.m. ET 2/14/20.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern Time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 24, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–01678 Filed 1–29–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD19–16–000]

Commission Information Collection Activities (FERC–922); Comment Request

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) staff is soliciting public comment on the reinstatement and revision of the FERC–922, Performance Metrics for ISOs, RTOs, and Regions Outside ISOs and RTOs. The Commission is submitting the information collection to the Office of Management and Budget (OMB) for review. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission, as explained below.

DATES: Comments on the information collection are due March 2, 2020.

ADDRESSES: Comments filed with OMB, identified by OMB Control No. 1902–0262, should be sent via email to the Office of Information and Regulatory Affairs: *oira_submission@omb.gov.* Attention: Federal Energy Regulatory Commission Desk Officer. A copy of the comments should also be sent to the Commission, identified by Docket No. AD19–16–000, by either of the following methods:

- *eFiling at Commission's Website: http://www.ferc.gov/docs-filing/efiling.asp,* or
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

Instructions: All submissions to the Commission must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Darren Sheets may be reached by email at *Darren.Sheets@FERC.gov,* or by telephone at (202) 502–8742.

SUPPLEMENTARY INFORMATION:

Title: FERC–922 (Performance Metrics for ISOs, RTOs, and Regions Outside ISOs and RTOs).

OMB Control No.: 1902–0262.[1]

Type of Request: Reinstatement of the FERC–922 information collection, with revisions, as discussed in Docket No. AD19–16–000.

Abstract: On July 10, 2019, the Commission published a notice in the **Federal Register** in Docket No. AD19–16–000 requesting comment on the proposed information collection. The Commission received eight comments on the proposed reinstatement and revision of the FERC–922. Commission staff addresses these comments in this notice and in its submittal to OMB. In addition to addressing the comments received, Commission staff also has updated the attachments to the notice of information collection to reflect the correction of certain typographical and formatting errors.

In September 2008, the United States Government Accountability Office (GAO) issued a report recommending that the Commission, among other actions, work with Regional Transmission Organizations (RTOs), Independent System Operators (ISOs), stakeholders, and other experts to develop standardized metrics to track the performance of RTO/ISO operations and markets and publicly report those metrics.[2] In accordance with the 2008 GAO Report, Commission staff developed a set of standardized metrics (the Common Metrics), sought and received OMB approval to collect information on those metrics from RTOs/ISOs, and later non-RTO/ISO utilities, and ultimately issued five public reports (Common Metrics Reports).[3]

In December 2017, the GAO issued a report on the RTOs/ISOs with

[1] The Commission previously had OMB approval for the information collection FERC–922 under OMB Control No. 1902–0262. At the Commission's request, OMB approval for the information collection was discontinued on August 31, 2018. Commission staff plans to request authority from OMB to reinstate the information collection FERC–922, with certain revisions, as described in more detail herein. *See* 44 U.S.C. 3507 (2012).

[2] U.S. Gov't Accountability Office, GAO–08–987, *Report to the Committee on Homeland Security and Governmental Affairs, U.S. Senate; Electricity Restructuring: FERC Could Take Additional Steps to Analyze Regional Transmission Organizations' Benefits and Performance* (2008), *https://www.gao.gov/assets/290/281312.pdf.*

[3] *See* Fed. Energy Regulatory Comm'n, *RTO/ISO Performance Metrics* (last updated Aug. 16, 2019), *http://www.ferc.gov/industries/electric/indus-act/rto/rto-iso-performance.asp.*

centralized capacity markets.[4] Among other recommendations, the GAO found that the Commission should take steps to improve the quality of the data collected for its Common Metrics Reports, such as implementing improved data quality checks and, where feasible, ensuring that RTOs/ISOs report consistent metrics over time by standardizing definitions. Furthermore, the GAO recommended that the Commission develop and document an approach to regularly identify, assess, and respond to risks that capacity markets face.

In response to the 2017 GAO Report, Commission staff has proposed changes to the Common Metrics information collection. First, Commission staff proposes to improve the data collection process by creating a standardized information collection Input Spreadsheet (*i.e.,* the reporting form) and an updated, more detailed User Guide, which will provide guidance on completing the information collection request, including information about who should respond; the timeline for responses; the metrics being collected, including important definitions and a description of the types of metrics and their structure in the information collection; and how to properly use the reporting form. Also, Commission staff proposes to update the list of Common Metrics to focus on centrally-organized energy markets and capacity markets, which involves adding capacity market metrics.

The update eliminates previously-collected metrics on reliability, RTO/ISO billing controls and customer satisfaction, interconnection and transmission processes, and system lambda. Commission staff proposes eliminating these metrics because they provide limited information, do not significantly help Commission staff or the public draw any conclusions regarding the benefits of an RTO/ISO, and to reduce the reporting burden for respondents. The revised data collection, after additions and deletions, consists of twenty-nine Common Metrics.

In addition to eliminating certain metrics and adding new ones, the Common Metrics are now organized into three groups:

- Group 1 metrics are designed to be collected from all respondents (*i.e.,* RTOs/ISOs and non-RTO/ISO utilities). There are seven Group 1 metrics: Reserve Margins, Average Heat Rates, Fuel Diversity, Capacity Factor by Technology Type, Energy Emergency Alerts (EEA Level 1 or Higher), Performance by Technology Type during EEA Level 1 or Higher, and Resource Availability (Equivalent Forced Outage Rate Demand (EFORd)).
- Group 2 metrics pertain to organized energy markets and, thus, are designed to be collected only from respondents with such energy markets (*i.e.,* all RTOs/ISOs). There are twelve Group 2 metrics: Number and Capacity of Reliability Must-Run Units, Reliability Must-Run Contract Usage, Demand Response Capability, Unit Hours Mitigated, Wholesale Power Costs by Charge Type, Price Cost Markup, Fuel Adjusted Wholesale Energy Price, Energy Market Price Convergence, Congestion Management, Administrative Costs, New Entrant Net Revenues, and Order No. 825[5] Shortage Intervals and Reserve Price Impacts.
- Finally, the new Group 3 metrics pertain to organized capacity markets and, thus, are designed to be collected only from respondents with such capacity markets (*i.e.,* all RTOs/ISOs with capacity markets). There are ten Group 3 metrics: Net Cost of New Entry (Net CONE) Value, Resource Deliverability, New Capacity (Entry), Capacity Retirement (Exit), Forecasted Demand, Capacity Market Procurement and Prices, Capacity Obligations and Performance Assessment Events, Capacity Over-Performance, Capacity Under-Performance, and Total Capacity Bonus Payments and Penalties.

A table showing the revised Common Metrics organized by the three groups can be found at the end of this notice.

The updated User Guide for the information collection, as well as the standardized information collection reporting form, are also attached to this notice. These attachments will not be published in the **Federal Register** but will be available as part of this notice in the Commission's eLibrary system under Docket No. AD19–16–000.

Commission staff has assured itself, by means of internal review, that there is specific, objective support for the burden estimates associated with the information collection requirements.

Type of Respondents: ISOs, RTOs, and non-RTO/ISO utilities.

Estimate of Annual Burden:[6] Commission staff expects that respondents will submit information on the Common Metrics every two years. Commission staff is requesting a three-year approval from OMB, so the voluntary information collection would happen in Year 1 and Year 3.[7] The following table sets forth the estimated annual burden and cost[8] for this information collection:

[4] U.S. Gov't Accountability Office, GAO–18–131, *Electricity Markets: Four Regions Use Capacity Markets to Help Ensure Adequate Resources, but FERC Has Not Fully Assessed Their Performance* (2017), *https://www.gao.gov/assets/690/689293.pdf* (hereinafter 2017 GAO Report).

[5] *Settlement Intervals and Shortage Pricing in Mkts. Operated by Reg'l Transmission Orgs. & Indep. Sys. Operators,* Order No. 825, 155 FERC ¶ 61,276 (2016).

[6] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 CFR 1320.3.

[7] The OMB approval is for a maximum of three years.

[8] *See generally* Bureau of Labor Statistics, *Occupational Employment and Wages, May 2018* (last modified Mar. 29, 2019), available at: *Computer Systems Analysts (15–1121), https://www.bls.gov/oes/current/oes151121.htm; Lawyers* (23–1011), *https://www.bls.gov/oes/current/oes231011.htm; Electrical Engineers* (17–2071), *https://www.bls.gov/oes/current/oes172071.htm; Economists* (19–3011), *https://www.bls.gov/oes/current/oes193011.htm; Chief Executives* (11–1011), *https://www.bls.gov/oes/current/oes111011.htm; see also* Bureau of Labor Statistics, *Employer Costs for Employee Compensation,* News Release USDL–19–2195 (Dec. 18, 2019), *https://www.bls.gov/news.release/ecec.nr0.htm.* Those estimated average hourly wages (plus benefits) are: $82.42 for the Metrics Data Collection and Write Performance Analysis categories, and $156.99 for the Management Review component (which is solely based on the Chief Executive wage rates).

Information Collection Component	Number of Respondents	Number of Responses in Years 1 & 3	Annual Frequency of Filings	Total Number of Annual Responses	Estimated Burden Hours per Response	Estimated Cost per Response ($)	Estimated Total Annual Burden Hours	Estimated Total Annual Cost ($)
	(1)	(2)	(3)	(4)=(2)*(3)	(5)	(6)	(7)=(5)*(4)	(8)=(4)*(6)
1: All Respondents	11	16	0.67	10.72				
Metrics Data Collection					271	$ 5,391	2,905	$ 57,796
Write Performance Analysis					70	$ 1,393	750	$ 14,929
Management Review					60	$ 2,274	643	$ 24,374
2: Respondents with Energy Markets	6	6	0.67	4.02				
Metrics Data Collection					271	$ 9,242	1,089	$ 37,154
Write Performance Analysis					70	$ 2,387	281	$ 9,597
Management Review					60	$ 3,898	241	$ 15,669
3: Respondents with Capacity Markets	4	4	0.67	2.68				
Metrics Data Collection					271	$ 7,702	726	$ 20,641
Write Performance Analysis					70	$ 1,989	188	$ 5,332
Management Review					60	$ 3,248	161	$ 8,705
Potential New Respondents	1	1	0.67	0.67				
Metrics Data Collection					288.6	$ 5,741	193	$ 3,846
Write Performance Analysis					74.5	$ 1,483	50	$ 994
Management Review					63.9	$ 2,421	43	$ 1,622
Total							**7,272**	**$ 200,658**

Explanation of the Table

The Number of Respondents (1) in the first column varies by Group because all respondents do not provide information on each of the twenty-nine Common Metrics.

Commission staff has estimated the number of respondents for the first three Groups based on the assumption that the six jurisdictional RTOs/ISOs and the five non-RTO/ISO utilities (eleven total respondents) that previously responded to the FERC–922 information collection will provide responses to this revised FERC–922 information collection. Therefore, the estimated number of respondents in Group 1 is eleven, because all respondents can report on the Group 1 metrics. The estimated number of respondents for Group 2 is six because only the jurisdictional RTOs/ISOs with energy markets can respond to the Group 2 metrics. Likewise, the estimated number of respondents in Group 3 is four because only the jurisdictional RTOs/ISOs with capacity markets can respond to the Group 3 metrics. Finally, the table includes a burden estimate for potential new respondents. Since all the jurisdictional RTOs/ISOs previously responded to FERC–922, any potential new respondent would be a non-RTO/ISO utility and, thus, would only submit responses to the Group 1 metrics. The burden estimate for new respondents reflects the fact that a potential new respondent would be submitting for the first time, therefore requiring more hours and cost per new response. Commission staff conservatively estimates that one new non-RTO/ISO utility may respond to this revised FERC–922 information collection.

The second column (2), Number of Responses in Years 1 & 3, is characterized by the number of Balancing Authority Areas (BAAs) each respondent would be reporting on, as the respondent would provide a response to each metric for each of its BAAs. Each RTO/ISO is a single BAA and, therefore, will only provide responses to each metric for one BAA, but non-RTO/ISO utilities may report for multiple BAAs. Therefore, the estimated number of responses for Group 1 (all RTOs/ISOs and non-RTO/ISO utilities) is the number of BAAs in the RTOs/ISOs (*i.e.,* six), plus the number of non-RTO/ISO BAAs (*i.e.,* ten), which equals sixteen total responses. The estimated number of responses for Group 2 (all RTOs/ISOs with energy markets) is the same as the number of respondents (*i.e.,* six), as only the RTOs/ISOs respond and they each have only one BAA. The estimated number of responses for Group 3 (all RTOs/ISOs with capacity markets) is the same as the number of respondents (*i.e.,* four), as only the four RTOs/ISOs with capacity markets can respond and they each have only one BAA. Finally, there is only estimated to be one non-RTO/ISO utility as a potential new respondent, which would only respond to the Group 1 metrics that apply to all respondents.

The Annual Frequency of Filings (3) is 0.67 for all groups. This fraction reflects that there will be two information collections, one each during Year 1 and Year 3 of the three-year OMB authorization period. Therefore, ⅔ or 0.67 is the adjustment to reflect an average yearly value for the burden.

The Total Number of Annual Responses (4) is the product of the second column, Number of Responses in Years 1 and 3 (2), multiplied by the third column, the Annual Frequency of Filings (3). Thus, for the first group of respondents, this value is 16×0.67, or 10.72.

The Estimated Burden Hours per Response (5) reflects the total number of estimated burden hours, separated into the three reporting categories (collect, write, review) for each group of respondents. The total estimated burden hours for the first 3 groups of respondents are the same (401 hours) as determined in the previous FERC–922 information collection burden estimates. An increased estimate of the burden hours, 427 hours, is for Potential New Respondents, in recognition of the fact that the burden on a new respondent is likely higher. The number of hours in each reporting category has been adjusted in this collection, as compared to the previous FERC–922 collection burden estimate, to reflect less emphasis on the writing category, as Commission staff has developed a structured data collection tool that will decrease the amount of written text that respondents will provide in the information collection.[9]

[9] The estimated hours per response has increased for: (a) Metrics Data Collection component to 271 hours (from 229 hours), and (b) Management

The Estimated Cost per Response (6) is the product of the following three variables: The Estimated Burden Hours per Response (5) for a category, multiplied by the labor rate (wages plus benefits) for each category (which is not shown in the table), multiplied by the proportion of total hours attributable to a given Group that reports on a category, *e.g.,* the number of metrics in that Group divided by the total number of metrics (also not shown in table). An example in the first row is that for Group 1, Metrics Data Collection category, the $5,391 is the product of 271 hours in column (5) multiplied by the weighted average labor rate for that category ($82.42) multiplied by 0.242 (the ratio of metrics in Group 1, 7, to the total number of metrics, 29 or 7 ÷ 29). This fraction is not displayed in the table.[10]

The Estimated Total Annual Burden Hours (7) is the product of the Total Number of Annual Responses (4) times the Estimated Burden Hours per Response (5). For the first row of the first group of respondents, this value is 2,905 hours (or 10.72 × 271 hours).

Finally, the Estimated Total Annual Cost (8) reflects the total burden to the industry and is calculated by multiplying the Total Number of Annual Responses (4) times the Estimated Cost per Response (6) for each category for all groups and produces an estimated total cost in the last row of the table. The wage rates utilized in this burden estimate have been updated to recent Bureau of Labor Statistics estimates for the same categories as used in the prior burden estimates for the FERC–922 information collection (*i.e.,* Computer Systems Analysts, Lawyers, Electrical Engineers, Economists, and the category Chief Executive) in the Electric Power Generation, Transmission, and Distribution industry. Wage estimates use the hourly mean wage from the Bureau of Labor Statistics data, adjusted upward for the private industry benefits of 29.9 percent, and are an average of those categories.

Public Comments and Commission Staff's Responses: Comments were filed by the public in response to the July 10, 2019 notice published by the Commission in the **Federal Register**, 84 FR 32,908 (July 10, 2019). Commission staff's responses to those comments are provided below.

General Comments on Reinstatement and Revision of FERC–922 Information Collection

In general, commenters, including APPA, California Independent System Operator Corporation (CAISO), Midcontinent Independent System Operator, Inc. (MISO), the PJM Interconnection, L.L.C. Independent Market Monitor (PJM market monitor), the ISO/RTO Council (IRC), Transmission Access Policy Study Group (TAPS), and the Competitive Transmission Developers,[11] support Commission staff's efforts to reinstate the FERC–922 information collection and to improve it by adding the Group 3 capacity market metrics, and by providing a new User Guide and Input Spreadsheet. APPA further notes its support of Commission staff's proposal to eliminate the metrics on reliability, RTO/ISO billing controls, interconnection and transmission processes, and system lambda. To further improve the value of the information collection, APPA and the Competitive Transmission Developers comment that the metrics collected should not be limited to information that is already collected and published by RTOs/ISOs. APPA and the Competitive Transmission Developers also comment that Commission staff should increase the quality checks it performs on the data submitted in response to the information collection and undertake critical analysis of the data submitted, including identifying opportunities for comparisons between RTOs/ISOs and non-RTO/ISO utilities. IRC requests a reasonable period to submit information in response to the information collection.

Commission Staff Response: Commission staff believes that staff deliberations, combined with significant public outreach, have resulted in the development of twenty-nine Common Metrics, as well as the associated User Guide and Input Spreadsheet, that address many of the concerns raised by the GAO in the 2017 GAO Report, and that will allow for meaningful evaluations of the performance and reliability of RTOs/ISOs and non-RTO/ISO utilities. Commission staff has not limited the information collection to metrics that are already collected and/or published by the RTOs/ISOs or their market monitors. If and when the information collection is approved by OMB, Commission staff will issue a formal request for information, seeking responses to the information collection within ninety days, which staff believes is a reasonable period of time to respond. Once responses are received, Commission staff intends to undertake additional, improved quality checks on the data, as recommended by GAO.

Comments Requesting Modification of Proposed Metrics and Inclusion of Additional Metrics

The CAISO Department of Market Monitoring (CAISO market monitor) requests the addition of four additional Group 2 metrics regarding the efficiency of congestion revenue rights (CRR) auctions. APPA requests additional Group 2 and Group 3 metrics, including: (1) A metric addressing transmission costs comprehensively; (2) a metric addressing whether existing capacity is over- or under-recovering its costs in the RTO/ISO-operated markets; (3) a metric addressing the concentration of ownership of capacity resources; and (4) a metric regarding the participation and profitability of financial entities in RTO/ISO-operated markets. APPA also recommends that Commission staff retain the RTO/ISO governance metric it proposed deleting from the information collection. The Competitive Transmission Developers recommend inclusion of a transmission metric on constructions costs, comparing initial RTO/ISO cost estimates to actual costs at the time the project went into service, and identifying whether a project was competitive or designated to incumbents. In contrast, IRC does not believe that expansion of the metrics beyond Commission staff's proposal is warranted.

APPA recommends substantive changes to Metrics #13, #16, #18, #22, and #25 on the basis that its proposed changes would increase the accuracy of the metrics, increase comparability, or otherwise add useful data to the information collection. TAPS recommends that sub-part ten of Metric #25 be expanded to include data on generation capacity owned by load serving entities, to allow for greater comparability across markets. The PJM market monitor recommends substantive changes to Metrics #3, #5, #6, #10, #11, #16, #19, #20, and #26, on the basis that its proposed changes would enhance the metrics, better align them with the PJM market monitor's own calculations, or otherwise add useful data to the information collection. The PJM market monitor argues that Metrics #13 and #14 are not useful measures of market performance.

Commission Staff Response: Commission staff agrees with IRC that an expansion of these metrics is not warranted at this time. Some of the

Review component to 60 hours (from 33 hours). The estimated hours per response for ''Write Performance Analysis'' has decreased to 70 hours (from 139 hours).

[10] The fraction for Group 1 and the Potential New Respondents is 0.242 (the seven metrics in Group 1 divided by the total number of metrics, twenty-nine); for Group 2 the fraction is 0.414 (twelve divided by twenty-nine); for Group 3 the fraction is 0.345 (ten divided by twenty-nine).

[11] The Competitive Transmission Developers include GridLiance Holdco, LP, LSP Transmission Holdings II, LLC, and BHE U.S. Transmission, LLC.

additional metrics recommended by commenters may be calculated by certain RTOs/ISOs or non-RTO/ISO utilities but not by others, thus losing the commonality and comparability of the Common Metrics desired by Commission staff. In many instances, commenters have requested further granularity of specific metrics—either at a sub-RTO/ISO level, further divisibility of the metric, or for information based on individual resources or resource owners. However, Commission staff notes that the Common Metrics collection is aimed at data applicable at the RTO/ISO-level or non-RTO/ISO utility-level based on data that could be calculated using ''common'' methodologies and not designed for granularity at the individual resource or resource owner level or further split in a manner that loses the commonality for each region.

Commission staff also believes that adding some of the proposed additional metrics, without allowing significant time for further research, outreach, and refinement, would be premature. However, staff commits to continuing to research and discuss additional metrics of interest to commenters in the ongoing voluntary and collaborative process with participating RTOs/ISOs and non-RTO/ISO utilities, and to consider adding additional metrics to the next iteration of this information collection.

Commission staff does not agree with APPA that the customer satisfaction metric staff proposed to eliminate should be retained. Historically, responses to this metric have not provided meaningful data, and therefore the metric has served only to increase the reporting burden on respondents. Staff commits to continuing to research and discuss additional metrics of interest to commenters in the ongoing voluntary and collaborative process, which could include organizational effectiveness.

Commission staff has reviewed the substantive changes recommended by commenters to the proposed metrics and has determined not to make significant modifications to the metrics at this time. Among other considerations, Commission staff believes some of the proposed changes: (1) Would significantly increase the data collection and reporting burden on respondents; (2) would undermine the commonality and comparability of certain metrics across RTOs/ISOs and non-RTO/ISO utilities; and (3) do not support the general purpose of the Common Metrics information collection.[12] Further, Commission staff believes that certain other refinements would be premature to implement at this time, without additional research, outreach, and refinement. However, Commission staff commits to continue discussing ways to improve the metrics and make them more meaningful in the ongoing voluntary and collaborative process with participating RTOs/ISOs and non-RTO/ISO utilities, and to consider additional refinements to the metrics in the next iteration of this information collection.

Comments Requesting Clarification of Proposed Metrics

Commenters, including CAISO, MISO, the PJM market monitor, and IRC, note that certain respondents may not be able to provide responsive information or data for each metric addressed in the information collection, or may collect data in a manner that deviates from the metric as requested. IRC comments that the wording of Metric #17 implies that the ability of RTOs/ISOs to manage the growth rate of administrative costs will be commensurate with the growth rate of system load—a presumption with which IRC disagrees. APPA and TAPS both recommend certain clarifying edits to the description and calculation of Metric #16. Specifically, with regard to Metric #16, TAPS recommends that Commission staff: (1) Clarify the definition of ''congestion revenue''; (2) clarify the definition of ''congestion charge''; (3) clarify the information to be submitted in sub-part 5 of Metric #16; and (4) clarify that in reporting congestion revenues returned to load, RTOs should take into account all revenues and charges associated with Financial Transmission Rights (FTRs) and Auction Revenue Rights (ARRs). APPA supports TAPS' comments requesting an improved definition of congestion revenue and congestion charges and also recommends reversing the numerator and denominator of the calculation in sub-part 5 of Metric #16. APPA also recommends that Metric #16 document how the payments for FTRs that are purchased in an auction compare to the revenues paid to the instrument holders. The PJM market monitor recommends that Commission staff clarify: (1) The method of calculating new entrant net revenues in Metric #18; (2) the intent of Metric #19; (3) whether Metric #21 is intended to include aggregate import and exports limits for the RTO/ISO as a whole; and (4) whether Metric #24 should be calculated for each Locational Deliverability Area that price separates in PJM and for PJM as a whole.

Commission Staff Response: Commission staff acknowledges that not all respondents will have responsive information for all of the metrics, and that some respondents may calculate certain data responsive to a metric in a way that deviates from that requested due to administrative and/or structural differences across the different RTOs/ISOs and non-RTO/ISO utilities. Commission staff requests that respondents respond as comprehensively and as close to the form requested as possible and simply note and explain in the ''Explanatory Text'' field for each metric any deviations or omissions.

Commission staff did not intend for the wording of Metric #17 to imply that administrative costs will always be commensurate with the system load growth; therefore, Commission staff has revised Metric #17 to read:

> The ability of RTOs/ISOs to manage the growth rate of administrative costs as the growth rate of system load changes.

Commission staff agrees with APPA and TAPS that enhancing the definitions of congestion charges and congestion revenue in Metric #16 would ensure consistent reporting across RTOs/ISOs, and Commission staff has updated the User Guide and Input Spreadsheet accordingly. Commission staff also agrees that adding a line omitted from the original Input Spreadsheet and reversing the numerator and denominator of sub-part 5 of Metric #16 will improve the metric's clarity, and Commission staff has updated the Input Spreadsheet accordingly. Commission staff does not agree that Metric #16 should examine how payments for FTRs that are purchased in an auction compare to the revenues paid to the instrument holders because the Commission does not generally assess the effectiveness of a market by examining how well specific types of market participants are profiting from participation in the market. Commission staff also does not agree that congestion charges should be reported separately for the day-ahead and balancing markets because only

[12] Commission staff notes that individual RTOs/ISOs, non-RTO/ISO utilities, and market monitors may consider developing more granular metrics specific to their markets for their own reporting purposes. The Common Metrics information collection is not meant to be a comprehensive information collection for all RTOs/ISOs and non-RTO/ISO utilities. Rather, it is meant to focus on metrics that are common and comparable across the different regions. Staff believes that earlier outreach efforts and extensive internal staff deliberations have resulted in meaningful common metrics that meet this objective.

day-ahead congestion is associated with FTRs.

Commission staff recognizes there are varying methodologies for calculating new entrant net revenues in Metric #18 and requests that respondents explain in the Explanatory Text field any clarifications they wish to provide. The intent of Metric #19 is to measure the impact that shortage events will have on reserve market clearing prices. If respondents would like to provide more granular data or improvements to the methodology, these can be submitted in the Input Spreadsheet and described in the Explanatory Text field provided. The intent of Metric #21 is to measure the maximum importable external capacity into a capacity zone for the purpose of resource deliverability in the capacity auction and should therefore focus on imports by zone. Commission staff confirms Metric #24 should be calculated both by zone and for the RTO as a whole.

Finally, Commission staff notes that this information collection is a voluntary, collaborative process. To the extent respondents have outstanding or additional questions about the twenty-nine Common Metrics, including the relevant definitions and calculations, Commission staff is available to provide guidance.

Further Comments Requested

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: January 24, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–01692 Filed 1–29–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER20–859–000]

Outlaw Wind Project, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Outlaw Wind Project, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is February 12, 2020.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 23, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–01593 Filed 1–29–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP20–44–000]

Notice of Request for Confirmation or, in the Alternative, Abbreviated Application for Amendment of Certificate of Public Convenience and Necessity of Iroquois Gas Transmission, L.P.

Take notice that on January 17, 2020, Iroquois Gas Transmission System, L.P. (Iroquois) filed with the Federal Energy Regulatory Commission (FERC or Commission) a request for confirmation that Iroquois' current and ongoing practices of monitoring its pipeline right of way (ROW) satisfy the environmental condition that Iroquois conduct a yearly walkover of its pipeline ROW that was incorporated by reference in the Commission's 1990 order granting Iroquois' original certificate to construct, own, and operate its interstate natural gas pipeline system (1990 Certificate Order) in the alternative, Iroquois requests that the Commission approve a limited amendment to Iroquois' certificate granted in the 1990 Certificate Order to remove the requirement that Iroquois perform and annual walkover of its pipeline ROW (Amendment Application) all as more fully set forth in the request which is on file with the Commission and open to public inspection. Iroquois requests that the Commission grant Iroquois' request (or alternatively, issue a final order granting the Amendment Application) by February 17, 2020.

The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding the request or Amendment Application may be directed to Kimberly A.E. Pritchard, Senior Counsel and Corporate Secretary, Iroquois Pipeline Operating Company, One Corporate Drive, Suite 600, Shelton, Connecticut 06484, phone: 203–944–7032, email: *Kimberly_Pritchard@iroquois.com*.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list and will be notified of any meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek court review of the Commission's final order.

As of the February 27, 2018 date of the Commission's order in Docket No. CP16–4–001, the Commission will apply its revised practice concerning out-of-time motions to intervene in any new Natural Gas Act section 3 or section 7 proceeding.[1] Persons desiring to become a party to a certificate proceeding are to intervene in a timely manner. If seeking to intervene out-of-time, the movant is required to ''show good cause why the time limitation should be waived,'' and should provide justification by reference to factors set forth in Rule 214(d)(1) of the Commission's Rules and Regulations.[2]

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 3 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

Comments Date: 5:00 p.m. Eastern Time on February 7, 2020.

Dated: January 23, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–01598 Filed 1–29–20; 8:45 am]

BILLING CODE 6717–01–P

[1] *Tennessee Gas Pipeline Company, L.L.C.,* 162 FERC ¶ 61,167 at ¶ 50 (2018).

[2] 18 CFR 385.214(d)(1).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–19–000]

Magnolia LNG, LLC; Notice of Availability of the Final Supplemental Environmental Impact Statement for the Proposed; Magnolia LNG Production Capacity Amendment

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a final supplemental environmental impact statement (EIS) for the Production Capacity Amendment, proposed by Magnolia LNG, LLC (Magnolia LNG) in the above-referenced docket. Magnolia LNG requests authorization to increase the liquefied natural gas (LNG) production capacity of the previously authorized Magnolia LNG Project in Calcasieu Parish, Louisiana (Docket No. CP14–347–000) from 8 million metric tonnes per annum (MTPA) to 8.8 MTPA. The increased LNG production capacity would be achieved through the optimization of Magnolia LNG's final design for the terminal, including additional and modified process equipment.

The final supplemental EIS assesses the potential changes to the air and noise emissions, and our reliability and safety engineering analyses associated with the construction and operation of the Production Capacity Amendment from what was presented in the final EIS in Docket No. CP14–347–000 for the Magnolia LNG Project. The FERC staff concludes that the proposed modifications, with the additional mitigation measures recommended in the supplemental EIS, would continue to avoid or reduce impacts to less than significant levels.

The U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration, the U.S. Coast Guard, and the U.S. Department of Energy participated as cooperating agencies in the preparation of the supplemental EIS. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the analysis conducted under the National Environmental Policy Act.

The Commission mailed a copy of the *Notice of Availability* for the final supplemental EIS to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the project area. The final supplemental EIS is only available in electronic format. It may be viewed and downloaded from the FERC's website (*www.ferc.gov*), on the Environmental Documents page (*https://www.ferc.gov/industries/gas/enviro/eis.asp*). In addition, the final supplemental EIS may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (*https://www.ferc.gov/docs-filing/elibrary.asp*), click on General Search, and enter the docket number in the Docket Number field, excluding the last three digits (*i.e.,* CP19–19). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website (*www.ferc.gov*) using the *eLibrary* link. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: January 24, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–01693 Filed 1–29–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP20–445–000.

Applicants: Enable Mississippi River Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rate Filing—City of Bismark RP18–923 & RP20–131 Settlement to be effective 1/1/2019.

Filed Date: 1/22/20.

Accession Number: 20200122–5010.

Comments Due: 5 p.m. ET 2/3/20.

Docket Numbers: RP20–446–000.

Applicants: Maritimes & Northeast Pipeline, L.L.C.

Description: § 4(d) Rate Filing: MNUS Cleanup Filing—Removing NC Agrmt K210198 to be effective 2/22/2020.

Filed Date: 1/22/20.

Accession Number: 20200122–5041.

Comments Due: 5 p.m. ET 2/3/20.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 23, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–01592 Filed 1–29–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15020–000]

Gridflex Energy, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On January 6, 2020, Gridflex Energy, LLC (Gridflex) filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Eldorado Pumped Storage Project to be located in Clark County, Nevada. Gridflex subsequently amended its application on January 10, 2020. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) An upper reservoir having a total storage capacity of 5,500 acre feet at elevation of 3,520 feet mean sea level (msl), and a surface area of 104 acres; (2) two upper reservoir dams, the first dam would be 110-foot-high and the second would be 60-foot-high, each upper reservoir dam would have a crest length of 1,100 feet; (3) a lower reservoir having a total storage capacity of 5,500 acre feet at elevation of 2,100 msl and a surface area of 102 acres (Alternative A) or a lower reservoir having a total storage capacity of 5,500 acre feet at elevation of 2,420 msl and a surface area of 95 acres (Alternative B); (4) a lower reservoir dam with a maximum height of 55 feet and a crest length of 8,720 feet (Alternative A) or a lower reservoir dam with a maximum height of 120 feet and having a crest length of 5,600 feet (Alternative B); (5) a 1,300-foot-long, 22-foot-diameter vertical power shaft, a 5,000-foot-long, 22-foot-diameter headrace tunnel, and a 7,000-foot-long, 25-foot-diameter tailrace tunnel (Alternative A) or a 1,000-foot-long, 19-foot-diameter vertical power shaft, a 4,000-foot-long, 19-foot-diameter headrace tunnel, and a 5,000-foot-long, 22-foot-diameter tailrace tunnel (Alternative B); (6) an underground 400-foot-long, 80-foot-wide, 120-foot-high, underground powerhouse (Alternative A) or a 350-foot-long, 80-foot-wide, 120-foot-high, underground powerhouse (Alternative B); (7) three 250-Megawatt (MW) variable speed reversible pump turbines and motor-generators (Alternative A) or three 200-Megawatt (MW) variable speed reversible pump turbines and motor-generators (Alternative B), with a 1,420-feet or 1,100-feet of operating head, respectively; (8) a new twin circuit 230 kilovolt (kV), 5.5-mile-long transmission line with an interconnection at the Eldorado Substation near Boulder City, Nevada; and (9) appurtenant facilities. The applicant is considering multiple sources of water for the initial fill and makeup water including the Southern Nevada Water Authority. The estimated annual generation of the Project would be 1,314,000 Megawatt-hours MWh (Alternative A) or 1,051,200 MWh (Alternative B).

Applicant Contact: Mr. Matthew Shapiro, CEO, Gridflex Energy, LLC, 424 W Pueblo St., #A, Boise, ID 83702; (208) 246–9925.

FERC Contact: Benjamin Mann; Email: *benjamin.mann@ferc.gov;* phone: (202) 502–8127.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: Sixty (60) days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–15020–000.

More information about this project, including a copy of the application, can be viewed or printed on the eLibrary link of Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–15020) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: January 24, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–01691 Filed 1–29–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commissioner and Staff Attendance at North American Electric Reliability Corporation Meetings

The Federal Energy Regulatory Commission hereby gives notice that members of the Commission and/or Commission staff may attend the following meetings:

North American Electric Reliability Corporation
Member Representatives Committee and Board of Trustees Meetings
Board of Trustees Corporate Governance and Human Resources Committee, Finance and Audit Committee, Compliance Committee, and Technology and Security Committee Meetings
Westdrift Manhattan Beach, 1400 Parkview Avenue, Manhattan Beach, CA 90266
February 5 (8:00 a.m.–5:00 p.m. Pacific time) and February 6 (8:30 a.m.–12:00 p.m. Pacific time), 2020

Further information regarding these meetings may be found at: *http://www.nerc.com/Pages/Calendar.aspx.*

The discussions at the meetings, which are open to the public, may address matters at issue in the following Commission proceedings:

Docket No. RR20–2, North American Electric Reliability Corporation

For further information, please contact Jonathan First, 202–502–8529, or *jonathan.first@ferc.gov.*

Dated: January 23, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–01599 Filed 1–29–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. DI20–1–000]

Cornell Engineers for a Sustainable World; Notice of Declaration of Intention and Soliciting Comments, Protests, and Motions To Intervene

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Declaration of Intention.

b. *Docket No:* DI20–1–000.

c. *Date Filed:* October 17, 2019.

d. *Applicant:* Cornell Engineers for a Sustainable World.

e. *Name of Project:* Cascadilla Creek Pico Hydro Project.

f. *Location:* The proposed Cascadilla Creek Pico Hydro Project would be located on Cascadilla Creek, in the city of Ithaca, in Tompkins County, New York.

g. *Filed Pursuant to:* Section 23(b)(1) of the Federal Power Act, 16 U.S.C. 817(b) (2012).

h. *Applicant Contact:* Vernon Rippeon; email: *vr324@cornell.edu;* Agent Contact: Dr. Francis Vanek, Room 307, Hollister Hall, 527 College Avenue, Ithaca, NY 14853, telephone: (607) 255–2718; email: *fmv3@cornell.edu.*

i. *FERC Contact:* Any questions on this notice should be addressed to Jennifer Polardino, (202) 502–6437, or email: *Jennifer.Polardino@ferc.gov.*

j. *Deadline for filing comments, protests, and motions to intervene is:* Thirty (30) days from the issuance date of this notice by the Commission.

The Commission strongly encourages electronic filing. Please file comments, protests, and motions to intervene using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number DI20–1–000.

k. *Description of Project:* The proposed run-of-river Cascadilla Creek Pico Hydro Project would consist of: (1) A 12-kilovolt tractor alternator with an output of 2.16 kilowatts; (2) a transmission line that is 20–60 feet from project facilities and (3) appurtenant facilities.

When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the project would affect the interests of interstate or foreign commerce. The Commission also determines whether or not the project: (1) Would be located on a navigable waterway; (2) would occupy public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) would be located on a non-navigable stream over which Congress has Commerce Clause jurisdiction and would be constructed or enlarged after 1935.

l. *Locations of the Application:* This filing may be viewed on the Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above and in the Commission's Public Reference Room located at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 502–8371.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* All filings must bear in all capital letters the title COMMENTS, PROTESTS, and MOTIONS TO INTERVENE, as applicable, and the Docket Number of the particular application to which the filing refers. A copy of any Motion to Intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the

Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: January 24, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–01688 Filed 1–29–20; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2013–0314; FRL–10004–76–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Phosphate Rock Plants (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NSPS for Phosphate Rock Plants (EPA ICR Number 1078.12, OMB Control Number 2060–0111), 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 March 2, 2020.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2013–0314, 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 New Source Performance Standards (NSPS) for Phosphate Rock Plants (40 CFR part 60, subpart NN) apply to the following existing facilities and new facilities at phosphate rock plants with capacities greater than 4 tons per hour: Dryers, calciners, grinders, and ground rock handling and storage facilities, except those facilities producing or preparing phosphate rock solely for consumption in elemental phosphorus production. New facilities include those that commenced construction, modification or reconstruction after the date of proposal. This information is being collected to assure compliance with 40 CFR part 60, subpart NN. In general, all NSPS 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 NSPS.

Form Numbers: None.

Respondents/affected entities: Owners and operators of phosphate rock plants.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart NN).

Estimated number of respondents: 15 (total).

Frequency of response: Initially and semiannually.

Total estimated burden: 1,800 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $335,000 (per year), which includes $126,000 in annualized capital/startup and/or operation & maintenance costs.

Changes in the Estimates: There is an adjustment decrease in the total estimated burden in this ICR as currently identified in the OMB Inventory of Approved Burdens. This increase is not due to any program changes. The adjustment decrease in burden from the most-recently approved ICR is due to a decrease in the number of sources. The growth rate for the industry is very low, negative or non-existent, so the ICR has been adjusted to account for no new respondents over the next three years. This also results in a reduction in capital/startup costs.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2020–01662 Filed 1–29–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10004–85–OAR]

Meeting of the Mobile Sources Technical Review Subcommittee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act notice is hereby given that the Mobile Sources Technical Review Subcommittee (MSTRS) will meet on March 31, 2020. The MSTRS is a subcommittee under the Clean Air Act Advisory Committee. This is an open meeting. The meeting will include discussion of current topics and presentations about activities being conducted by EPA's Office of Transportation and Air Quality. The preliminary agenda for the meeting and any notices about change in venue will be posted on the Subcommittee's website: *http://www2.epa.gov/caaac/mobile-sources-technical-review-subcommittee-mstrs-caaac.* MSTRS listserv subscribers will receive notification when the agenda is available on the Subcommittee website. To subscribe to the MSTRS listserv,

send an email to *mccubbin.courtney@epa.gov.*

DATES: Tuesday, March 31, 2020 from 9:00 a.m. to 4:30 p.m. Registration begins at 8:30 a.m.

ADDRESSES: The meeting is currently scheduled to be held at The Residence Inn Arlington Capital View Hotel at 2850 South Potomac Avenue, Arlington, Virginia 22202. However, this date and location are subject to change and interested parties should monitor the Subcommittee website (above) for the latest logistical information.

FOR FURTHER INFORMATION CONTACT: Courtney McCubbin, Designated Federal Officer, Office of Transportation and Air Quality, Mail code 6401A, U.S. EPA, 1200 Pennsylvania Ave. NW, Washington, DC 20460; Phone number: 202–564–2436; email: *mccubbin.courtney@epa.gov.*

Background on the work of the Subcommittee is available at: *https://www.epa.gov/caaac/mobile-sources-technical-review-subcommittee-mstrs-caaac.*

Individuals or organizations wishing to provide comments to the Subcommittee should submit them to Ms. McCubbin at the address above by March 17, 2020. The Subcommittee expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements.

SUPPLEMENTARY INFORMATION: During the meeting, the Subcommittee may also hear progress reports from some of its workgroups as well as updates and announcements on activities of general interest to attendees.

For individuals with disabilities: For information on access or services for individuals with disabilities, please contact Ms. McCubbin (see above). To request accommodation of a disability, please contact Ms. McCubbin, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: January 15, 2020.

Sarah Dunham,

Director, Office of Transportation and Air Quality.

[FR Doc. 2020–01749 Filed 1–29–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2013–0691; FRL–10003–50–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Fine Particulate Matter ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS) State Implementation Plan (SIP) Requirements Rule (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Fine Particulate Matter ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS) State Implementation Plan (SIP) Requirements Rule (EPA ICR Number 2258.05, OMB Control Number 2060–0611), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed renewal of the existing ICR for the $PM_{2.5}$ NAAQS State Implementation Plan (SIP) Requirements Rule, which is currently approved through January 31, 2020. Public comments were previously requested via the **Federal Register** on October 1, 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 March 2, 2020.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2013–0691, online using *http://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.

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, or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Ms. Leigh Herrington, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, by phone at (919) 541–0882 or by email at *herrington.leigh@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 *http://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 $PM_{2.5}$ NAAQS SIP Requirements Rule became effective on October 24, 2016 (81 FR 58010). This rule provides the framework of Clean Air Act (CAA) requirements for air agencies to develop state implementation plans to help attain and maintain the $PM_{2.5}$ NAAQS. States have applied this framework to develop attainment plans and redesignation requests and maintenance plans for areas designated nonattainment for the 1997 $PM_{2.5}$ NAAQS, the 2006 $PM_{2.5}$ NAAQS, and the 2012 $PM_{2.5}$ NAAQS.

The ICR finalized with the $PM_{2.5}$ NAAQS SIP Requirements Rule estimated, for the 3 years following the ICR approval date, the burden associated with plan development and plan revisions related to ongoing implementation efforts in 31 areas designated nonattainment for the 1997, 2006 and 2012 $PM_{2.5}$ NAAQS. The estimates included the burden to develop and submit, and the burden to the EPA to review and to approve or disapprove, attainment plans to meet the requirements prescribed in CAA sections 110 and part D, subparts 1 and 4 of title I. A $PM_{2.5}$ NAAQS attainment plan contains rules and other measures designed to improve air quality and achieve the NAAQS by the deadlines established under the CAA. It also must address several additional CAA requirements related to demonstrating timely attainment and must contain contingency measures in the event the nonattainment area does not achieve reasonable further progress throughout the attainment period or in the event the area does not attain the NAAQS by its attainment date. States that have attained by the applicable attainment date may be eligible to submit a redesignation request and maintenance plan to receive a redesignation from ''nonattainment'' to ''attainment.'' After a state submits an attainment or maintenance plan, the CAA requires the

EPA to approve or disapprove the plan. Tribes may develop or submit attainment plans but are not required to do so.

Form Numbers: None.

Respondents/affected entities: State and local governments.

Respondent's obligation to respond: Mandatory (40 CFR parts 50, 51, and 93).

Estimated number of respondents: 8.

Frequency of response: Once per triggering event.

Total estimated burden: 25,500 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated costs: $1,600,000 (per year), which includes no annualized capital or operation & maintenance costs.

Changes in Estimates: There is a decrease of 65,100 annual hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is primarily a result of a reduction in the number of designated nonattainment areas.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2020–01679 Filed 1–29–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2015–0072; FRL–10004–46–OAR]

Release of a Final Document Related to the Review of the National Ambient Air Quality Standards for Particulate Matter

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: The Environmental Protection Agency (EPA) is announcing the availability of a document titled, *Policy Assessment for the Review of the National Ambient Air Quality Standards for Particulate Matter* (PA). This document was prepared as part of the current review of the National Ambient Air Quality Standards (NAAQS) for Particulate Matter (PM). Building on the *Integrated Science Assessment for Particulate* Matter (ISA), completed in December 2019, the PA is intended to ''bridge the gap'' between the currently available scientific information and the judgments required of the Administrator in determining whether to retain or revise the existing NAAQS for PM.

DATES: The PA will be made available on or about January 27, 2020.

ADDRESSES: This document will be available primarily via the internet at *https://www.epa.gov/naaqs/particulate-matter-pm-air-quality-standards.*

FOR FURTHER INFORMATION CONTACT: Dr. Scott Jenkins, Office of Air Quality Planning and Standards (Mail Code C504–06), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: 919–541–1167; fax number: 919–541–5315; email: *jenkins.scott@epa.gov.*

SUPPLEMENTARY INFORMATION: Two sections of the Clean Air Act (CAA) govern the establishment and revision of the NAAQS. Section 108 (42 U.S.C. 7408) directs the Administrator to identify and list certain air pollutants and then to issue air quality criteria for those pollutants. The Administrator is to list those air pollutants that in his ''judgment, cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare''; ''the presence of which in the ambient air results from numerous or diverse mobile or stationary sources''; and ''for which . . . [the Administrator] plans to issue air quality criteria . . .'' (42 U.S.C. 7408(a)(1)(A)–(C)). Air quality criteria are intended to ''accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of [a] pollutant in the ambient air . . .'' (42 U.S.C. 7408(a)(2)). Under section 109 (42 U.S.C. 7409), the EPA establishes primary (health-based) and secondary (welfare-based) NAAQS for pollutants for which air quality criteria are issued. Section 109(d) requires periodic review and, if appropriate, revision of existing air quality criteria. The revised air quality criteria reflect advances in scientific knowledge on the effects of the pollutant on public health or welfare. The EPA is also required to periodically review and revise the NAAQS, if appropriate, based on the revised criteria. Section 109(d)(2) requires that an independent scientific review committee ''shall complete a review of the criteria . . . and the national primary and secondary ambient air quality standards . . . and shall recommend to the Administrator any new . . . standards and revisions of the existing criteria and standards as may be appropriate . . . .'' Since the early 1980s, this independent review function has been performed by the Clean Air Scientific Advisory Committee (CASAC).

Presently, the EPA is reviewing the air quality criteria and NAAQS for PM. The EPA's overall plan for this review is presented in the *Integrated Review Plan for the National Ambient Air Quality Standards for Particulate Matter* (IRP).[1] A draft of the *Integrated Science Assessment for Particulate Matter* (ISA) was reviewed by the CASAC at a public meeting in December 2018 (83 FR 55529, November 6, 2018) and discussed on a public teleconference in March 2019 (84 FR 8523, March 8, 2019). The final ISA was made available in January 2020.[2] The final PA announced today draws from the scientific evidence assessed in the ISA, together with the results of air quality and other quantitative analyses, as available.

The PA, when final, is intended to ''bridge the gap'' between the scientific and technical information available in the review and the judgments required of the Administrator in determining whether to retain or revise the existing PM NAAQS. The EPA released the draft PA in September 2019 (84 FR 47944, September 11, 2019). The draft PA was reviewed by the chartered CASAC on October 24–25, 2019 at a public meeting held in Cary, NC. Public comments on the draft PA were received via a separate public teleconference on October 22, 2019 (84 FR 51555, September 30, 2019). A public meeting to discuss the CASAC letter and response to charge questions on the draft PA was held in Cary, NC on December 3, 2019 (84 FR 58713, November 1, 2019), and the CASAC provided its advice on the draft PA in a letter to the EPA Administrator dated December 16, 2019.[3] The final PA reflects staff's consideration of the advice and comments from CASAC, as well as public comments. The final PA will be available on or about January 27, 2020, on the EPA's website at *https://www.epa.gov/naaqs/particulate-matter-pm-air-quality-standards.*

The documents briefly described above do not represent, and should not be construed to represent, any final EPA policy, viewpoint, or determination.

[1] The IRP (EPA–452/R–16–005, December 2016) is available at *https://www.epa.gov/naaqs/particulate-matter-pm-standards-planning-documents-current-review.*

[2] The ISA for PM (EPA/600/R–19/188, December 2019 is available at *https://www.epa.gov/isa/integrated-science-assessment-isa-particulate-matter.*

[3] The CASAC letter is available at *https://yosemite.epa.gov/sab/sabproduct.nsf/264cb1227d55e02c85257402007446a4/E2F6C71737201612852584D20069DFB1/$File/EPA-CASAC-20-001.pdf.*

Dated: January 27, 2020.

Panagiotis Tsirigotis,

Director, Office of Air Quality Planning and Standards.

[FR Doc. 2020–01682 Filed 1–29–20; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0804; FRS 16432]

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 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, (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0804.

Title: Universal Service—Rural Health Care Program.

Form Numbers: FCC Forms 460, 461, 462, 463, 465, 466, and 467.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit; Not-for-profit institutions; Federal Government; and State, Local, or Tribal governments.

Number of Respondents and Responses: 10,494 unique respondents; 93,687 responses.

Estimated Time per Response: 0.30–17 hours.

Frequency of Response: On occasion, One-time, Annual, Quarterly, and Monthly reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this collection of information is contained in sections 1–4, 201–205, 214, 254, 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151–154, 201–205, 214, 254, 303(r), and 403, unless otherwise noted.

Total Annual Burden: 382,741 hours.

Total Annual Cost: No Cost.

Privacy Impact Assessment: No Impact(s).

Nature and Extent of Confidentiality: There is no assurance of confidentiality provided to respondents concerning this information collection. Information submitted on FCC Forms for the RHC Program is subject to public inspection and is used by USAC to update and expand the RHC Program dataset as part of its Open Data Platform. However, respondents may request materials or information submitted to the Commission or to USAC be withheld from public inspection under 47 CFR 0.459 of the FCC's rules.

Needs and Uses: The Commission seeks OMB approval of revisions (change in reporting and recordkeeping requirements) to this information collection as a result of the *2019 Promoting Telehealth Report and Order* (WC Docket No. 17–310; FCC 19–78; 84 FR 54952, October 11, 2019). This collection is utilized for the RHC support mechanism of the Commission's universal service fund (USF). The collection of this information is necessary so that the Commission and the Universal Service Administrative Company (USAC) will have sufficient information to determine if entities are eligible for funding pursuant to the RHC universal service support mechanism, to determine if entities are complying with the Commission's rules, and to prevent waste, fraud, and abuse. This information is also necessary in order to allow the Commission to evaluate the extent to which the RHC Program is meeting the statutory objectives specified in section 254(h) of the 1996 Act, and the Commission's performance goals for the RHC Program.

This information collection is being revised to: (1) Extend some of the existing information collection requirements for the Healthcare Connect Fund and Telecommunications (Telecom) Programs; (2) revise some of the information collection requirements for the Healthcare Connect Fund and Telecom Programs and (3) add some new information collection requirements applicable to both the Healthcare Connect Fund Program and the Telecom Program as a result of the *2019 Promoting Telehealth Report and Order.* As part of this information collection, the Commission is also revising the FCC Form templates for both programs, reformatting and revising the Telecommunications Program Invoice Template, and creating a new Post-Commitment Request Form consistent with the changes adopted in the *2019 Promoting Telehealth Report and Order* and to promote transparency into the RHC Program procedures and requirements.

The Healthcare Connect Fund Program currently includes FCC Forms 460, 461, 462, and 463 and the Telecom Program currently includes FCC Forms 465, 466, and 467. The revisions to these FCC Form templates, where applicable, are intended to make the RHC Program information requests consistent between the programs, to the extent possible, and help to ensure and verify that RHC Program participants are not engaging in fraudulent conduct or otherwise violating the Commission's rules. Some of the changes to the FCC Form templates have different effective dates. Therefore, for administrative ease, we have indicated the applicable funding year of the FCC Form template, and where a specific form includes changes applicable to funding year 2020 and others to funding year 2021, we have provided separate forms applicable to each funding year. In the *2019 Promoting Telehealth Report and Order,* the Commission directed USAC to streamline the data collection requirements and consolidate the program forms to the extent possible. Such streamlining and consolidation will not affect the underlying information collected as part of this

information collection, but may change the format in which it may be collected. The information on the FCC Form templates is a representative description of the information to be collected via an online portal and is not intended to be a visual representation of what each applicant or service provider will see, the order in which they will see information, or the exact wording or directions used to collect the information. Where possible, information already provided by applicants from previous filing years or that was pre-filed in the system portal will be carried forward and auto-generated into the form to simplify the information collection for applicants. Additionally, in the *2019 Promoting Telehealth Report and Order,* the Commission adopted rules to reflect the changes in the Report and Order. The new and revised rules impacted by this collection are listed and described within the collection.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2020–01733 Filed 1–29–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 20–92; FRS 16433]

Disability Advisory Committee; Announcement of Second Meeting

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Commission announces and provides an agenda for the second meeting of the third term of its Disability Advisory Committee (DAC or Committee).

DATES: Wednesday, February 26, 2020. The meeting will come to order at 9:00 a.m. Eastern Time.

ADDRESSES: Federal Communications Commission, 445 12th Street SW Washington, DC 20554, in the Commission Meeting Room.

FOR FURTHER INFORMATION CONTACT: Will Schell, Designated Federal Officer (DFO), at (202) 418–0767 (voice) or *DAC@fcc.gov;* or Debra Patkin, Alternate DFO, at (202) 870–5226 (voice or videophone for American Sign Language users).

SUPPLEMENTARY INFORMATION: This meeting is open to members of the general public. The meeting will be webcast with open captioning at: *www.fcc.gov/*live. In addition, a reserved amount of time will be available on the agenda for comments and inquiries from the public. Members of the public may comment or ask questions of presenters via the email address *livequestions@fcc.gov.* The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, and assistive listening devices will be provided on site. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations or for materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format) should be submitted via email to: *fcc504@fcc.gov* or by calling the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY). Such requests should include a detailed description of the accommodation needed and a way for the FCC to contact the requester if more information is needed to fill the request. Requests should be made as early as possible; last minute requests will be accepted but may not be possible to accommodate.

Proposed Agenda: At this meeting, the DAC is expected to receive and consider reports and recommendations from its subcommittees. The DAC may also receive briefings from Commission staff on issues of interest to the Committee and may discuss topics of interest to the committee, including, but not limited to, matters concerning communications transitions, telecommunications relay services, emergency access, and video programming accessibility.

Federal Communications Commission.

Suzanne Singleton,

Chief, Disability Rights Office, Consumer and Governmental Affairs Bureau.

[FR Doc. 2020–01663 Filed 1–29–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[WC Docket No. 10–90, CC Docket No. 01–92; FCC 19–131; FRS 16436]

Connect America Fund; Developing a Unified Intercarrier Compensation Regime

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Federal Communications Commission clarifies its interpretation of the VoIP Symmetry Rule, finding that the *2015 Declaratory Ruling* was misguided in its interpretation of the VoIP Symmetry Rule and holding that a LEC providing retail service with a VoIP provider partner provides the functional equivalent of end office switching and thus may assess end office switched access charges only if either the LEC or its VoIP partner provides a physical connection to the last-mile facilities used to serve the end user. By adopting this interpretation of the VOIP Symmetry Rule, the Commission reduces intercarrier disputes and uncertainty and promotes competition.

DATES: Effective January 30, 2020.

ADDRESSES: Federal Communications Commission, 445 12th Street SW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Rhonda Lien, Wireline Competition Bureau, Pricing Policy Division, via phone at 202–418–1540 or email at *Rhonda.Lien@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Federal Communications Commission's Order on Remand and Declaratory Ruling, in WC Docket No. 10–90, CC Docket No. 01–92; FCC 19–131, adopted on December 12, 2019 and released December 17, 2019. A full-text version of the document can be found at the following internet address: *https://ecfsapi.fcc.gov/file/1217069113807/FCC-19-131A1.pdf.* Alternative formats are available to persons with disabilities by sending an email to *FCC504@fcc.gov* or by calling the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

I. Introduction

1. One of the foundational missions of the Federal Communications Commission (Commission) is to ensure that communications networks are available to Americans throughout the country. And for decades, the Commission has indirectly subsidized the deployment and expansion of local voice telephone networks through its intercarrier compensation system. These rules allowed, for example, local exchange carriers (or LECs) to collect end office switching charges or charges recovered from long-distance carriers (known as interexchange carriers or IXCs) for terminating long-distance calls to the LECs' local customers.

2. Calls were traditionally delivered over the legacy system of interconnected voice telephone networks known as the public-switched telephone network, or PSTN. For nearly the last decade, the Commission has worked to facilitate the

efficient transition from traditional legacy voice networks to modern internet Protocol-based networks. In 2011, the Commission recognized that, as a consequence of the transition to these IP-based networks and services, consumers were increasingly purchasing Voice over internet Protocol (VoIP) services. As a result, voice telephone traffic increasingly originates or terminates in IP format, but is also exchanged over PSTN facilities. To address the growing VoIP–PSTN traffic, and as part of its commitment to promoting investment in and deployment of IP networks, the Commission adopted the VoIP Symmetry Rule, which ''permit[s] a LEC to charge the relevant intercarrier compensation for functions performed by it and/or by its retail VoIP partner, regardless of whether the functions performed or the technology used correspond precisely to those used under a traditional . . . architecture.''

3. Several years later, the Commission offered an interpretation of the VoIP Symmetry Rule that allowed LECs that partner with over-the-top VoIP providers to collect end office switching charges on their VoIP–PSTN traffic. This *2015 Declaratory Ruling* was immediately challenged, vacated by the United States Court of Appeals for the District of Columbia Circuit (the D.C. Circuit), and remanded to the Commission for further consideration. We also have under consideration a Petition for Declaratory Ruling filed by CenturyLink seeking to have the Commission reaffirm the *2015 Declaratory Ruling.*

4. To provide certainty to carriers, promote the deployment of modern all-IP networks, and advance competition in the voice services market, we now clarify our interpretation of the VoIP symmetry rule and reaffirm our commitment to well-established Commission precedent that takes account of the functions a LEC or its VoIP provider partner are actually performing. Accordingly, we interpret our VoIP Symmetry Rule to permit LECs to assess end office switched access charges only if the LEC or its VoIP partner provides a physical connection to the last-mile facilities used to serve an end user. If neither the LEC nor its VoIP provider partner provides such physical connection to the last-mile facilities used to serve the end user, the VoIP–LEC partnership is not providing the functional equivalent of end office switched access and the LEC may not assess end office switched access charges.

II. Background

5. The IP transition has generated a great deal of regulatory uncertainty. In early 2011, the Commission resolved a formal complaint brought by AT&T alleging that YMax Communications Corp., a competitive LEC, was improperly assessing switched access charges for voice services it provided in conjunction with its partner magicJack, LP. magicJack provided consumers ''the ability to use the internet to make and receive calls throughout most of North America'' through a device—the eponymous ''magicJack''—that plugged into a computer's USB port and a telephone jack ''into which an ordinary landline telephone can be plugged.'' Customers had to ''separately procure high speed internet access service from a third-party ISP in order to use the magicJack device to place or receive calls.'' YMax provided access to numbers and to the PSTN for magicJack's customers, but ''did not provide any physical transmission facilities'' connecting YMax to the premises of any non-carriers/non-internet Service Provider (ISP) persons or entities. In its complaint, AT&T alleged that YMax violated the Communications Act of 1934, as amended, by assessing switched access charges not authorized by its tariff, because YMax did not provide services such as ''Switched Access Service'' or ''End Office Switched Access'' to ''end users'' as defined in its tariff.

6. The Commission examined the YMax tariff provisions in question ''according to their common meaning in the industry.'' The Commission held that the terms ''termination'' of ''End User station loops'' and ''end user lines'' have well-established meanings within the telecommunications industry, in Commission orders, and in court decisions. In all of those contexts, the terms generally refer to a physical transmission facility that provides a point-to-point connection between an individual home or business and a telephone company office. The Commission held that YMax was not providing ''end office switched access'' because it did not provide a ''physical transmission facility that provides a point-to-point connection.'' In reaching its decision, the Commission rejected YMax's argument that it was providing ''virtual loops'' via the customer's internet access.

7. In the *Transformation Order,* 76 FR 73830, the Commission recognized that its approach to intercarrier compensation needed to evolve along with changing technologies and network functions, and adopted a prospective transitional intercarrier compensation framework for VoIP–PSTN traffic, or ''traffic exchanged over PSTN facilities that originates and/or terminates in IP format.'' Specifically, this framework established default intercarrier compensation rates for toll VoIP–PSTN traffic equal to interstate access rates and default intercarrier compensation rates for other VoIP–PSTN traffic at otherwise applicable reciprocal compensation rates. The Commission specified that the term ''VoIP–PSTN'' related to ''whether the exchange of traffic between a LEC and another carrier occurs in Time-Division Multiplexing (TDM) format (and not in IP format), without specifying the technology used to perform the functions subject to the associated intercarrier compensation charges.'' The Commission adopted a ''symmetric'' framework, reasoning that such an approach best balanced its policy goals of encouraging migration to an all-IP network, reducing intercarrier compensation disputes, providing greater certainty to the industry regarding intercarrier compensation revenue streams, avoiding marketplace distortions and arbitrage that could arise from an asymmetrical approach to compensation, and advancing competitive and technological neutrality.

8. Specifically, the VoIP Symmetry Rule ''permit[s] a LEC to charge the relevant intercarrier compensation for functions performed by it and/or by its retail VoIP partner, regardless of whether the functions performed, or the technology used correspond precisely to those used under a traditional TDM (time division multiplexing) architecture.'' The VoIP Symmetry Rule specifies that, ''a local exchange carrier shall be entitled to assess and collect the full Access Reciprocal Compensation charges prescribed by this subpart that are set forth in a local exchange carrier's interstate or intrastate tariff for the access services defined in § 51.903 regardless of whether the local exchange carrier itself delivers such traffic to the called party's premises or delivers the call to the called party's premises via contractual or other arrangements with an affiliated or unaffiliated provider of interconnected VoIP service, as defined in 47 U.S.C. 153(25), or a non-interconnected VoIP service, as defined in 47 U.S.C. 153(36), that does not itself seek to collect Access Reciprocal Compensation charges prescribed by this subpart for that traffic.'' 47 CFR 51.913(b). Among the categories of services defined in section 51.903 is End Office Access Services, which are

defined as ''the switching of access traffic at the carrier's end office switch and the delivery to or from of such traffic to the called party's premises.'' Local switching is one of the rate elements of End Office Access Charges, whereas there are separate common line charges that recover, as a general matter, the costs associated with the physical loop and line port.

9. In 2012, YMax sought clarification about ''the minimum functionality required'' for a competitive LEC to collect full access for VoIP–PSTN traffic pursuant to the then-new VoIP Symmetry Rule. YMax asserted that the Commission should affirm that ''a LEC is performing the functional equivalent of ILEC access service . . . whenever it is providing telephone numbers and some portion of the interconnection with the PSTN, and regardless of how or by whom the last-mile transmission is provided.'' The Wireline Competition Bureau rejected YMax's arguments and explained that '' 'although access services might functionally be accomplished in different ways . . . the right to [assess] charge[s] [pursuant to the VoIP Symmetry Rule] does not extend to functions not performed by the LEC or its retail VoIP service provider partner.' '' The Bureau explained that YMax's interpretation could lead to double billing and that the Commission was careful to ''prevent double billing and charging for functions not actually provided.'' As a result, the Bureau rejected YMax's proposed rule interpretation.

10. In the *2015 Declaratory Ruling,* the Commission reviewed the precedent establishing that the hallmark of end office switching is the connection of trunks to lines and concluded that ''the cases cited . . . are distinguishable from the facts before us or have been superseded by the changes adopted in the *USF/ICC* . . . *Transformation Order.*'' The Commission focused instead on what it described as the ''critical functions'' of switched access in the traditional TDM network and compared them to key physical switching functions in the IP network. Based on this review, the Commission determined that it should allow an ''equal application of the [VoIP Symmetry] rule'' to all types of VoIP services and allow both facilities-based and over-the-top VoIP providers or their LEC partners to collect end office switching charges on VoIP–PSTN traffic.

11. AT&T appealed the *2015 Declaratory Ruling,* arguing that services provided by over-the-top VoIP–LEC partnerships do not constitute the functional equivalent of end office switching services because end office switched access involves a physical connection between the LEC and the last-mile facilities used to serve an end user. On appeal, the D.C. Circuit rejected as arbitrary and capricious the Commission's attempt to omit the physical connection of lines and trunks from the necessary functions of end office switching because it left the Commission unable to distinguish between end office and tandem switching. The court also found that the Commission had not successfully rebutted the commonly understood meaning of end office switching, as discussed in *YMax I.* As the court explained, ''*YMax I* represents the Commission's apparent understanding of the 'commonly understood meaning[]' of end office switching around the time of the *Transformation Order.*'' The court further explained that *YMax I,* as well as earlier guidance dating back to the 1990s, ''appear to identify end-office switching as supplying actual or physical interconnection.'' The court determined that ''[t]he ruling's only explanation for why interconnection is 'not require[d]' is that, in VoIP–PSTN calls, 'the customer is separately paying for [the] broadband connection . . . . That the customer is paying for the broadband interconnection doesn't support the conclusion that interconnection is unnecessary for end-office switching—it merely indicates that it is provided by a party other than a VoIP–LEC.''

12. After the court remanded the *2015 Declaratory Ruling,* CenturyLink submitted a Petition for a Declaratory Ruling, urging the Commission to issue a declaratory ruling regarding the appropriate intercarrier compensation for over-the-top VoIP–LEC traffic to and from the PSTN and reaffirm the conclusions of the *2015 Declaratory Ruling* regarding the correct interpretation of the VoIP Symmetry Rule. The Commission sought and received comments on CenturyLink's petition. CenturyLink argues that the *Remand Order* does not decide the correct interpretation of the VoIP Symmetry Rule in relation to over-the-top VoIP traffic, and requests that the Commission ''complete the remand'' from the court and ''resolve the underlying dispute as to the proper interpretation'' of the VoIP Symmetry Rule. AT&T and Verizon disagree. AT&T, for example, asserts that ''there is no merit to CenturyLink's effort to sideswipe the text of the 2011 rules, [and] the decades of precedent establishing the meaning and application of those rules to over-the-top VoIP traffic.''

13. Litigation and other disputes regarding access charges related to the VoIP Symmetry Rule continue. In its Petition, CenturyLink details ongoing litigation regarding the interpretation of the VoIP Symmetry Rule. According to O1 Communications and Peerless Network, the *Remand Order* ''has resulted in disputes between local exchange carriers . . . and interexchange carriers . . ., primarily AT&T and Verizon, over the appropriate compensation for over-the-top VoIP traffic.'' Peerless also alleges that several large interexchange carriers ''not only refuse to pay access charges on [over-the-top] VoIP traffic, but invented new disputes for access charges they had previously paid, resulting in a claimed 'claw back' of prior payments.'' According to AT&T, two district courts issued rulings regarding access disputes arising under the VoIP Symmetry Rule and ''both district courts stayed or vacated their decisions'' after the release of the *Remand Order.*

III. Discussion

14. Upon consideration of the record in this proceeding and consistent with Commission precedent, we reaffirm the long-standing definition of what constitutes ''end office switching'': A VoIP–LEC partnership that interconnects a call with a customer's last-mile facility performs the functional equivalent of end office switching and may charge for that functionality. By contrast, a VoIP provider, or a VoIP–LEC partnership, that transmits calls to an unaffiliated ISP for routing over the internet does not provide the functional equivalent of end office switching, and may not impose an end office switching access charge on IXCs that receive or deliver traffic to or from the VoIP–LEC partnership. Today's ruling provides carriers with certainty and predictability about the applicability of the VoIP Symmetry Rule, while helping to resolve past disputes.

15. In reaching our conclusion, we also conclude that the *2015 Declaratory Ruling* failed to properly interpret the VoIP Symmetry Rule in light of the commonly understood meaning of end office switching. Commission precedent is clear that a physical connection to the last-mile facilities used to serve an end user is the key characteristic of end office switching, and absent such physical connection, a VoIP–LEC partnership is not performing the functional equivalent of end office switching. For example, the Responsible Accounting Officer decisions consist of a Common Carrier Bureau letter providing cost accounting guidance for remote switching equipment, and a

subsequent Commission-level reconsideration order of the letter. Accordingly, on remand, we decline to follow the interpretation of the VoIP Symmetry Rule adopted by the Commission in the *2015 Declaratory Ruling* and deny the CenturyLink Petition for a Declaratory Ruling in this regard.

16. The Commission has historically analyzed end office switching in the context of regulating traditional voice services. The Commission has consistently recognized that interconnection is a hallmark of end office switching, and that interconnection involves connecting ''subscriber line to subscriber line or subscriber line to trunk.'' As the D.C. Circuit and commenters explain, prior Commission and Bureau orders demonstrate that the Commission has always understood physical interconnection to be the hallmark of end office switching. As AT&T points out, ''all of the relevant precedents from the Commission and courts . . . uniformly provide that the core and distinguishing function of an end office switch is the interconnection of calls on trunks to and from last-mile customer loop facilities.'' In particular, as the D.C. Circuit observed, *YMax I* reveals the commonly understood meaning of end office switching at the time of the *Transformation Order,* which is directly relevant to our application of the functional equivalency evaluation under our traditional test: The Commission clearly held that YMax was not providing ''end office switched access'' because it did not provide a ''physical transmission facility that provides a point-to-point connection.''

17. We thus conclude that a physical interconnection continues to be the critical and defining characteristic of end office switching. LECs and their VoIP provider partners merely transmitting calls to unaffiliated ISPs for routing over the public internet are not performing this essential function of end office switching. In adopting the VoIP Symmetry Rule in 2011, the Commission demonstrated no intention to rethink that key aspect of end office switching. Therefore, we decline to continue pursuing the Commission's misguided decision in 2015 to depart from this well-understood interpretation of end office switching. Returning to that historical understanding in our application of the VoIP Symmetry Rule here also fully addresses the D.C. Circuit's concerns with the *2015 Declaratory Ruling.*

18. In adopting the VoIP Symmetry Rule, the Commission reaffirmed its practice of determining whether a carrier can impose access charges by considering whether the service being provided is functionally equivalent to a service for which LECs have been allowed to impose access charges. As the Commission explained, ''under the Commission's historical approach in the access charge context, when relying on tariffs, LECs have been permitted to charge access charges to the extent that they are providing the functions at issue.'' Although the Commission did not expressly discuss physical connections, it used the traditional test, and re-codified it, in order to clarify that a LEC could collect access charges when it transmitted a call using a format other than TDM (such as IP); and that a LEC could collect access charges for functions performed not only by itself but also by its VoIP partner.

19. Our interpretation is consistent with the Commission's statement in the *Transformation Order* that a LEC can charge for functions it or its VoIP provider partner perform even if they do not '' 'correspond precisely to those used under a traditional TDM architecture.' '' That statement underscores the Commission's commitment to considering functional equivalency when looking at different types of network architectures consistent with its historical practice. We thus find no basis for the assertion in the *2015 Declaratory Ruling* that that language from the *Transformation Order* demonstrated that the Commission adopted a new functional equivalence test. Where the Commission did choose to depart from its historical approaches in other aspects of its VoIP symmetry analysis, it did so expressly and unambiguously. Most notably, the Commission expressly departed from its historical standard with regard to *which* entity—the LEC or its VoIP provider partner—must be providing the relevant functionality. The Commission made no such indication of its intent to change course in the standard for evaluating what functionality actually was being provided. Instead, in adopting that new approach of allowing either the LEC or its VoIP provider partner to provide the functionally equivalent service, the Commission found clear support in the *YMax I* decision for its pronouncement that the VoIP Symmetry Rule, ''do[es] not permit a LEC to charge for functions performed neither by itself or its retail partner.'' Further, the interpretation of the VoIP Symmetry Rule in this *Order* best advances the policy goals of the *Transformation Order* of ''encouraging the deployment of all-IP networks, promoting competition in the voice marketplace, reducing intercarrier compensation disputes, and avoiding marketplace distortions and arbitrage that could arise from an asymmetrical approach to compensation.'' Our unwillingness to so quickly assume a change in policy as the *2015 Declaratory Ruling* did likewise accords with an agency's general administrative law obligation to acknowledge and explain changes in course.

20. Our conclusion that the VoIP Symmetry Rule allows recovery of end office switching charges only where the LEC or its VoIP provider partner provides the physical connection furthers the Commission's goal of promoting IP investment, particularly last-mile investment, by rewarding investment in last-mile connections. We disagree with CenturyLink's assertion that our actions in this *Order* will provide a ''competitive disincentive'' to carriers that move to IP-based services and will otherwise hinder the transition to IP. To the contrary, the Commission's ''intercarrier compensation framework is intended to 'promote investment in and deployment of IP networks,' '' and permitting a VoIP–LEC partnership to ''mak[e] minimal investments in softswitches and the like and piggy-back[] on the far more extensive investments that facilities-based broadband internet access providers have made'' would contravene that goal. In contrast to the commonsense notion that linking a LEC's ability to impose end office charges to the provision of connections between lines and trunks by the LEC or its VoIP provider partner (during the transition to bill-and-keep) promotes last-mile investment essential to IP networks, we find the theory for promoting IP networks in the *2015 Declaratory Ruling* to be speculative and insufficiently supported. Indeed, the Commission's conclusion that the *2015 Declaratory Ruling* would promote IP networks and services largely relied on high-level policy statements from the *Transformation Order* about the effects of intercarrier compensation reform, or reform of VoIP intercarrier compensation, more generally. However, the *2015 Declaratory Ruling* did not explain how allowing LECs and their over-the-top VoIP provider partners to recover access charges for functions they are not performing would promote that sort of investment or otherwise advance the Commission's goals.

21. Relatedly, we conclude that that our reading of the VoIP Symmetry Rule is the better interpretation in the overall context of trying to promote competition in the voice marketplace than the approach taken by the Commission in the *2015 Declaratory Ruling.* We reject

arguments that the continued presence of TDM in some aspects of providers' networks—particularly for 8YY calls—suggests either that we are not serious about promoting IP networks or that our policies in that regard have failed. The migration to IP networks necessarily is a transition—not a flash cut—that has been, and remains, ongoing. Additionally, issues related to intercarrier compensation policies in other contexts, such as those related to 8YY calls, are more appropriately taken up in a proceeding where they are at issue. The Commission currently has an open proceeding (WC Docket No. 18–156) focusing on intercarrier compensation issues related to the provision of 8YY services. At best, the approach adopted in the *2015 Declaratory Ruling* may have temporarily encouraged voice competition where broadband connections already existed that allowed VoIP providers and their LEC partners to collect access charges during the transition to bill-and-keep. But where no such IP-based last-mile connections existed, the approach adopted in the *2015 Declaratory Ruling* would have discouraged VoIP providers and their LEC partners from building last mile connections, because they could simply recover the same access charges without building last mile connections. Contrary to Teliax's assertion that our interpretation of the VoIP Symmetry Rule discourages competition by treating over-the-top VoIP services differently than facilities-based VoIP services, we find that our approach is technologically neutral. Carriers may be compensated for services they actually perform, and, as discussed above, we find that over-the-top VoIP–PSTN partnerships do not perform the functional equivalent of end office switched access. Having explained how the approach we take today aligns with the Commission's long-standing policy goals, we also take issue with Teliax's claim that our policy analysis relies on ''high-level . . . statements without hard analysis.'' Moreover, unlike our approach today, the approach the Commission took in the *2015 Declaratory Ruling* was inconsistent with the policy goals set forth in the *Transformation Order.* As a result, while we conclude that our textual justification for our approach—coupled with the fact that it addresses the problems with the *2015 Declaratory Ruling* identified by the court—is a sufficient basis for our decision, we also find that our decision is strengthened by our policy analysis.

22. We also conclude that because our approach is better aligned with the approach taken by the Commission in the *Transformation Order* and is consistent with the historical functional equivalence test, it provides the more symmetrical approach to access charge compensation and we therefore expect it to advance the *Transformation Order's* goals of reducing market distortions, arbitrage, and compensation disputes. We are unpersuaded by the *2015 Declaratory Ruling's* concerns about IP-to-IP interconnection negotiations. That ruling framed one set of negotiating parties as in the wrong because they were negotiating from a baseline that presumed an interpretation of the intercarrier compensation rules for VoIP–PSTN traffic that differed from the one the Commission adopted there. Having confirmed the correctness of those parties' understanding of the VoIP Symmetry Rule, however, we do not see the same grounds to criticize their negotiating approach—even assuming *arguendo* that negotiating approach is what is reflected in the characterizations in the *2015 Declaratory Ruling.* Particularly because the VoIP Symmetry Rule does not apply by its terms to IP-to-IP interconnection, we are not persuaded that our clarification of the VoIP Symmetry Rule provided here will have a negative effect on providers' ability to negotiate such agreements, rather than simply clarifying the legal baseline for VoIP–PSTN traffic for both sides to any such negotiation. More generally, our experience persuades us that uncertainty regarding the governing legal rules is the most significant source of intercarrier compensation disputes, and that once the rules are clarified, parties are able to work out the implementation details in a way that reduces the need for future disputes and litigation. We also disagree with the *2015 Declaratory Ruling's* characterization of the litigation surrounding the VoIP Symmetry Rule as arising because parties could not distinguish between facilities-based and over-the-top VoIP services. We agree with AT&T that, because of the fundamentally different physical arrangements between facilities-based and over-the-top VoIP services, the two can be distinguished with relative ease. We remind parties that, pursuant to the *Transformation Order,* providers may choose to use a variety of different methods to identify and track compensable VoIP–PSTN traffic for billing purposes. Relatedly, we disagree with CenturyLink that in adopting the *Transformation Order,* the Commission adopted a ''safe harbor'' for determining what traffic would be subject to the new VoIP–PSTN compensation structure, much less that any such ''safe harbor'' ''necessarily applied end office charges to OTT traffic.'' Rather, the Commission merely suggested various methods providers could use to determine how much traffic was subject to access charges. Nothing in the *Transformation Order* implies, let alone states, that providers opting to use these methods were entitled to end office access charges for any or all of their traffic.

23. Indeed, in the *Remand Order,* the court vacated the *2015 Declaratory Ruling* based, at least in part, on its concern that the Commission's ''new'' functional equivalence test had all but erased the distinction between tandem switching and end office switching. We respond to these concerns by reiterating the Commission's longstanding view that end office switching involves the connection of trunks to lines and by clearly declaring that a VoIP provider, or its LEC partner, provides the functional equivalent of end office switching only when it provides a physical connection to the last-mile facilities used to serve an end user. This clarification provides a clear test for functional equivalency in the context of the VoIP Symmetry Rule and provides a bright-line distinction between tandem switching and end office switching for purposes of this rule. It also provides clarity and guidance to those parties involved in the ongoing disputes and litigation regarding the correct interpretation of the VoIP Symmetry Rule as discussed by commenters. We reiterate that providers, including over-the-top VoIP–LEC partnerships, may assess access charges for other access services they provide, such as dedicated transport access service or tandem-switched access service, to the extent they provide those services or the functional equivalent thereof. Thus, VoIP–LEC partnerships are entitled to collect access charges for tandem switching and transport services, for example, only to the extent that they actually provide those services, or the functional equivalent of those services. We leave carriers to determine the appropriate compensation for such services in accordance with their agreements and applicable tariffs.

24. Our decision today is fundamentally technologically neutral. As Verizon explains, ''distinguishing between facilities-based and over-the top VoIP providers is technology neutral—the different treatment has nothing to do with the providers' choice of technology . . . but with the fact that the former are doing work that the latter

are not.'' We agree. The services provided by over-the-top VoIP providers and facilities-based VoIP providers are not functionally equivalent—the latter provides the physical connection to the last-mile facilities used to serve an end user, and the former does not. We thus reject the overbroad suggestion in the *2015 Declaratory Ruling* that ''disparate treatment based on technological distinctions between facilities-based and over-the-top providers directly contradicts the advancement of 'competitive or technological neutrality.' '' Where there are material technological distinctions, differences in treatment can be appropriate. The reasoning underpinning the *2015 Declaratory Ruling* is circular: It is only by excluding interconnection from the scope of end office switching that the *2015 Declaratory Ruling* could have treated differences between facilities-based and over-the-top VoIP providers as immaterial. Our interpretation ''embraces the concept of compensation for new and non-traditional functionality,'' but not at the expense of a departure from the historical standard for functional equivalency that we find represents the best interpretation of the VoIP Symmetry Rule.

25. In departing from the Commission's interpretation of the VoIP Symmetry Rule in the *2015 Declaratory Ruling,* we are mindful of the fact that ''an agency is free to change its mind so long as it supplies 'a reasoned analysis.' '' The Supreme Court has observed that there is ''no basis in the Administrative Procedure Act or in our opinions for a requirement that all agency change be subjected to more searching review. . . . [I]t suffices that the new policy is permissible under the statute, that there are good reasons for it, and that the agency believes it to be better, which the conscious change of course adequately indicates.'' Relevant precedent holds that we need only ''examine the relevant data and articulate a satisfactory explanation for [our] action,'' a duty we fully satisfy here. The ''possibility of drawing two inconsistent conclusions from the evidence does not prevent an administrative agency's finding from being supported by substantial evidence.'' Thus, contrary to CenturyLink's assertion that we cannot or should not depart from the conclusion of the *2015 Declaratory Ruling,* we are ''entitled to assess administrative records and evaluate priorities'' in light of our current policy judgments as well as in response to a remand order from the court. Indeed, by vacating the *2015 Declaratory Ruling* and remanding the matter to us, the D.C. Circuit required us to reevaluate the Commission's reasoning in the *2015 Declaratory Ruling* and take into the account the weaknesses in that ruling that the D.C. Circuit identified in its opinion.

26. In the interest of further clarity, we find that this Declaratory Ruling should have retroactive effect. As a general matter, declaratory rulings are adjudicatory and are presumed to have retroactive effect. Clarifying the law and applying that clarification to past behavior are routine functions of adjudications. As various commenters point out, the applicability of the VoIP Symmetry Rule has not been clear. This retroactive clarification is necessary to provide clarity on the meaning of the VoIP Symmetry Rule. As such, we reject the assertion that the interpretation of the VoIP Symmetry Rule adopted in this Order may not be applied retroactively because such interpretation would result in ''manifest injustice'' and that our revised interpretation of the VoIP Symmetry Rule may be applied only prospectively. Instead, retroactivity is necessary to prevent an undue hardship being worked upon those parties who properly interpreted the VoIP Symmetry Rule and have been in disputes ever since.

IV. Ordering Clauses

27. Accordingly, *it is ordered* that, pursuant to sections 4(i), 201, 202, and 251 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 201, 202, and 251, and sections 1.1 and 1.2 of the Commission's rules, 47 CFR 1.1, 1.2, this Order on Remand and Declaratory Ruling in WC Docket No. 10–90 and CC Docket No. 01–92 *is adopted.*

28. *It is further ordered* that the Petition of CenturyLink for a Declaratory Ruling filed May 11, 2018 is *denied.*

29. *It is further ordered* that, pursuant to section 1.103 of the Commission's rules, 47 CFR 1.103, this Order on Remand and Declaratory Ruling *shall be effective* upon release.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2020–01658 Filed 1–29–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1238; FRS 16434]

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), 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 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:

OMB Control Number: 3060–1238.

Title: First Amendment to Nationwide Programmatic Agreement for the Collocation of Wireless Antennas.

Form Number: Not applicable.

Type of Review: Extension of an approved collection.

Respondents: Business or other for-profit entities, not-for-profit institutions, and State, local, or Tribal governments.

Number of Respondents and Responses: 71 respondents; 765 responses.

Estimated Time per Response: 1 hour—5 hours.

Frequency of Response: Third party disclosure reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in Sections 1, 2, 4(i), 7, 301, 303, 309, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 157, 301, 303, 309, 332, and Section 106 of the National Historic Preservation Act of 1966, 54 U.S.C. 306108.

Total Annual Burden: 2,869 hours.

Total Annual Cost: $82,285.

Privacy Impact Assessment: There are no impacts under the Privacy Act.

Nature and Extent of Confidentiality: No known confidentiality between third parties.

Needs and Uses: The Commission will submit this information collection for approval after the comment period to obtain the full three-year clearance from the Office of Management and Budget (OMB). The Commission is requesting OMB approval for disclosure requirements pertaining to the First Amendment to Nationwide Programmatic Agreement for the Collocation of Wireless Antennas (First Amendment) to address the review of deployments of small wireless antennas and associated equipment under Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. 306108 (formerly codified at 16 U.S.C. 470f). The FCC, the Advisory Council on Historic Preservation (Council), and the National Conference of State Historic Preservation Officers (NCSHPO) amended the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas (Collocation Agreement) to account for the limited potential of small wireless antennas and associated equipment, including Distributed Antenna Systems (DAS) and small cell facilities, to affect historic properties. The Collocation Agreement addresses historic preservation review for collocations on existing towers, buildings, and other non-tower structures. Under the Collocation Agreement, most antenna collocations on existing structures are excluded from Section 106 historic preservation review, with a few exceptions defined to address potentially problematic situations. On August 3, 2016, the Commission's Wireless Telecommunications Bureau, ACHP, and NCSHPO finalized and executed the First Amendment to the Collocation Agreement, to tailor the Section 106 process for small wireless deployments by excluding deployments that have minimal potential for adverse effects on historic properties.

The following are the information collection requirements in connection with the amended provisions of Appendix B of Part 1 of the Commission's rules (47 CFR pt.1, App. B):

- Stipulation VII.C of the amended Collocation Agreement provides that proposals to mount a small antenna on a traffic control structure (*i.e.,* traffic light) or on a light pole, lamp post or other structure whose primary purpose is to provide public lighting, where the structure is located inside or within 250 feet of the boundary of a historic district, are generally subject to review through the Section 106 process. These proposed collocations will be excluded from such review on a case-by-case basis, if (1) the collocation licensee or the owner of the structure has not received written or electronic notification that the FCC is in receipt of a complaint from a member of the public, an Indian Tribe, a SHPO or the Council, that the collocation has an adverse effect on one or more historic properties; and (2) the structure is not historic (not a designated National Historic Landmark or a property listed in or eligible for listing in the National Register of Historic Places) or considered a contributing or compatible element within the historic district, under certain procedures. These procedures require that applicant must request in writing that the SHPO concur with the applicant's determination that the structure is not a contributing or compatible element within the historic district, and the applicant's written request must specify the traffic control structure, light pole, or lamp post on which the applicant proposes to collocate and explain why the structure is not a contributing element based on the age and type of structure, as well as other relevant factors. The SHPO has thirty days from its receipt of such written notice to inform the applicant whether it disagrees with the applicant's determination that the structure is not a contributing or compatible element within the historic district. If within the thirty-day period, the SHPO informs the applicant that the structure is a contributing element or compatible element within the historic district or that the applicant has not provided sufficient information for a determination, the applicant may not deploy its facilities on that structure without completing the Section 106 review process. If, within the thirty day period, the SHPO either informs the applicant that the structure is not a contributing or compatible element within the historic district, or the SHPO fails to respond to the applicant within the thirty-day period, the applicant has no further Section 106 review obligations, provided that the collocation meets the certain volumetric and ground disturbance provisions.

The First Amendment to the Collocation Agreement established new exclusions from the Section 106 review process for physically small deployments like DAS and small cells, fulfilling a directive in the Commission's *Infrastructure Report and Order,* 80 FR 1238, Jan. 8, 2015, to further streamline review of these installations. These exclusions will continue to reduce the cost, time, and burden associated with deploying small facilities in many settings and provide opportunities to increase densification at low cost and with very little impact on historic properties.

Facilitating these deployments thus directly advances efforts to roll out 5G service in communities across the country.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2020–01734 Filed 1–29–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreement under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary by email at *Secretary@fmc.gov,* or by mail, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 201330.

Agreement Name: CMA CGM/COSCO Shipping Vessel Sharing Agreement Brazil-Caribbean/U.S. Gulf.

Parties: CMA CGM S.A. and COSCO Shipping Lines Co., Ltd.

Filing Party: Draughn Arbona, CMA CGM (America) LLC.

Synopsis: The Agreement authorizes CMA CGM and COSCO to jointly operate a liner service in the trade between the U.S. Gulf Coast, Brazil, Panama, Jamaica, and Mexico.

Proposed Effective Date: 1/21/2020.

Location: *https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/26455.*

Agreement No.: 012146–003.

Agreement Name: HLAG/Maersk USWC-Mediterranean Vessel Sharing Agreement.

Parties: Hapag Lloyd AG and Maersk A/S.

Filing Party: Wayne Rohde; Cozen O'Connor.

Synopsis: The amendment changes the name of Maersk Line A/S to Maersk A/S.

Proposed Effective Date: 1/22/2020.

Location: *https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/308.*

Agreement No.: 012307–004.

Agreement Name: Maersk/APL Slot Exchange Agreement.

Parties: Maersk A/S; APL Co. Pte. Ltd.; and American President Lines, LLC.

Filing Party: Wayne Rohde; Cozen O'Connor.

Synopsis: The amendment changes the name of Maersk Line A/S to Maersk A/S, updates the name of the Agreement accordingly, and makes changes to the space charter volumes under the Agreement.

Proposed Effective Date: 1/23/2020.

Location: *https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/176.*

Agreement No.: 201322–001.

Agreement Name: Maersk/Matson Space Charter Agreement.

Parties: Maersk A/S and Matson Navigation Company, Inc.

Filing Party: Wayne Rohde; Cozen O'Connor.

Synopsis: The amendment changes the name of Maersk Line A/S to Maersk A/S.

Proposed Effective Date: 1/23/2020.

Location: *https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/24440.*

Dated: January 24, 2020.

Rachel Dickon,

Secretary.

[FR Doc. 2020–01665 Filed 1–29–20; 8:45 am]

BILLING CODE 6731–AA–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 17, 2020.

A. Federal Reserve Bank of Atlanta (Kathryn Haney, Assistant Vice President) 1000 Peachtree Street NE, Atlanta, Georgia 30309. Comments can also be sent electronically to *Applications.Comments@atl.frb.org:*

1. *William T. Taylor, Merritt Island, Florida;* to retain voting shares of CBOS Bankshares, Inc., and thereby indirectly retain voting shares of Community Bank of the South, both of Merritt Island, Florida.

Board of Governors of the Federal Reserve System, January 27, 2020.

Ann Misback,

Secretary of the Board.

[FR Doc. 2020–01666 Filed 1–29–20; 8:45 am]

BILLING CODE P

GOVERNMENT ACCOUNTABILITY OFFICE

Request for Nominations for the Physician-Focused Payment Model Technical Advisory Committee (PTAC)

AGENCY: U.S. Government Accountability Office (GAO).

ACTION: Request for letters of nomination and resumes.

SUMMARY: The Medicare Access and CHIP Reauthorization Act of 2015 established the Physician-Focused Payment Model Technical Advisory Committee to provide comments and recommendations to the Secretary of Health and Human Services on physician payment models and gave the Comptroller General responsibility for appointing its members. GAO is now accepting nominations of individuals for this committee.

DATES: Letters of nomination and resumes should be submitted no later than February 28, 2020, to ensure adequate opportunity for review and consideration of nominees prior to appointment. Appointments to fill open spots on PTAC are expected to be made in June 2020. Other appointments will be made in October 2020.

ADDRESSES: Submit letters of nomination and resumes by either of the following methods: Email: *PTACcommittee@gao.gov* or Mail: U.S. GAO, Attn: PTAC Nominations, 441 G Street NW, Washington, DC 20548.

FOR FURTHER INFORMATION CONTACT: Greg Giusto at (202) 512–8268 or *giustog@gao.gov* if you do not receive an acknowledgement within a week of submission or if you need additional information. For general information, contact GAO's Office of Public Affairs, (202) 512–4800.

Authority: Pub. L. 114–10, Sec. 101(e), 129 Stat. 87, 115 (2015).

Gene L. Dodaro,

Comptroller General of the United States.

[FR Doc. 2020–01699 Filed 1–29–20; 8:45 am]

BILLING CODE 1610–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended, and the Determination of the Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, CDC, pursuant to Public Law 92–463. 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: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)- SIP20–009, State-Based Health, Budget Impact and Cost-Effectiveness of Improved Coverage and Uptake of Smoking Cessation.

Date: April 28, 2020.

Time: 11:00 a.m.—6:00 p.m., EDT.

Place: Teleconference.

Agenda: To review and evaluate grant applications.

For Further Information Contact: Jaya Raman Ph.D., Scientific Review Officer, CDC, 4770 Buford Highway, Mailstop F80, Atlanta, Georgia 30341; Telephone: (770) 488–6511; *kva5@cdc.gov.*

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2020–01623 Filed 1–29–20; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended, and the Determination of the Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, CDC, pursuant to Public Law 92–463. 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: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)- RFA–CK–20–001, Enhanced Surveillance and Control of Arboviruses in Puerto Rico; RFA–CK–20–002, Detection and Characterization of Emerging Vector-Borne Zoonotic Pathogens in Indonesia; and RFA–CK–20–003, Modeling Infectious Diseases in Healthcare Research Projects to Improve Prevention Research and Healthcare Delivery (MInD Healthcare).

Date: March 31, 2020–April 1, 2020

Time: 10:00 a.m.–5:00 p.m., EDT

Place: Teleconference.

Agenda: To review and evaluate grant applications.

For Further Information Contact: Gregory Anderson, M.S., M.P.H., Scientific Review Officer, CDC, 1600 Clifton Road, NE, Mailstop US8–1, Atlanta, Georgia 30329–4027; Telephone: (404) 718–8833; *gca5@cdc.gov.*

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2020–01619 Filed 1–29–20; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Meeting of the Community Preventive Services Task Force (CPSTF)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: The CDC within the HHS announces the next meeting of the CPSTF on February 12, 2020.

DATES: The meeting will be held on Wednesday, February 12, 2020, from 8:30 a.m. to 5:00 p.m. EST.

ADDRESSES: The CPSTF meeting will be held via web conference. Information regarding meeting logistics will be available on the Community Guide website (*www.thecommunityguide.org*) closer to the date of the meeting.

FOR FURTHER INFORMATION CONTACT: Onslow Smith, Community Guide Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–E–69, Atlanta, GA 30329, phone: (404) 498–6778, email: *CPSTF@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Meeting Accessibility: This CPSTF meeting will be a one-day session held virtually. The morning session will consist of internal CPSTF business related to its 2020 process for establishing its priority topics for 2021–2025. The afternoon session will consist of deliberation on systematic reviews of literature. The afternoon session is open to the public from 1:00 to 5:00 p.m. EST. All participants who would like to attend the afternoon session must register by 5:00 p.m. EST on Friday, February 7, 2020. Participants will receive registration confirmation with web conference meeting instructions within two business days.

To register for the afternoon session, individuals should send an email to *CPSTF@cdc.gov* and include the following information: Name, title, organization name, organization address, phone, email. CDC will email web conference information from the *CPSTF@cdc.gov* mailbox. Additional logistical information regarding this virtual meeting will be available on the Community Guide website (*www.thecommunityguide.org*) closer to the date of the meeting.

Public Comment: Individuals who would like to make public comments must indicate their desire to do so with their registration by providing their name, organizational affiliation, and the topic to be addressed (if known). The requestor will receive instructions for the public comment process for this virtual meeting after the request is received. A public comment period follows the CPSTF's discussion of each systematic review and is limited to three minutes per person. Public comments will become part of the meeting summary.

Background on the CPSTF: The CPSTF is an independent, nonfederal panel whose members are appointed by the CDC Director. CPSTF members represent a broad range of research, practice, and policy expertise in prevention, wellness, health promotion, and public health. The CPSTF was convened in 1996 by the HHS to identify community preventive programs, services, and policies that increase healthy longevity, save lives and dollars, and improve Americans' quality of life. CDC is mandated to provide ongoing administrative, research, and technical support for the operations of the CPSTF. During its meetings, the CPSTF considers the findings of systematic reviews of literature on existing research and

practice-based evidence and issues recommendations. CPSTF recommendations are not mandates for compliance or resource allocation. Instead, they provide information about evidence-based options that decision makers and stakeholders can consider when they are determining what best meets the specific needs, preferences, available resources, and constraints of their jurisdictions and constituents. The CPSTF's recommendations, along with the systematic reviews of the evidence on which they are based, are compiled in the *The Community Guide.*

Matters proposed for discussion: The CPSTF will discuss the 2020 process for establishing its priority topics for 2021–2025 during a closed session the first half of the day. During the afternoon session which is open to the public, the CPSTF will deliberate on systematic reviews of literature related to the following: HIV Prevention: Clinical Decision Support Systems to Increase HIV Screening; Cardiovascular Disease Prevention and Control: Economics of Pharmacy-Based Interventions to Increase Medication Adherence; and one or more proposals for new reviews in the areas of mental health, sleep health, tobacco prevention and control. The agenda is subject to change without prior notice; however, agenda updates will be posted on the the Community Guide website (*www.thecommunityguide.org*).

Dated: January 27, 2020.

Sandra Cashman,

Executive Secretary, Centers for Disease Control and Prevention.

[FR Doc. 2020–01732 Filed 1–29–20; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended, and the Determination of the Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, CDC, pursuant to Public Law 92–463. 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: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—RFA–CK–20–004, Prevention Epicenters Program: Protecting Patients from Infections, Antibiotics Resistance and Other Adverse Events.

Date: May 21, 2020.

Time: 10:00 a.m.–5:00 p.m., EDT.

Place: Teleconference.

Agenda: To review and evaluate grant applications.

For Further Information Contact: Gregory Anderson, M.S., M.P.H., Scientific Review Officer, CDC, 1600 Clifton Road NE, Mailstop US8–1, Atlanta, Georgia 30329–4027; Telephone: (404) 718–8833; *gca5@cdc.gov.*

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2020–01620 Filed 1–29–20; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended, and the Determination of the Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, CDC, pursuant to Public Law 92–463. 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: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—RFA–IP–20–005, Rapid-Cycle Survey Collaborative for Patient and Provider Input on Immunization Issues.

Date: April 21, 2020.

Time: 10:00 a.m.–5:00 p.m., EDT.

Place: Teleconference.

Agenda: To review and evaluate grant applications.

FOR FURTHER INFORMATION CONTACT: Gregory Anderson, M.S., M.P.H., Scientific Review Officer, CDC, 1600 Clifton Road, NE, Mailstop US8–1, Atlanta, Georgia 30329–4027; Telephone: (404) 718–8833; *gca5@cdc.gov.*

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2020–01621 Filed 1–29–20; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Center for Health Statistics (NCHS), ICD–10 Coordination and Maintenance (C&M) Committee Meeting

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: The Centers for Disease Control and Prevention, National Center for Health Statistics (NCHS), Classifications and Public Health Data Standards Staff, announces the following meeting of the ICD–10 Coordination and Maintenance (C&M) Committee meeting. This meeting is open to the public, limited only by the space available. The meeting room accommodates approximately 240

people. We will be broadcasting the meeting live via Webcast at *http://www.cms.gov/live/.*

DATES: The meeting will be held on March 17, 2020, 9:00 a.m. to 5:00 p.m., EDT and March 18,2020, 9:00 a.m. to 5:00 p.m., EDT.

ADDRESSES: Centers for Medicare and Medicaid Services (CMS) Auditorium, 7500 Security Boulevard, Baltimore, Maryland 21244.

FOR FURTHER INFORMATION CONTACT: Traci Ramirez, Program Specialist, CDC, 3311 Toledo Road, Hyattsville, Maryland 20782; telephone: (301) 458–4454; *TRamirez@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: The ICD–10 Coordination and Maintenance (C&M) Committee is a public forum for the presentation of proposed modifications to the International Classification of Diseases, Tenth Revision, Clinical Modification and ICD–10 Procedure Coding System.

Matters to be Considered: The tentative agenda will include discussions on ICD–10–CM and ICD–10–PCS topics listed below. Agenda items are subject to change as priorities dictate.

Please refer to the posted agenda for updates one month prior to the meeting.

ICD–10–PCS Topics

Microbial Testing
Insertion of Subcutaneous Pump System for Ascites Drainage
Insertion of Carotid Baroceptor Stimulator Pulse Generator
Infectious Disease Testing
Administration of BREYANZI® (lisocabtagene maraleucel)
Administration of FETROJA® (cefiderocol)
CT Angiogram with Computer-Aided Triage and Notification
Endoscopic Gastrointestinal Hemostat
Administration of IMFINZI® (durvalumab)
Intramedullary Joint Fusion System
Peripheral Intravascular Lithotripsy (IVL)
Administration of KTE–X19
Administration of NUZYRA® (omadacycline)
Administration of OTL–101
Administration of Sivextro (tedizolid phosphate)
Administration of Soliris® (eculizumab)
Transcarotid Arterial Revascularization with Embolic
Neuroprotection
Implantable Fracture Reduction System
Administration of TECENTRIQ® (atezolizumab)
Administration of TERLIVAZ® (terlipressin)
Administration of XENLETA® (lefamulin)
Administration of ZERBAXA® (ceftolozane and tazobactam)
Addenda

ICD–10–CM Topics

Anaplasmosis
Breast implant illness
Cough
Electronic nicotine delivery devices
Endometriosis
Non-ischemic heart disease
Non-radiographic axial spondyloarthritis
Synthetic cannabinoids
Addenda

Security Considerations: Due to increased security requirements, CMS has instituted stringent procedures for entrance into the building by non-government employees. Attendees will need to present valid government-issued picture identification, and sign-in at the security desk upon entering the building.

Attendees who wish to attend the March 17–18, 2020, ICD–10–CM C&M meeting must submit their name and organization by March 6, 2020, for inclusion on the visitor list. This visitor list will be maintained at the front desk of the CMS building and used by security to admit visitors to the meeting. To request reasonable accommodation, please contact the CMS Reasonable Accommodation Program at Email *reasonableaccommodationprogram@cms.hhs.gov.*

Participants who attended previous Coordination and Maintenance meetings will no longer be automatically added to the visitor list. You must request inclusion of your name prior to each meeting you wish attend.

Please register to attend the meeting on-line at: *http://www.cms.hhs.gov/apps/events/.*

Please contact Mady Hue (410–786–4510) or *Marilu.hue@cms.hhs.gov* for questions about the registration process.

Note: CMS and NCHS no longer provide paper copies of handouts for the meeting. Electronic copies of all meeting materials will be posted on the CMS and NCHS websites prior to the meeting at *http://www.cms.hhs.gov/ICD9ProviderDiagnosticCodes/03_meetings.asp#TopOfPage* and *https://www.cdc.gov/nchs/icd/icd10cm_maintenance.htm.*

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2020–01756 Filed 1–29–20; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended, and the Determination of the Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, CDC, pursuant to Public Law 92–463. 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: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—SIP20–003, Improving Genetic Counseling Referrals for Early Onset Colorectal Cancer.

Date: April 24, 2020.

Time: 11:00 a.m.–6:00 p.m., EDT.

Place: Teleconference.

Agenda: To review and evaluate grant applications.

For Further Information Contact: Jaya Raman Ph.D., Scientific Review Officer, CDC, 4770 Buford Highway, Mailstop F80, Atlanta, Georgia 30341; Telephone: (770) 488–6511; *kva5@cdc.gov.*

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2020–01622 Filed 1–29–20; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; National Human Trafficking Training and Technical Assistance Center (NHTTAC) Evaluation Package (OMB #0970–0519)

AGENCY: Office on Trafficking in Persons; Administration for Children and Families; Department of Health and Human Services.

ACTION: Request for public comment.

SUMMARY: The Office on Trafficking in Persons (OTIP), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is requesting to continue data collection with an increased number of respondents to the previously approved information collection, National Human Trafficking Training and Technical Assistance Center (NHTTAC) Evaluation Package (OMB #0970–0519, expiration 10/31/2021). This request was originally approved under expedited review and increased the estimated burden hours from 689 hours to 9,497 hours.

In addition, the previously approved Stop, Observe, Ask, and Respond to human trafficking (SOAR) Online Participant Feedback Form was restructured into a long and short form to reduce burden for information collected on SOAR Online training participants outside of the NHTTAC learning management system. There are no changes requested to the items on any forms.

DATES: *Comments due within 30 days of publication.* OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV*, Attn: Desk Officer for the Administration for Children and Families.

Copies of the proposed collection may be obtained by emailing *infocollection@acf.hhs.gov.* Alternatively, copies can also be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: ACF Reports Clearance Officer. All requests, emailed or written, should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: These changes are requested due to the passage of the Stop, Observe, Ask, and Respond to Health and Wellness Act of 2018 (SOAR to Health and Wellness Act of 2018) (Pub. L. 115–398), which expands the SOAR to Health and Wellness Training Program. To meet the provisions of the SOAR to Health and Wellness Act of 2018, OTIP's NHTTAC had to expand the administration of SOAR nationwide.

The NHTTAC delivers training and technical assistance (T/TA) to inform and deliver a public health response to trafficking. In applying a public health approach, NHTTAC holistically builds the capacity of communities to identify and respond to the complex needs of all individuals who have been trafficked, and addresses the root causes that put individuals, families, and communities at risk of trafficking. This will ultimately help improve the availability and delivery of coordinated and trauma-informed services before, during, and after an individual's trafficking exploitation, regardless of their age, gender, nationality, sexual orientation, or type of exploitation. NHTTAC hosts a variety of services, programs, and facilitated sessions to improve service provision to individuals who have been trafficked, or who are at risk of trafficking, including the Human Trafficking Leadership Academy (HTLA); the Survivor Fellowship Program; the NHTTAC Call Center; both short-term and specialized T/TA requests (requests that take less than 3 hours or 3 or more hours to fulfill, respectively); OTIP-funded grantees; and information through NHTTAC's website, resources, and materials about trafficking.

Respondents: Individuals and organizations such as NHTTAC consultants, T/TA participants, HTLA program participants, Survivor fellows, OTIP grantees, visitors to the NHTTAC website, NHTTAC-supported conference and meeting attendees, members of the National Advisory Council, and scholarship applicants.

Annual Burden Estimates

The following instruments have an increased number of respondents. The number of respondents for all other previously approved instruments remains the same. The increase in respondents increases the overall burden under OMB #0970–0519 from 689 hours to 9,497 hours. See *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201910-0970-012* for all instruments and related burden under OMB #0970–0519.

Instrument	Original estimate—number of respondents	Updated estimate—number of respondents	Number of responses per respondent	Average burden hours per response	Updated annual burden hours
HTLA Fellowship Pre-Program Feedback	24	36	1	0.25	9
HTLA Fellowship Post-Program Feedback	24	36	1	0.25	9
OTIP Grantee Feedback Form	50	100	1	0.167	17
Short-Term T/TA Feedback Form	30	50	1	0.167	8
Specialized T/TA Feedback Form	50	100	1	0.25	25
Focus Group Demographic Survey	25	50	1	0.033	2
Focus Group Guide	25	50	1	0.75	38
Follow-up Feedback Form	300	500	1	0.133	67
Interview Guide	25	65	1	0.75	49
Pilot Feedback Form	25	50	1	0.15	8
SOAR Blended Learning Participant Form	30	130	1	0.15	20
SOAR Online Participant Feedback Long Form	1,500	5,300	1	0.1	530
SOAR Online Participant Feedback Short Form		1,000,000	1	0.0083	8,300
SOAR Organizational Feedback Form	20	40	1	0.133	5

Authority: 22 U.S.C. 7104 and 22 U.S.C. 7105(c)(4).

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2020–01608 Filed 1–29–20; 8:45 am]

BILLING CODE 4184–47–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Agency Information Collection Activities; Submission for OMB Review; Public Comment Request; Development Disabilities State Plan Information Collection [OMB# 0985–0029]

AGENCY: Administration for Community Living, HHS.

ACTION: Notice.

SUMMARY: The Administration for Community Living (ACL) is announcing that the proposed collection of information listed above has been submitted to the Office of Management and Budget (OMB) for review and clearance as required under the Paperwork Reduction Act of 1995. This 30-Day notice collects comments on the information collection requirements related to the proposed collection of information; Development Disabilities State Plan Information Collection.

DATES: Submit written comments on the collection of information by March 2, 2020.

ADDRESSES: Submit electronic comments on the collection of information by:

(a) Email to: *OIRA_submission@omb.eop.gov,* Attn: OMB Desk Officer for ACL;

(b) fax to 202.395.5806, Attn: OMB Desk Officer for ACL; or

(c) by mail to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW, Rm. 10235, Washington, DC 20503, Attn: OMB Desk Officer for ACL.

FOR FURTHER INFORMATION CONTACT: Sara Newell-Perez, Administration for Community Living, Washington, DC 20201, 202–795–7413 *sara.newell-perez@acl.hhs.gov*.

SUPPLEMENTARY INFORMATION: In compliance with the Paperwork Reduction Act, ACL has submitted the following proposed extension information collection to OMB for review and clearance.

The State Councils on Developmental Disabilities (Councils) are authorized in Subtitle B, of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (DD Act), as amended, [42 U.S.C. 15001 *et seq.*] (The DD Act). They are required to submit a five-year State plan. Section 124(a) [42 U.S.C. 15024(a)], states any State desiring to receive assistance under this subtitle shall submit to the Secretary, and obtain approval of, a 5-year strategic State plan under this section. The requirement for a State plan is also further emphasized in the regulations in 45 CFR part 1326.30: (a) In order to receive Federal financial assistance under this subpart, each State Developmental Disabilities Council must prepare and submit to the Secretary, and have in effect, a State Plan which meets the requirements of sections 122 and 124 of the Act (42 U.S.C. 6022 and 6024) and these regulations.

Additionally, data is collected in the State Plan and submitted to Office on Intellectual and Developmental Disabilities (OIDD) for compliance with the GPRA Modernization Act of 2010 (GPRAMA). In the State Plans, the Councils provide to OIDD future year targets for outcome performance measures. These targets are reported to Congress under GPRAMA.

As required by the statute, the Council is responsible for the development and submission of the State plan, and is then responsible for implementation of the activities described in the plan. Further, the Council updates the Plan annually during the five years. The State plan provides information on individuals with developmental disabilities in the State, and a description of the services available to them and their families. The plan further sets forth the goals and specific objectives to be achieved by the State in pursuing systems change and capacity building in order to more effectively meet the service needs of this population. It describes State priorities, strategies, and actions, and the allocation of funds to meet these goals and objectives.

The State Plan is used in three ways. First, it is used by the individual Council as a planning document to guide its planning and execution processes. Secondly, it provides a mechanism in the State whereby individual citizens, as well as the State government, are made aware of the goals and objectives of the Council and have an opportunity to provide comments on them during its development. Finally, the State plan provides to the Department a stewardship tool; the staff of the Department provides some technical assistance to Councils and monitor compliance with Subtitle B of the DD Act, as an adjunct to on-site monitoring. The stewardship role of the State plan is useful both for providing technical assistance during the planning process, during the execution process, and also during program site visits.

Comments in Response to the 60-Day Federal Register Notice

ACL received 18 comments in response to the 60-day **Federal Register** Notice. Comments received were not germane to the State Plan template.

The proposed data collection tools may be found on the ACL website for review at *https://www.acl.gov/about-acl/public-input.*

Estimated Program Burden

ACL estimates the burden associated with this collection of information as follows:

Number of states	Number of responses per state	Average burden hours per state	Total hours
56	1	367	20,522

Dated: January 21, 2020.

Mary Lazare,

Principal Deputy Administrator.

[FR Doc. 2020–01664 Filed 1–29–20; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–D–2238]

Human Gene Therapy for Hemophilia; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance entitled ''Human Gene Therapy for Hemophilia; Guidance for Industry.'' The guidance document provides recommendations to stakeholders developing human gene therapy (GT) products for the treatment of hemophilia. The guidance provides recommendations on the clinical trial design and related development of coagulation factor VIII (hemophilia A) and IX (hemophilia B) activity assays, including how to address discrepancies in factor VIII and factor IX activity assays. The guidance also includes recommendations regarding preclinical considerations to support development of GT products for the treatment of hemophilia. The guidance announced in this notice finalizes the draft guidance of the same title dated July 2018.

DATES: The announcement of the guidance is published in the **Federal Register** on January 30, 2020.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–D–2238 for ''Human Gene Therapy for Hemophilia; Guidance for Industry.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the guidance to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist the office in processing your requests. The guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Jessica Walker Udechukwu, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a document entitled ''Human Gene Therapy for Hemophilia; Guidance for Industry.'' The guidance document provides recommendations to stakeholders developing GT products for the treatment of hemophilia. The guidance provides recommendations on the clinical trial design and related development of coagulation factor VIII (hemophilia A) and IX (hemophilia B) activity assays, including how to address discrepancies in factor VIII and factor IX activity assays. The guidance also includes recommendations regarding preclinical considerations to support development of GT products for the treatment of hemophilia.

Hemophilia therapy in the United States has progressed from replacement

therapies for on-demand treatment of bleeding to prophylaxis to reduce the frequency of bleeding. GT products for the treatment of hemophilia are being developed as single-dose treatments that may provide long-term expression of the deficient coagulation factor at steady levels to reduce or eliminate the need for exogenous factor replacement.

Elsewhere in this issue of the **Federal Register**, FDA is announcing the availability of two other human gene therapy guidance documents entitled ''Human Gene Therapy for Retinal Disorders; Guidance for Industry'' and ''Human Gene Therapy for Rare Diseases; Guidance for Industry.''

In the **Federal Register** of July 12, 2018 (83 FR 32306), FDA announced the availability of the draft guidance of the same title. FDA received several comments on the draft guidance, and those comments were considered as the guidance was finalized. The guidance announced in this notice finalizes the draft guidance dated July 2018.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ''Human Gene Therapy for Hemophilia.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 58 have been approved under OMB control number 0910–0119; the collections of information in 21 CFR part 211 have been approved under OMB control number 0910–0139; the collections of information in 21 CFR part 312 have been approved under OMB control number 0910–0014; the collections of information in 21 CFR part 601 have been approved under OMB control number 0910–0338; the collections of information in the guidance entitled ''Expedited Programs for Serious Conditions—Drugs and Biologics'' have been approved under OMB control number 0910–0765; and the collections of information in the guidance entitled ''Formal Meetings Between the FDA and Sponsors or Applicants'' have been approved under OMB control number 0910–0429.

III. Electronic Access

Persons with access to the internet may obtain the guidance at either *https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances* or *https://www.regulations.gov.*

Dated: January 27, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–01702 Filed 1–29–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–D–5392]

Interpreting Sameness of Gene Therapy Products Under the Orphan Drug Regulations; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft document entitled ''Interpreting Sameness of Gene Therapy Products Under the Orphan Drug Regulations.'' The draft guidance document provides FDA's current thinking on the criteria to determine sameness of human gene therapy products for the purpose of orphan drug designation and orphan drug exclusivity. The draft guidance is intended to assist stakeholders, including industry and academic sponsors who seek orphan drug designation and orphan drug exclusivity, in the development of gene therapies for rare diseases.

DATES: Submit either electronic or written comments on the draft guidance by April 29, 2020 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2019–D–5392 for ''Interpreting Sameness of Gene Therapy Products Under the Orphan Drug Regulations.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management

Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist the office in processing your requests. The draft guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Jenifer Roe, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance document entitled ''Interpreting Sameness of Gene Therapy Products Under the Orphan Drug Regulations.'' The draft guidance provides FDA's current thinking on the criteria to determine sameness of human gene therapy products for the purpose of orphan drug designation and orphan drug exclusivity. The draft guidance is intended to assist stakeholders, including industry and academic sponsors who seek orphan drug designation and orphan drug exclusivity, in the development of gene therapies for rare diseases. The draft guidance focuses specifically on factors FDA intends to consider when determining sameness for gene therapy products and does not address sameness determinations for other types of products.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Interpreting Sameness of Gene Therapy Products Under the Orphan Drug Regulations.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved FDA collections of information. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 316 have been approved under OMB control number 0910–0167, and the collections of information in 21 CFR part 601 have been approved under OMB control number 0910–0338.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at either *https://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *https://www.regulations.gov.*

Dated: January 27, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–01705 Filed 1–29–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2018–N–3442; FDA–2013–N–0557; FDA–2013–N–0514; FDA–2013–N–0190; FDA–2013–N–1428; FDA–2019–N–0075; FDA–2016–N–2544; FDA–2019–N–2778; FDA–2012–N–0977; FDA–2013–N–0823; FDA–2009–N–0380; FDA–2013–N–1147; FDA–2010–N–0117; FDA–2010–D–0350; FDA–2010–D–0319; FDA–2012–D–0530; and FDA–2016–N–2683]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approvals

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a list of information collections that have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

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: The following is a list of FDA information collections recently approved by OMB under section 3507 of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507). The OMB control number and expiration date of OMB approval for each information collection are shown in table 1. Copies of the supporting statements for the information collections are available on the internet 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.

TABLE 1—LIST OF INFORMATION COLLECTIONS APPROVED BY OMB

Title of collection	OMB control number	Date approval expires
Web-Based Pilot Survey to Assess Allergy to Cosmetics in the United States	0910–0881	1/31/2021
Postmarket Surveillance of Medical Devices	0910–0449	11/30/2022
Administrative Procedures for Clinical Laboratory Improvement Amendments Categorization	0910–0607	11/30/2022

TABLE 1—LIST OF INFORMATION COLLECTIONS APPROVED BY OMB—Continued

Title of collection	OMB control number	Date approval expires
Requirements Under the Comprehensive Smokeless Tobacco Health Education Act of 1986, as Amended by the Family Smoking Prevention and Tobacco Control Act	0910–0671	11/30/2022
Electronic Drug Product Reporting for Human Drug Compounding Outsourcing Facilities Under Section 503B of the Federal Food, Drug, and Cosmetic Act	0910–0827	11/30/2022
Experimental Study on Measuring Consumer Comprehension of Displays of Harmful and Potentially Harmful Constituents in Tobacco Products and Tobacco Smoke	0910–0880	11/30/2022
Medical Devices; Current Good Manufacturing Practice Quality System Regulation	0910–0073	12/31/2022
Threshold of Regulation for Substances Used in Food-Contact Articles	0910–0298	12/31/2022
Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents	0910–0312	12/31/2022
Format and Content Requirements for Over-the-Counter Drug Product Labeling	0910–0340	12/31/2022
Product Jurisdiction: Assignment of Agency Component for Review of Premarket Applications	0910–0523	12/31/2022
Preparing a Claim of Categorical Exclusion or an Environmental Assessment for Submission to the Center for Food Safety and Applied Nutrition	0910–0541	12/31/2022
Hypertension Indication: Drug Labeling for Cardiovascular Outcome Claims	0910–0670	12/31/2022
Guidance for Tobacco Retailers on Tobacco Retailer Training Programs	0910–0745	12/31/2022
Dear Health Care Provider Letters: Improving Communication of Important Safety Information	0910–0754	12/31/2022
Requests for Feedback on Medical Device Submissions	0910–0756	12/31/2022
Data to Support Social and Behavioral Research as Used by the Food and Drug Administration	0910–0847	12/31/2022

Dated: January 24, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–01655 Filed 1–29–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–D–0205]

Chemistry, Manufacturing, and Control Information for Human Gene Therapy Investigational New Drug Applications; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance entitled ''Chemistry, Manufacturing, and Control (CMC) Information for Human Gene Therapy Investigational New Drug Applications (INDs); Guidance for Industry.'' The guidance document provides sponsors of human gene therapy INDs with recommendations regarding CMC information to be submitted in an IND. The guidance document informs sponsors how to provide sufficient CMC information required to assure product safety, identity, quality, purity, and strength (including potency) of the investigational product. The guidance applies to human gene therapy products and to combination products that contain a human gene therapy in combination with a drug or device.

The guidance announced in this notice finalizes the draft guidance of the same title dated July 2018 and supersedes the document entitled ''Guidance for FDA Reviewers and Sponsors: Content and Review of Chemistry, Manufacturing, and Control (CMC) Information for Human Gene Therapy Investigational New Drug Applications (INDs),'' dated April 2008 (April 2008 guidance).

DATES: The announcement of the guidance is published in the **Federal Register** on January 30, 2020.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2008–D–0205 for ''Chemistry, Manufacturing, and Control Information for Human Gene Therapy Investigational New Drug Applications; Guidance for Industry.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential

with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the guidance to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist the office in processing your requests. The guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Sana F. Hussain, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a document entitled ''Chemistry, Manufacturing, and Control (CMC) Information for Human Gene Therapy Investigational New Drug Applications (INDs); Guidance for Industry.'' The guidance document provides sponsors of human gene therapy INDs with recommendations regarding CMC information to be submitted in an IND. The guidance document informs sponsors how to provide sufficient CMC information required to assure product safety, identity, quality, purity, and strength (including potency) of the investigational product (21 CFR 312.23(a)(7)(i)). The guidance applies to human gene therapy products and to combination products that contain a human gene therapy in combination with a drug or device.

The field of gene therapy has progressed rapidly since FDA issued the April 2008 guidance. Therefore, FDA is updating the guidance to provide current FDA recommendations regarding the CMC content of a gene therapy IND. In addition, the guidance is organized to follow the structure of the FDA guidance on the Common Technical Document.

In the **Federal Register** of July 12, 2018 (83 FR 32307), FDA announced the availability of the draft guidance of the same title. FDA received numerous comments on the draft guidance and those comments were considered as the guidance was finalized. In addition, editorial changes were made to improve clarity. The guidance announced in this notice finalizes the draft guidance dated July 2018. The guidance also supersedes the April 2008 guidance.

Elsewhere in this issue of the **Federal Register**, FDA is announcing the availability of two other final guidances. In a separate document, FDA is announcing the availability of a document entitled ''Long Term Follow-Up After Administration of Human Gene Therapy Products; Guidance for Industry'' and the availability of a document entitled ''Testing of Retroviral Vector-Based Human Gene Therapy Products for Replication Competent Retrovirus During Product Manufacture and Patient Follow-up; Guidance for Industry.''

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ''Chemistry, Manufacturing, and Control Information for Human Gene Therapy Investigational New Drug Applications.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 211 have been approved under OMB control number 0910–0139; the collections of information in 21 CFR part 312 and Form FDA 1571 have been approved under OMB control number 0910–0014; the collections of information in 21 CFR part 601 have been approved under OMB control number 0910–0338; and the collections of information in 21 CFR part 1271 have been approved under OMB control number 0910–0543.

III. Electronic Access

Persons with access to the internet may obtain the guidance at either *https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances* or *https://www.regulations.gov.*

Dated: January 27, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–01701 Filed 1–29–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–1999–D–0081]

Testing of Retroviral Vector-Based Human Gene Therapy Products for Replication Competent Retrovirus During Product Manufacture and Patient Follow-up; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance entitled ''Testing of Retroviral Vector-Based Human Gene Therapy Products for Replication Competent Retrovirus During Product Manufacture and Patient Follow-up; Guidance for Industry.'' The guidance provides

sponsors of retroviral vector-based human gene therapy products recommendations regarding the testing for replication competent retrovirus (RCR) during the manufacture of retroviral vector-based gene therapy products, and during follow-up monitoring of patients who have received retroviral vector-based gene therapy products. Recommendations include the identification and amount of material to be tested, and general testing methods. In addition, recommendations are provided on monitoring patients for evidence of retroviral infection after administration of retroviral vector-based gene therapy products. The guidance supersedes the document entitled ''Guidance for Industry: Supplemental Guidance on Testing for Replication Competent Retrovirus in Retroviral Vector Based Gene Therapy Products and During Follow-up of Patients in Clinical Trials Using Retroviral Vectors,'' dated November 2006. The guidance announced in this notice finalizes the draft guidance of the same title dated July 2018.

DATES: The announcement of the guidance is published in the **Federal Register** on January 30, 2020.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–1999–D–0081 for ''Testing of Retroviral Vector-Based Human Gene Therapy Products for Replication Competent Retrovirus During Product Manufacture and Patient Follow-up; Guidance for Industry.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the guidance to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist the office in processing your requests. The guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Melissa Segal, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a document entitled ''Testing of Retroviral Vector-Based Human Gene Therapy Products for Replication Competent Retrovirus During Product Manufacture and Patient Follow-up; Guidance for Industry.'' The guidance provides sponsors of retroviral vector-based human gene therapy products recommendations regarding the testing for RCR during the manufacture of retroviral vector-based gene therapy products, and during follow-up monitoring of patients who have received retroviral vector-based gene therapy products. Recommendations are also provided for RCR testing during manufacture, including identification and amount of material to be tested, and general testing methods. In addition, recommendations are provided on monitoring patients for evidence of retroviral infection after administration of retroviral vector-based gene therapy products. The guidance supersedes the document entitled ''Guidance for Industry: Supplemental Guidance on Testing for Replication Competent Retrovirus in Retroviral Vector Based Gene Therapy Products and During Follow-up of Patients in Clinical Trials Using Retroviral Vectors'' dated November 2006. The guidance also supplements two other final guidance

documents, entitled ''Long Term Follow-Up After Administration of Human Gene Therapy Products; Guidance for Industry'' and ''Chemistry, Manufacturing, and Control Information for Human Gene Therapy Investigational New Drug Applications; Guidance for Industry,'' announced elsewhere in this issue of the **Federal Register**.

In the **Federal Register** of July 12, 2018 (83 FR 32309), FDA announced the availability of the draft guidance of the same title dated July 2018. FDA received several comments on the draft guidance and those comments were considered as the guidance was finalized. In addition, editorial changes were made to improve clarity. The guidance announced in this notice finalizes the draft guidance dated July 2018.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents FDA's current thinking on testing of retroviral vector-based human gene therapy products for replication competent retrovirus during product manufacture and patient follow-up. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

The guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 312 have been approved under OMB control number 0910–0014; and the collections of information in 21 CFR part 601 have been approved under OMB control number 0910–0338.

III. Electronic Access

Persons with access to the internet may obtain the guidance at either *https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances* or *https://www.regulations.gov.*

Dated: January 27, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–01700 Filed 1–29–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–N–0008]

Request for Nominations for Voting Members for the Patient Engagement Advisory Committee

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting nominations for voting members, excluding consumer representative, to serve on the Patient Engagement Advisory Committee (the Committee) in the Center for Devices and Radiological Health. Nominations will be accepted for current and upcoming vacancies effective with this notice. FDA seeks to include the views of women and men, members of all racial and ethnic groups, and individuals with and without disabilities on its advisory committees and, therefore, encourages nominations of appropriately qualified candidates from these groups.

DATES: Nominations received on or before March 30, 2020, will be given first consideration for membership on the Committee. Nominations received after March 30, 2020, will be considered for nomination to the Committee as later vacancies occur.

ADDRESSES: All nominations for membership should be submitted electronically by logging into the FDA Advisory Committee Membership Nomination Portal: *https://www.accessdata.fda.gov/scripts/FACTRSPortal/FACTRS/index.cfm.* Select Academician/Practitioner in the drop menu to apply for membership, or apply by mail to Advisory Committee Oversight and Management Staff, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5103, Silver Spring, MD 20993–0002. Information about becoming a member on an FDA advisory committee can also be obtained by visiting FDA's website at *https://www.fda.gov/Advisory Committees/default.htm.*

FOR FURTHER INFORMATION CONTACT: Letise Williams, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5407, 301–796–8398, email: *Letise.Williams@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: FDA is requesting nominations for voting members to fill current and upcoming vacancies on the Patient Engagement Advisory Committee. This Notice does not include consumer and industry representative nominations. The Agency will publish two separate notices announcing the vacancy of a representative of consumer interests and vacancy of representatives of interests of the device manufacturing industry.

I. General Description of the Committee Duties

The Committee provides relevant skills and perspectives in order to improve communication of benefits, risks, and clinical outcomes, and increase integration of patient perspectives into the regulatory process for medical devices. It performs its duties by identifying new approaches, promoting innovation, recognizing unforeseen risks or barriers, and identifying unintended consequences that could result from FDA policy. The Committee provides advice on complex scientific issues relating to medical devices, the regulation of devices, and their use by patients. Agency guidance and policies, clinical trial or registry design, patient preference study design, benefit-risk determinations, device labeling, unmet clinical needs, available alternatives, patient reported outcomes, and device-related quality of life measure or health status issues are among the topics that may be considered by the Committee. Members are knowledgeable in areas such as clinical research, primary care patient experience, healthcare needs of patient groups in the United States, or are experienced in the work of patient and health professional organizations, methodologies for eliciting patient preferences, and strategies for communicating benefits, risks, and clinical outcomes to patients and research subjects.

II. Criteria for Voting Members

The Committee consists of a core of nine voting members, including the Chair. Members and the Chair are selected by the Commissioner of Food and Drugs or designee from among authorities who are knowledgeable in areas such as clinical research, patient experience, healthcare needs of patient groups in the United States, or are experienced in the work of patient and health professional organizations, scientific methodologies for patient-reported outcomes and eliciting patient preferences, and strategies for communicating benefits, risks, and clinical outcomes to patients and research subjects.

Members will be invited to serve for overlapping terms of up to 4 years. Prospective members should also have

an understanding of the broad spectrum of patients in a particular disease area. Almost all non-Federal members of this Committee serve as Special Government Employees, with the exception of the representatives from Industry.

III. Nomination Procedures

Any interested person may nominate one or more qualified individuals for membership on the Committee. Self-nominations are also accepted. Nominations must include a cover letter; a current, complete resume or curriculum vitae for each nominee, including current business and/or home address, telephone number, and email address, if available; and a signed copy of the Acknowledgement and Consent form available at the FDA Advisory Nomination Portal (see **ADDRESSES**). Nominations must specify the advisory committee for which the nominee is recommended.

Nominations must also acknowledge that the nominee is aware of the nomination unless self-nominated. FDA will ask potential candidates to provide detailed information concerning such matters related to financial holdings, employment, and research grants and/or contracts to permit evaluation of possible sources of conflicts of interest.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to advisory committees.

Dated: January 24, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–01659 Filed 1–29–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–D–2258]

Human Gene Therapy for Rare Diseases; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance entitled ''Human Gene Therapy for Rare Diseases; Guidance for Industry.'' The final guidance document provides recommendations to stakeholders developing a human gene therapy (GT) product intended to treat a rare disease in adult and/or pediatric patients regarding the manufacturing, preclinical, and clinical trial design issues for all phases of the clinical development program. Such information is intended to assist sponsors in designing clinical development programs for such products, where there may be limited study population size and potential feasibility and safety issues as well as issues relating to the interpretability of bioactivity/efficacy outcomes that may be unique to rare diseases or to the nature of the GT product itself. The guidance announced in this notice finalizes the draft guidance of the same title dated July 2018.

DATES: The announcement of the guidance is published in the **Federal Register** on January 30, 2020.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–D–2258 for ''Human Gene Therapy for Rare Diseases; Guidance for Industry.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the guidance to the Office of Communication, Outreach and Development, Center for Biologics

Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist the office in processing your requests. The guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Shruti Modi, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

The Orphan Drug Act of 1983 (Pub. L. 97–414) defines a rare disease as a disease or condition that affects fewer than 200,000 persons in the United States. Since most rare diseases have no approved therapies, there is a significant unmet need for effective treatments. However, developing safe and effective products to treat rare diseases can be challenging. For example, it may be more difficult to find and recruit such patients into clinical trials, and many rare diseases exhibit a number of variations or subtypes. Consequently, patients may have highly diverse clinical manifestations and rates of disease progression with unpredictable clinical courses. Despite these challenges, GT-related research and development continue to grow at a rapid rate, with several products advancing in clinical development.

FDA is announcing the availability of a document entitled ''Human Gene Therapy for Rare Diseases; Guidance for Industry.'' This guidance provides recommendations to stakeholders developing human GT product intended to treat a rare disease in adult and/or pediatric patients regarding the manufacturing, preclinical, and clinical trial design issues for all phases of the clinical development program. Such information is intended to assist sponsors in designing clinical development programs for such products, where there may be limited study population size and potential feasibility and safety issues as well as issues relating to the interpretability of bioactivity/efficacy outcomes that may be unique to rare diseases or to the nature of the GT product itself.

In the **Federal Register** of July 12, 2018 (83 FR 32303), FDA announced the availability of the draft guidance of the same title. FDA received several comments on the draft guidance and those comments were considered as the guidance was finalized. The guidance announced in this notice finalizes the draft guidance dated July 2018.

Elsewhere in this issue of the **Federal Register**, FDA is announcing the availability of two other human gene therapy guidance documents entitled ''Human Gene Therapy for Hemophilia; Guidance for Industry'' and ''Human Gene Therapy for Retinal Disorders; Guidance for Industry.''

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on recommendations for stakeholders developing human GT products for retinal disorders affecting adult and pediatric patients. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 50 have been approved under OMB control number 0910–0755; the collections of information in 21 CFR part 58 have been approved under OMB control number 0910–0119; the collections of information in 21 CFR part 312 have been approved under OMB control number 0910–0014; the collections of information in 21 CFR part 601 have been approved under OMB control number 0910–0338; the collections of information in the guidance entitled ''Expedited Programs for Serious Conditions—Drugs and Biologics'' have been approved under OMB control number 0910–0765; and the collections of information in the guidance entitled ''Formal Meetings Between the FDA and Sponsors or Applicants'' have been approved under OMB control number 0910–0429.

III. Electronic Access

Persons with access to the internet may obtain the guidance at either *https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances* or *https://www.regulations.gov.*

Dated: January 27, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–01704 Filed 1–29–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–D–2173]

Long Term Follow-Up After Administration of Human Gene Therapy Products; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance entitled ''Long Term Follow-Up After Administration of Human Gene Therapy Products.'' The guidance document provides sponsors, who are developing a human gene therapy (GT) product, recommendations regarding the design of long term follow-up (LTFU) observational studies for the collection of data on delayed adverse events following administration of a GT product. This guidance finalizes the draft guidance of the same title dated July 2018 and supersedes the document entitled ''Guidance for Industry: Gene Therapy Clinical Trials—Observing Subjects for Delayed Adverse Events'' dated November 2006. This guidance also supplements the guidance entitled ''Testing of Retroviral Vector-Based Human Gene Therapy Products for Replication Competent Retrovirus during Product Manufacture and Patient Follow-up; Guidance for Industry.''

DATES: The announcement of the guidance is published in the **Federal Register** on January 30, 2020.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any

confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–D–2173 for ''Long Term Follow-Up After Administration of Human Gene Therapy Products.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the guidance to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist the office in processing your requests. The guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Jessica Walker Udechukwu, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a document entitled ''Long Term Follow-Up After Administration of Human Gene Therapy Products; Guidance for Industry.'' This guidance provides a brief introduction of the product characteristics, patient-related factors, and the preclinical and clinical data that should be considered when assessing the need for LTFU observations for your GT product. This guidance also describes the Agency's current recommendations for the conduct of LTFU studies, specifically the information/data to support a sponsor's rationale for the duration and design of a LTFU protocol when clinical trials are initiated. Also included this guidance are GT product-specific clinical considerations for monitoring subjects under a LTFU protocol and recommendations on patient monitoring for licensed GT products. This guidance is intended to supersede the guidance entitled ''Guidance for Industry: Gene Therapy Clinical Trials—Observing Participants for Delayed Adverse Events'' dated November 2006. This guidance supplements the guidance entitled ''Testing of Retroviral Vector-Based Human Gene Therapy Products for Replication Competent Retrovirus during Product Manufacture and Patient Follow-up; Draft Guidance for Industry''.

In the **Federal Register** of July 12, 2018 (83 FR 32311), FDA announced the availability of the draft guidance of the same title dated July 2018. FDA received several comments on the draft guidance and those comments were considered as the guidance was finalized. The guidance announced in this notice finalizes the draft guidance dated July 2018.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ''Long Term Follow-Up After Administration of Human Gene Therapy Products.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in 21 CFR parts 50 and 56 have been approved under OMB control number 0910–0755; the collections of information in 21 CFR part 58 have been approved under OMB control number 0910–0119; and the collections of information in 21 CFR part 312 have been approved under OMB control number 0910–0014.

III. Electronic Access

Persons with access to the internet may obtain the guidance at either *https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/*

biologics-guidances or *https://www.regulations.gov.*

Dated: January 27, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–01710 Filed 1–29–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–D–2236]

Human Gene Therapy for Retinal Disorders; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration is announcing the availability of a final guidance entitled ''Human Gene Therapy for Retinal Disorders; Guidance for Industry.'' The final guidance provides recommendations to stakeholders developing human gene therapy (GT) products for retinal disorders affecting adult and pediatric patients. The guidance focuses on issues specific to GT products for retinal disorders and provides recommendations related to product development, preclinical testing, and clinical trial design for such GT products. The guidance announced in this notice finalizes the draft guidance of the same title dated July 2018.

DATES: The announcement of the guidance is published in the **Federal Register** on January 30, 2020.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–D–2236 for ''Human Gene Therapy for Retinal Disorders; Guidance for Industry.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the guidance to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist the office in processing your requests. The guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Jenifer Stach, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a document entitled ''Human Gene Therapy for Retinal Disorders; Guidance for Industry.'' This guidance provides recommendations to stakeholders developing human GT products for retinal disorders affecting adult and pediatric patients. These disorders vary in etiology, prevalence, diagnosis, and management, and include genetic as well as age-related diseases. These disorders manifest with central or peripheral visual impairment and often with progressive visual loss. This guidance focuses on issues specific to GT products for retinal disorders and provides recommendations related to product development, preclinical testing, and clinical trial design for such GT products.

In the **Federal Register** of July 12, 2018 (83 FR 32302), FDA announced the availability of the draft guidance of the same title. FDA received several comments on the draft guidance and those comments were considered as the guidance was finalized. The guidance announced in this notice finalizes the draft guidance dated July 2018.

Elsewhere in this issue of the **Federal Register**, FDA is announcing the availability of two other human gene therapy final guidance documents entitled ''Human Gene Therapy for Hemophilia; Guidance for Industry'' and ''Human Gene Therapy for Rare Diseases; Guidance for Industry.''

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ''Human Gene Therapy for Retinal Disorders.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 50 have been approved under OMB control number 0910–0755; the collections of information in 21 CFR part 58 have been approved under OMB control number 0910–0119; the collections of information in 21 CFR part 211 have been approved under OMB control number 0910–0139; the collections of information in 21 CFR part 312 have been approved under OMB control number 0910–0014; the collections of information in 21 CFR part 601 have been approved under OMB control number 0910–0338; the collections of information in the guidance entitled ''Expedited Programs for Serious Conditions—Drugs and Biologics'' have been approved under OMB control number 0910–0765; and the collections of information in the guidance entitled ''Formal Meetings Between the FDA and Sponsors or Applicants'' have been approved under OMB control number 0910–0429.

III. Electronic Access

Persons with access to the internet may obtain the guidance at either *https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics* or *https://www.regulations.gov.*

Dated: January 27, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–01703 Filed 1–29–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; Nurse Corps Loan Repayment Program, OMB No. 0915–0140 Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, HRSA submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period. OMB may act on HRSA's ICR only after the 30-day comment period for this Notice has closed.

DATES: Comments on this ICR should be received no later than March 2, 2020.

ADDRESSES: Submit your comments, including the ICR Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: Nurse Corps Loan Repayment Program OMB No. 0915–0140—Revision.

Abstract: The Nurse Corps Loan Repayment Program (Nurse Corps LRP) assists in the recruitment and retention of professional Registered Nurses (RNs) by decreasing the financial barriers associated with pursuing a nursing education. RNs in this instance include advanced practice RNs (*e.g.,* nurse practitioners, certified registered nurse anesthetists, certified nurse-midwives, and clinical nurse specialists) dedicated to working at eligible health care facilities with a critical shortage of nurses (*i.e.,* a Critical Shortage Facility) or working as nurse faculty in eligible, accredited schools of nursing. The Nurse Corps LRP provides loan repayment assistance to these nurses to repay a portion of their qualifying educational loans in exchange for full-time service at a public or private nonprofit Critical Shortage Facility (CSF) or in an eligible, accredited school of nursing.

A 60-day notice was published in the **Federal Register** on October, 10, 2019 vol. 84, No. 197; pp. 54617–51619.

Need and Proposed Use of the Information: This information collection is used by the Nurse Corps program to make award decisions about Nurse Corps LRP applicants and to monitor a participant's compliance with the program's service requirements. Individuals must submit an application in order to participate in the program. The application asks for personal, professional, educational, and financial information required to determine the applicant's eligibility to participate in the Nurse Corps LRP.

The revised information collection request includes a new form and updates to existing forms for the Nurse Corps LRP in order to expand the service options for awarded participants, promote the use of telehealth for delivering care throughout the nation especially in rural areas, and to reduce the application burden on respondents.

New Form #1—Applicants will be asked to submit a Disadvantaged Background Form. This new form asks the applicant's site Point of Contact to certify whether the applicant is from a disadvantaged background. The form provides eligibility criteria for the determination.

Updated Form #1—The Participant Semi-Annual Employment Verification Form will be updated to include additional information about the participant's service including information about telehealth services and whether they work at multiple CSF sites. Telehealth helps expand the reach of providers especially in rural areas where medical service sites are more remote. The information collected will assist Program with determining the impact and utilization of telehealth services in various health care settings which will be used to inform our telehealth policies. Enabling multiple CSF site service will also allow greater flexibility for providers who rotate or split time between multiple sites which

benefits both the participants and the underserved communities–especially in our Federally Qualified Health Centers which support many of our Nurse Corps Nurse Practitioners.

Updated Form #2—The Nurse Corps LRP application will include questions for applicants to provide information regarding telehealth services, multiple CSF sites, and verification of base salary to determine the debt to salary ratio used to rank applicants for award consideration. The application will also be updated to identify applicants eligible for Nurse Corps LRP psychiatric nurse practitioner funding.

Likely Respondents: Professional RNs or advanced practice RNs who are interested in participating in the Nurse Corps LRP and official representatives at their service sites.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

Total Estimated Annualized Burden Hours: The estimates of reporting burden for Applications are as follows:

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Nurse Corps LRP Application*	7,100	1	7,100	2.00	14,200
Authorization to Release Information Form**	7,100	1	7,100	.10	710
Employment Verification Form**	7,100	1	7,100	.10	710
Disadvantaged Background Form	450	1	450	.20	90
Confirmation of Interest Form	500	1	500	.20	100
Total for Applicants	22,250		22,250		15,810

*The burden hours associated with this instrument account for both new and continuation applications. Additional (uploaded) supporting documentation is included as part of this instrument and is reflected in the burden hours.

**The same respondents are completing these instruments.

The estimates of reporting for Participants are as follows:

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Participant Semi-Annual In Service Verification Form	500	2	1,000	.50	500
Nurse Corps CSF Verification Form	500	1	500	.10	50
Nurse Corps Nurse Faculty Employment Verification Form	450	1	450	.20	90
Total for Participants	1,450		1,950		640
Total for Applicants and Participants	23,700		24,200		*16,450

*The 16,450 figure is the sum of total burden hours for applicants and participants. This revision adds an additional form (the Disadvantaged Background Form).

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2020–01713 Filed 1–29–20; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer 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/or contract proposals 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 and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; TEP–12: SBIR, Contract Review Meeting.

Date: March 3, 2020.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W236, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Robert Stephen Coyne, Ph.D., Scientific Review Officer, National Cancer Institute, NIH, Division of Extramural Activities, Special Review Branch, 9609 Medical Center Drive, Room 7W236, Rockville, MD 20850, 240–276–5120, *coyners@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI U01 Review.

Date: March 17, 2020.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute, Shady Grove, 9609 Medical Center Drive, Room 7W514, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Wlodek Lopaczynski, M.D., Ph.D., Assistant Director, Office of the Director, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W514, Rockville, MD 20892, 240–276–6458, *lopacw@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Cancer Informatics Technology.

Date: April 16–17, 2020.

Time: 4:00 p.m. to 5:00 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: Reed A. Graves, Ph.D., Scientific Review Officer, 9609 Medical Center Drive, Room 7W264, Division of Extramural Activities, Research Technology and Contract Review Branch, National Cancer Institute, NIH, Rockville, MD 20850, (240) 276–6384, *gravesr@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: January 27, 2020.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–01737 Filed 1–29–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; GEMSSTAR.

Date: March 2, 2020.

Time: 8:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, Conference Room Montgomery/Democracy, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Isis S. Mikhail, MD, MPH, DrPH, Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, Gateway Building 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, Tel: (301) 402–7704, *mikhaili@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: January 24, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–01637 Filed 1–29–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; 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 Institute on Drug Abuse Special Emphasis Panel; Leveraging Big Data Science to Elucidate the Neural Mechanisms of Addiction and Substance Use Disorder.

Date: February 26, 2020.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center Building (NSC), 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Hiromi Ono, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 4238, MSC 9550, Bethesda, MD 20892, 301–402–6020, *hiromi.ono@nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Exploiting Genome or Epigenome Editing to Functionally Validate Genes or Variants Involved in Substance Use Disorders (R21/R33) Clinical Trial Not Allowed.

Date: February 28, 2020.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center Building (NSC), 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Ipolia R Ramadan, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Boulevard, Room 4228, MSC 95509529, Bethesda, MD 20892, *ramadanir@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: January 27, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–01742 Filed 1–29–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel Immunobiology of Xenotransplantation (U01/U19, Clinical Trial Not Allowed).

Date: February 24–25, 2020.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892, (Virtual Meeting).

Contact Person: Zhuqing (Charlie) Li, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G41B,

MSC9823 Bethesda, MD 20892–9823, (240) 669–5068, *zhuqing.li@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 24, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–01641 Filed 1–29–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Eye Institute Special Emphasis Panel; NEI Center Core Grant for Vision Research (P30).

Date: March 4, 2020.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Eye Institute, 6700B Rockledge Drive, Bethesda, MD 20817 (Virtual Meeting).

Contact Person: Brian Hoshaw, Ph.D., Acting Review Chief, National Eye Institute, National Institutes of Health, Division of Extramural Research, 6700 B Rockledge Dr., Ste 3400, Rockville, MD 20892, 301–451–2020, *hoshawb@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: January 27, 2020.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–01739 Filed 1–29–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; 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 Institute of Dental and Craniofacial Research Special Emphasis Panel; DSR Member Conflict.

Date: February 25, 2020.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute of Dental and Craniofacial Research, 6701 Democracy Boulevard, Room 651, Bethesda, MD 20892.

Contact Person: Yun Mei, MD, Scientific Review Officer, Scientific Review Branch, National Institute of Dental and Craniofacial Research, National Institutes of Health, 6701 Democracy Boulevard, Suite #670, Bethesda, MD 20892, (301) 827–4639, *yun.mei@nih.gov.*

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel; Clinical Studies in the National Dental Practice-Based Research Network.

Date: March 6, 2020.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: National Institutes of Health, National Institute of Dental and Craniofacial Research, 6701 Democracy Boulevard, Room 651, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jimok Kim, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Dental and Craniofacial Research, National Institutes of Health, 6701 Democracy Boulevard, Suite 664, Bethesda, MD 20892, 301–402–8559, *jimok.kim@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: January 27, 2020.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–01744 Filed 1–29–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Eye Institute Special Emphasis Panel; NEI K Training Grant Applications.

Date: March 19, 2020.

Time: 9:30 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814.

Contact Person: Ashley Fortress, Ph.D., Scientific Review Officer, Division of Extramural Research, National Eye Institute, National Institutes of Health, 6700 B Rockledge Dr., Ste 3400, Rockville, MD 20892, 301–451–2020, *ashley.fortress@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: January 27, 2020.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–01738 Filed 1–29–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; NIAAA Fellowship Review Panel.

Date: April 3, 2020.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Conference Rooms B & C, Bethesda, MD 20817.

Contact Person: Luis Espinoza, Ph.D., Scientific Review Officer, Extramural Project Review Branch, Office of Extramural Activities, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Room 2109, Bethesda, MD 20892, (301) 443–8599, *espinozala@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards., National Institutes of Health, HHS)

Dated: January 27, 2020.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–01740 Filed 1–29–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Center for Scientific Review Advisory Council.

The meeting will be open to the public, 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.

Name of Committee: Center for Scientific Review Advisory Council.

Date: March 30, 2020.

Time: 8:30 a.m. to 3:00 p.m.

Agenda: Provide advice to the Director, Center for Scientific Review (CSR), on matters related to planning, execution, conduct, support and evaluation of the receipt, referral and review of grant applications at CSR.

Place: National Institutes of Health, 6700B Rockledge Drive, Conference Room A&B, Bethesda, MD 20817.

Contact Person: Bruce Reed, Ph.D., Deputy Director, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–9159, *reedbr@mail.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 instituted stringent procedures for entrance into NIH buildings. 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: *https://public.csr.nih.gov/AboutCSR/Organization/CSRAdvisoryCouncil,* where an agenda and any additional information for the meeting will be posted when available.

(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 24, 2020.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–01639 Filed 1–29–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute Amended; Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institute Special Emphasis Panel, March 26, 2020, 5:00 p.m. to March 27, 2020, 4:00 p.m., Marriott Bethesda North Hotel & Conference Hotel, 5701 Marinelli Rd., Rockville, MD 20850 which was published in the **Federal Register** on December 16, 2019, 84 FR 68465.

This meeting notice is amended to change the meeting times. The meeting will now be held from March 26, 2020, 8:00 a.m. to March 27, 2020, 7:00 p.m. at the Marriott Bethesda North Hotel & Conference Center, 5701 Marinelli Rd., Rockville, MD 20850. The meeting is closed to the public.

Dated: January 27, 2020.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–01736 Filed 1–29–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel NIAID Investigator Initiated Program Project Applications (P01).

Date: March 12, 2020.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health 5601 Fishers Lane Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Sandip Bhattacharyya, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G42, MSC–9823, Rockville, MD 20852 *sandip.bhattacharyya@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 24, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–01640 Filed 1–29–20; 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: Center for Scientific Review Special Emphasis Panel; Hemostasis and Thrombosis.

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: Larry Pinkus, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4132, MSC 7802, Bethesda, MD 20892, (301) 435–1214, *pinkusl@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–17–240: Innovative Research in Cancer Nanotechnology.

Date: February 25, 2020.

Time: 7:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Ave. NW, Washington, DC 20037.

Contact Person: Amy Kathleen Wernimont, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6198, Bethesda, MD 20892, 301–827–6427, *amy.wernimont@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Academic Research Enhancement Award (AREA).

Date: February 25, 2020.

Time: 1:00 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jian Cao, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–827–5902, *caojn@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–NS–20–004: Molecular Mechanisms of Blood-Brain Barrier Function and Dysfunction in Alzheimer's Disease and Alzheimer's Related Dementias (AD/ADRD).

Date: February 26, 2020.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Linda MacArthur, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4187, Bethesda, MD 20892, 301–537–9986, *macarthurlh@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 27, 2020.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–01735 Filed 1–29–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; 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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; SBIR Phase II, Topic 164: Development of Portable Neuromodulatory Devices for the Treatment of Substance Use Disorders (8948).

Date: February 19, 2020.

Time: 12:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Neuroscience Center Building (NSC), 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Ipolia R. Ramadan, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Boulevard, Room 4228, MSC 95509529, Bethesda, MD 20892, 301–827–4471, *ramadanir@mail.nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Phase II Topic 163.

Date: February 20, 2020.

Time: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Neuroscience Center Building (NSC), 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Susan O. McGuire, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Blvd., Room 4245, Rockville, MD 20852, 301–827–5817, *mcguireso@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: January 27, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–01743 Filed 1–29–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; 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 Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel: NIAMS AMS Member SEP Conflict Review Meeting.

Date: February 25, 2020.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis, Musculoskeletal and Skin Diseases, National Institutes of Health, 6701 Democracy Boulevard, Suite 816, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Nakia C. Brown, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis, Musculoskeletal and Skin Diseases, National Institutes of Health, 6701 Democracy Boulevard, Room 816, Bethesda, MD 20892, (301) 827–4905, *brownnac@mail.nih.gov*.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel: NIAMS AMSC Member Conflict Panel.

Date: March 11, 2020.

Time: 11:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis, Musculoskeletal and Skin Diseases, National Institutes of Health, 6701 Democracy Boulevard, Suite 812, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Kan Ma, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis, Musculoskeletal and Skin Diseases, National Institutes of Health, 6701 Democracy Boulevard, Suite 812, Bethesda, MD 20892, (301) 451–4838, *mak2@mail.nih.gov*.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel: NIAMS RISK R61 Skin and Rheumatic Disease Review Meeting.

Date: March 27, 2020.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis, Musculoskeletal and Skin Diseases, National Institutes of Health, 6701 Democracy Boulevard, Suite 600, Room 602, Bethesda, MD 20892.

Contact Person: Kan Ma, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis, Musculoskeletal and Skin Diseases, National Institutes of Health, 6701 Democracy Boulevard, Suite 812, Bethesda, MD 20892, (301) 451–4838, *mak2@mail.nih.gov*.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel: NIAMS RISK R61 Musculoskeletal Diseases (MSK) Review Meeting.

Date: March 31, 2020.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis, Musculoskeletal and Skin Diseases, National Institutes of Health, 6701 Democracy Boulevard, Suite 800, Room 803, Bethesda, MD 20892.

Contact Person: Yin Liu, Ph.D., M.D., Scientific Review Branch, National Institute of Health, National Institute of Arthritis, Musculoskeletal and Skin Diseases, 6701 Democracy Boulevard, Suite 824, Bethesda, MD 20892, (301) 594–8919, liuy@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: January 27, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–01741 Filed 1–29–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2020–0004; OMB No. 1660–0107]

Agency Information Collection Activities: Proposed Collection; Comment Request; FEMA Public Assistance Customer Satisfaction Surveys

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on a revision of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the collection of Public Assistance customer satisfaction survey responses and information for assessment and improvement of the delivery of disaster assistance to States, Local and Tribal governments, and eligible non-profit organizations.

DATES: Comments must be submitted on or before March 30, 2020.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *www.regulations.gov* under Docket ID FEMA–2020–0004. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street SW, 8NE, Washington, DC 20472–3100.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy and Security Notice that is available via a link on the homepage of *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Kristin Brooks, Statistician, Customer Survey Analysis Section, Reporting and Analytics Division, Recovery Directorate, at (940) 891–8579 or *kristin.brooks@fema.dhs.gov.* You may contact the Information Management Division for copies of the proposed collection of information at email address: *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: This collection is in accordance with Executive Orders 12862 and 13571 requiring all Federal agencies to survey customers to determine the kind and quality of services they want and their level of satisfaction with existing services. The Government Performance and Results Act of 1993 (GPRA) requires Federal agencies to set missions and goals and to measure agency performance against them. *See* Public Law 103–62, 107 Stat 285 (1993). The GPRA Modernization Act of 2010 requires quarterly performance assessments of government programs for the purposes of assessing agency performance and improvement. *See* Public Law 111–352, 124 Stat 3875 (2011). The Federal Emergency Management Agency fulfills these requirements by collecting customer satisfaction program information through surveys of States, Local and Tribal governments, and eligible non-profit organizations.

Collection of Information

Title: FEMA Public Assistance Customer Satisfaction Surveys.

Type of Information Collection: Revision of a currently approved information collection.

OMB Number: 1660–0107.

FEMA Forms: FEMA Form 519–0–32, Public Assistance Initial Customer Satisfaction Survey (Telephone); FEMA Form 519–0–33, Public Assistance Initial Customer Satisfaction Survey (internet); FEMA Form 519–0–34, Public Assistance Assessment Customer Satisfaction Survey (Telephone); FEMA Form 519–0–35, Public Assistance

Assessment Customer Satisfaction Survey (internet).

Abstract: Federal agencies are required to survey their customers to determine the kind and quality of services customers want and their level of satisfaction with those services. FEMA managers use the survey results to measure performance against standards for performance and customer service, measure achievement of strategic planning objectives, and generally gauge and make improvements to disaster service that increase customer satisfaction.

Affected Public: Not-for-profit institutions, State, Local, or Tribal government.

Estimated Number of Respondents: 4,034.

Estimated Number of Responses: 4,034.

Estimated Total Annual Burden Hours: 1,902.

Estimated Total Annual Respondent Cost: $110,371.31.

Estimated Respondents' Operation and Maintenance Costs: $12,420.00.

Estimated Respondents' Capital and Start-Up Costs: N/A.

Estimated Total Annual Cost to the Federal Government: $775,261.11.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Maile Arthur,

Records Management Branch Chief, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2020–01656 Filed 1–29–20; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Entities Recognized by and Eligible To Receive Services From the United States Bureau of Indian Affairs

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the current list of 574 Tribal entities recognized by and eligible for funding and services from the Bureau of Indian Affairs (BIA) by virtue of their status as Indian Tribes. The list is updated from the notice published on February 1, 2019 (84 FR 1200).

FOR FURTHER INFORMATION CONTACT: Ms. Laurel Iron Cloud, Bureau of Indian Affairs, Division of Tribal Government Services, Mail Stop 3645–MIB, 1849 C Street NW, Washington, DC 20240. Telephone number: (202) 513–7641.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to Section 104 of the Act of November 2, 1994 (Pub. L. 103–454; 108 Stat. 4791, 4792), and in exercise of authority delegated to the Assistant Secretary—Indian Affairs under 25 U.S.C. 2 and 9 and 209 DM 8. Published below is an updated list of federally acknowledged Indian Tribes in the contiguous 48 states and Alaska. This list includes the addition of the Little Shell Tribe of Chippewa Indians of Montana. Other amendments to the list include formatting edits, name changes, and name corrections.

To aid in identifying Tribal name changes and corrections, the Tribe's previously listed or former name is included in parentheses after the correct current Tribal name. We will continue to list the Tribe's former or previously listed name for several years before dropping the former or previously listed name from the list.

The listed Indian entities are acknowledged to have the immunities and privileges available to federally recognized Indian Tribes by virtue of their government-to-government relationship with the United States as well as the responsibilities, powers, limitations, and obligations of such Tribes. We have continued the practice of listing the Alaska Native entities separately for the purpose of facilitating identification of them.

Dated: January 6, 2020.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

Indian Tribal Entities Within The Contiguous 48 States Recognized by and Eligible To Receive Services From the United States Bureau of Indian Affairs

Absentee-Shawnee Tribe of Indians of Oklahoma
Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California
Ak-Chin Indian Community (previously listed as Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona)
Alabama-Coushatta Tribe of Texas (previously listed as Alabama-Coushatta Tribes of Texas)
Alabama-Quassarte Tribal Town
Alturas Indian Rancheria, California
Apache Tribe of Oklahoma
Arapaho Tribe of the Wind River Reservation, Wyoming
Aroostook Band of Micmacs (previously listed as Aroostook Band of Micmac Indians)
Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana
Augustine Band of Cahuilla Indians, California (previously listed as Augustine Band of Cahuilla Mission Indians of the Augustine Reservation)
Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin
Bay Mills Indian Community, Michigan
Bear River Band of the Rohnerville Rancheria, California
Berry Creek Rancheria of Maidu Indians of California
Big Lagoon Rancheria, California
Big Pine Paiute Tribe of the Owens Valley (previously listed as Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, California)
Big Sandy Rancheria of Western Mono Indians of California (previously listed as Big Sandy Rancheria of Mono Indians of California)
Big Valley Band of Pomo Indians of the Big Valley Rancheria, California
Bishop Paiute Tribe (previously listed as Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony, California)
Blackfeet Tribe of the Blackfeet Indian Reservation of Montana
Blue Lake Rancheria, California
Bridgeport Indian Colony (previously listed as Bridgeport Paiute Indian Colony of California)
Buena Vista Rancheria of Me-Wuk Indians of California
Burns Paiute Tribe (previously listed as Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon)

Cabazon Band of Mission Indians, California
Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California
Caddo Nation of Oklahoma
Cahto Tribe of the Laytonville Rancheria
Cahuilla Band of Indians (previously listed as Cahuilla Band of Mission Indians of the Cahuilla Reservation, California)
California Valley Miwok Tribe, California
Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California
Capitan Grande Band of Diegueno Mission Indians of California (Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California; Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California)
Catawba Indian Nation (aka Catawba Tribe of South Carolina)
Cayuga Nation
Cedarville Rancheria, California
Chemehuevi Indian Tribe of the Chemehuevi Reservation, California
Cher-Ae Heights Indian Community of the Trinidad Rancheria, California
Cherokee Nation
Cheyenne and Arapaho Tribes, Oklahoma (previously listed as Cheyenne-Arapaho Tribes of Oklahoma)
Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota
Chickahominy Indian Tribe
Chickahominy Indian Tribe—Eastern Division
Chicken Ranch Rancheria of Me-Wuk Indians of California
Chippewa Cree Indians of the Rocky Boy's Reservation, Montana (previously listed as Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana)
Chitimacha Tribe of Louisiana
Citizen Potawatomi Nation, Oklahoma
Cloverdale Rancheria of Pomo Indians of California
Cocopah Tribe of Arizona
Coeur D'Alene Tribe (previously listed as Coeur D'Alene Tribe of the Coeur D'Alene Reservation, Idaho)
Cold Springs Rancheria of Mono Indians of California
Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California
Comanche Nation, Oklahoma
Confederated Salish and Kootenai Tribes of the Flathead Reservation
Confederated Tribes and Bands of the Yakama Nation
Confederated Tribes of Siletz Indians of Oregon (previously listed as Confederated Tribes of the Siletz Reservation)
Confederated Tribes of the Chehalis Reservation
Confederated Tribes of the Colville Reservation
Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians
Confederated Tribes of the Goshute Reservation, Nevada and Utah
Confederated Tribes of the Grand Ronde Community of Oregon
Confederated Tribes of the Umatilla Indian Reservation (previously listed as Confederated Tribes of the Umatilla Reservation, Oregon)
Confederated Tribes of the Warm Springs Reservation of Oregon
Coquille Indian Tribe (previously listed as Coquille Tribe of Oregon)
Coushatta Tribe of Louisiana
Cow Creek Band of Umpqua Tribe of Indians (previously listed as Cow Creek Band of Umpqua Indians of Oregon)
Cowlitz Indian Tribe
Coyote Valley Band of Pomo Indians of California
Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota
Crow Tribe of Montana
Delaware Nation, Oklahoma
Delaware Tribe of Indians
Dry Creek Rancheria Band of Pomo Indians, California (previously listed as Dry Creek Rancheria of Pomo Indians of California)
Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada
Eastern Band of Cherokee Indians
Eastern Shawnee Tribe of Oklahoma
Eastern Shoshone Tribe of the Wind River Reservation, Wyoming (previously listed as Shoshone Tribe of the Wind River Reservation, Wyoming)
Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria, California
Elk Valley Rancheria, California
Ely Shoshone Tribe of Nevada
Enterprise Rancheria of Maidu Indians of California
Ewiiaapaayp Band of Kumeyaay Indians, California
Federated Indians of Graton Rancheria, California
Flandreau Santee Sioux Tribe of South Dakota
Forest County Potawatomi Community, Wisconsin
Fort Belknap Indian Community of the Fort Belknap Reservation of Montana
Fort Bidwell Indian Community of the Fort Bidwell Reservation of California
Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California
Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon
Fort McDowell Yavapai Nation, Arizona
Fort Mojave Indian Tribe of Arizona, California & Nevada
Fort Sill Apache Tribe of Oklahoma
Gila River Indian Community of the Gila River Indian Reservation, Arizona
Grand Traverse Band of Ottawa and Chippewa Indians, Michigan
Greenville Rancheria (previously listed as Greenville Rancheria of Maidu Indians of California)
Grindstone Indian Rancheria of Wintun-Wailaki Indians of California
Guidiville Rancheria of California
Habematolel Pomo of Upper Lake, California
Hannahville Indian Community, Michigan
Havasupai Tribe of the Havasupai Reservation, Arizona
Ho-Chunk Nation of Wisconsin
Hoh Indian Tribe (previously listed as Hoh Indian Tribe of the Hoh Indian Reservation, Washington)
Hoopa Valley Tribe, California
Hopi Tribe of Arizona
Hopland Band of Pomo Indians, California (previously listed as Hopland Band of Pomo Indians of the Hopland Rancheria, California)
Houlton Band of Maliseet Indians
Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona
Iipay Nation of Santa Ysabel, California (previously listed as Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation)
Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California
Ione Band of Miwok Indians of California
Iowa Tribe of Kansas and Nebraska
Iowa Tribe of Oklahoma
Jackson Band of Miwuk Indians (previously listed as Jackson Rancheria of Me-Wuk Indians of California)
Jamestown S'Klallam Tribe
Jamul Indian Village of California
Jena Band of Choctaw Indians
Jicarilla Apache Nation, New Mexico
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona
Kalispel Indian Community of the Kalispel Reservation
Karuk Tribe (previously listed as Karuk Tribe of California)
Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California
Kaw Nation, Oklahoma
Kewa Pueblo, New Mexico (previously listed as Pueblo of Santo Domingo)
Keweenaw Bay Indian Community, Michigan
Kialegee Tribal Town
Kickapoo Traditional Tribe of Texas
Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas

Kickapoo Tribe of Oklahoma
Kiowa Indian Tribe of Oklahoma
Klamath Tribes
Kletsel Dehe Band of Wintun Indians (previously listed as Cortina Indian Rancheria and the Cortina Indian Rancheria of Wintun Indians of California)
Koi Nation of Northern California (previously listed as Lower Lake Rancheria, California)
Kootenai Tribe of Idaho
La Jolla Band of Luiseno Indians, California (previously listed as La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation)
La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California
Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin
Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin
Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan
Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada
Little River Band of Ottawa Indians, Michigan
Little Shell Tribe of Chippewa Indians of Montana
Little Traverse Bay Bands of Odawa Indians, Michigan
Lone Pine Paiute-Shoshone Tribe (previously listed as Paiute-Shoshone Indians of the Lone Pine Community of the Lone Pine Reservation, California)
Los Coyotes Band of Cahuilla and Cupeno Indians, California (previously listed as Los Coyotes Band of Cahuilla & Cupeno Indians of the Los Coyotes Reservation)
Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada
Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota
Lower Elwha Tribal Community (previously listed as Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington)
Lower Sioux Indian Community in the State of Minnesota
Lummi Tribe of the Lummi Reservation
Lytton Rancheria of California
Makah Indian Tribe of the Makah Indian Reservation
Manchester Band of Pomo Indians of the Manchester Rancheria, California (previously listed as Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria, California)
Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California
Mashantucket Pequot Indian Tribe (previously listed as Mashantucket Pequot Tribe of Connecticut)
Mashpee Wampanoag Tribe (previously listed as Mashpee Wampanoag Indian Tribal Council, Inc.)
Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan
Mechoopda Indian Tribe of Chico Rancheria, California
Menominee Indian Tribe of Wisconsin
Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California
Mescalero Apache Tribe of the Mescalero Reservation, New Mexico
Miami Tribe of Oklahoma
Miccosukee Tribe of Indians
Middletown Rancheria of Pomo Indians of California
Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band)
Mississippi Band of Choctaw Indians
Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada
Modoc Nation (previously listed as The Modoc Tribe of Oklahoma)
Mohegan Tribe of Indians of Connecticut (previously listed as Mohegan Indian Tribe of Connecticut)
Monacan Indian Nation
Mooretown Rancheria of Maidu Indians of California
Morongo Band of Mission Indians, California (previously listed as Morongo Band of Cahuilla Mission Indians of the Morongo Reservation)
Muckleshoot Indian Tribe (previously listed as Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington)
Nansemond Indian Nation (previously listed as Nansemond Indian Tribe)
Narragansett Indian Tribe
Navajo Nation, Arizona, New Mexico & Utah
Nez Perce Tribe (previously listed as Nez Perce Tribe of Idaho)
Nisqually Indian Tribe (previously listed as Nisqually Indian Tribe of the Nisqually Reservation, Washington)
Nooksack Indian Tribe
Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana
Northfork Rancheria of Mono Indians of California
Northwestern Band of the Shoshone Nation (previously listed as Northwestern Band of Shoshoni Nation and the Northwestern Band of Shoshoni Nation of Utah (Washakie))
Nottawaseppi Huron Band of the Potawatomi, Michigan (previously listed as Huron Potawatomi, Inc.)
Oglala Sioux Tribe (previously listed as Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota)
Ohkay Owingeh, New Mexico (previously listed as Pueblo of San Juan)
Omaha Tribe of Nebraska
Oneida Nation (previously listed as Oneida Tribe of Indians of Wisconsin)
Oneida Indian Nation (previously listed as Oneida Nation of New York)
Onondaga Nation
Otoe-Missouria Tribe of Indians, Oklahoma
Ottawa Tribe of Oklahoma
Paiute Indian Tribe of Utah (Cedar Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes (previously listed as Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes))
Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada
Pala Band of Mission Indians (previously listed as Pala Band of Luiseno Mission Indians of the Pala Reservation, California)
Pamunkey Indian Tribe
Pascua Yaqui Tribe of Arizona
Paskenta Band of Nomlaki Indians of California
Passamaquoddy Tribe
Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California
Pawnee Nation of Oklahoma
Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California
Penobscot Nation (previously listed as Penobscot Tribe of Maine)
Peoria Tribe of Indians of Oklahoma
Picayune Rancheria of Chukchansi Indians of California
Pinoleville Pomo Nation, California (previously listed as Pinoleville Rancheria of Pomo Indians of California)
Pit River Tribe, California (includes XL Ranch, Big Bend, Likely, Lookout, Montgomery Creek and Roaring Creek Rancherias)
Poarch Band of Creeks (previously listed as Poarch Band of Creek Indians of Alabama)
Pokagon Band of Potawatomi Indians, Michigan and Indiana
Ponca Tribe of Indians of Oklahoma
Ponca Tribe of Nebraska
Port Gamble S'Klallam Tribe (previously listed as Port Gamble Band of S'Klallam Indians)
Potter Valley Tribe, California
Prairie Band Potawatomi Nation (previously listed as Prairie Band of Potawatomi Nation, Kansas)
Prairie Island Indian Community in the State of Minnesota

Pueblo of Acoma, New Mexico
Pueblo of Cochiti, New Mexico
Pueblo of Isleta, New Mexico
Pueblo of Jemez, New Mexico
Pueblo of Laguna, New Mexico
Pueblo of Nambe, New Mexico
Pueblo of Picuris, New Mexico
Pueblo of Pojoaque, New Mexico
Pueblo of San Felipe, New Mexico
Pueblo of San Ildefonso, New Mexico
Pueblo of Sandia, New Mexico
Pueblo of Santa Ana, New Mexico
Pueblo of Santa Clara, New Mexico
Pueblo of Taos, New Mexico
Pueblo of Tesuque, New Mexico
Pueblo of Zia, New Mexico
Puyallup Tribe of the Puyallup Reservation
Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada
Quapaw Nation (previously listed as The Quapaw Tribe of Indians)
Quartz Valley Indian Community of the Quartz Valley Reservation of California
Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona
Quileute Tribe of the Quileute Reservation
Quinault Indian Nation (previously listed as Quinault Tribe of the Quinault Reservation, Washington)
Ramona Band of Cahuilla, California (previously listed as Ramona Band or Village of Cahuilla Mission Indians of California)
Rappahannock Tribe, Inc.
Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin
Red Lake Band of Chippewa Indians, Minnesota
Redding Rancheria, California
Redwood Valley or Little River Band of Pomo Indians of the Redwood Valley Rancheria California (previously listed as Redwood Valley Rancheria of Pomo Indians of California)
Reno-Sparks Indian Colony, Nevada
Resighini Rancheria, California
Rincon Band of Luiseno Mission Indians of Rincon Reservation, California
Robinson Rancheria (previously listed as Robinson Rancheria Band of Pomo Indians, California and the Robinson Rancheria of Pomo Indians of California)
Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota
Round Valley Indian Tribes, Round Valley Reservation, California (previously listed as Round Valley Indian Tribes of the Round Valley Reservation, California)
Sac & Fox Nation of Missouri in Kansas and Nebraska
Sac & Fox Nation, Oklahoma
Sac & Fox Tribe of the Mississippi in Iowa
Saginaw Chippewa Indian Tribe of Michigan
Saint Regis Mohawk Tribe (previously listed as St. Regis Band of Mohawk Indians of New York)
Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona
Samish Indian Nation (previously listed as Samish Indian Tribe, Washington)
San Carlos Apache Tribe of the San Carlos Reservation, Arizona
San Juan Southern Paiute Tribe of Arizona
San Manuel Band of Mission Indians, California (previously listed as San Manual Band of Serrano Mission Indians of the San Manual Reservation)
San Pasqual Band of Diegueno Mission Indians of California
Santa Rosa Band of Cahuilla Indians, California (previously listed as Santa Rosa Band of Cahuilla Mission Indians of the Santa Rosa Reservation)
Santa Rosa Indian Community of the Santa Rosa Rancheria, California
Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California
Santee Sioux Nation, Nebraska
Sauk-Suiattle Indian Tribe
Sault Ste. Marie Tribe of Chippewa Indians, Michigan
Scotts Valley Band of Pomo Indians of California
Seminole Tribe of Florida (previously listed as Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations))
Seneca Nation of Indians (previously listed as Seneca Nation of New York)
Seneca-Cayuga Nation (previously listed as Seneca-Cayuga Tribe of Oklahoma)
Shakopee Mdewakanton Sioux Community of Minnesota
Shawnee Tribe
Sherwood Valley Rancheria of Pomo Indians of California
Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California
Shinnecock Indian Nation
Shoalwater Bay Indian Tribe of the Shoalwater Bay Indian Reservation (previously listed as Shoalwater Bay Tribe of the Shoalwater Bay Indian Reservation, Washington)
Shoshone-Bannock Tribes of the Fort Hall Reservation
Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada
Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota
Skokomish Indian Tribe (previously listed as Skokomish Indian Tribe of the Skokomish Reservation, Washington)
Skull Valley Band of Goshute Indians of Utah
Snoqualmie Indian Tribe (previously listed as Snoqualmie Tribe, Washington)
Soboba Band of Luiseno Indians, California
Sokaogon Chippewa Community, Wisconsin
Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado
Spirit Lake Tribe, North Dakota
Spokane Tribe of the Spokane Reservation
Squaxin Island Tribe of the Squaxin Island Reservation
St. Croix Chippewa Indians of Wisconsin
Standing Rock Sioux Tribe of North & South Dakota
Stillaguamish Tribe of Indians of Washington (previously listed as Stillaguamish Tribe of Washington)
Stockbridge Munsee Community, Wisconsin
Summit Lake Paiute Tribe of Nevada
Suquamish Indian Tribe of the Port Madison Reservation
Susanville Indian Rancheria, California
Swinomish Indian Tribal Community (previously listed as Swinomish Indians of the Swinomish Reservation of Washington)
Sycuan Band of the Kumeyaay Nation
Table Mountain Rancheria (previously listed as Table Mountain Rancheria of California)
Tejon Indian Tribe
Te-Moak Tribe of Western Shoshone Indians of Nevada (Four constituent bands: Battle Mountain Band; Elko Band; South Fork Band and Wells Band)
The Chickasaw Nation
The Choctaw Nation of Oklahoma
The Muscogee (Creek) Nation
The Osage Nation (previously listed as Osage Tribe)
The Seminole Nation of Oklahoma
Thlopthlocco Tribal Town
Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota
Timbisha Shoshone Tribe (previously listed as Death Valley Timbi-sha Shoshone Tribe and the Death Valley Timbi-Sha Shoshone Band of California)
Tohono O'odham Nation of Arizona
Tolowa Dee-ni' Nation (previously listed as Smith River Rancheria, California)
Tonawanda Band of Seneca (previously listed as Tonawanda Band of Seneca Indians of New York)
Tonkawa Tribe of Indians of Oklahoma
Tonto Apache Tribe of Arizona
Torres Martinez Desert Cahuilla Indians, California (previously listed as Torres-Martinez Band of Cahuilla Mission Indians of California)
Tulalip Tribes of Washington (previously listed as Tulalip Tribes of the Tulalip Reservation, Washington)

Tule River Indian Tribe of the Tule River Reservation, California
Tunica-Biloxi Indian Tribe
Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California
Turtle Mountain Band of Chippewa Indians of North Dakota
Tuscarora Nation
Twenty-Nine Palms Band of Mission Indians of California
United Auburn Indian Community of the Auburn Rancheria of California
United Keetoowah Band of Cherokee Indians in Oklahoma
Upper Mattaponi Tribe
Upper Sioux Community, Minnesota
Upper Skagit Indian Tribe
Ute Indian Tribe of the Uintah & Ouray Reservation, Utah
Ute Mountain Ute Tribe (previously listed as Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah)
Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation, California
Walker River Paiute Tribe of the Walker River Reservation, Nevada
Wampanoag Tribe of Gay Head (Aquinnah)
Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community & Washoe Ranches)
White Mountain Apache Tribe of the Fort Apache Reservation, Arizona
Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma
Wilton Rancheria, California
Winnebago Tribe of Nebraska
Winnemucca Indian Colony of Nevada
Wiyot Tribe, California (previously listed as Table Bluff Reservation—Wiyot Tribe)
Wyandotte Nation
Yankton Sioux Tribe of South Dakota
Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona
Yavapai-Prescott Indian Tribe (previously listed as Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona)
Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada
Yocha Dehe Wintun Nation, California (previously listed as Rumsey Indian Rancheria of Wintun Indians of California)
Yomba Shoshone Tribe of the Yomba Reservation, Nevada
Ysleta del Sur Pueblo (previously listed as Ysleta Del Sur Pueblo of Texas)
Yurok Tribe of the Yurok Reservation, California
Zuni Tribe of the Zuni Reservation, New Mexico

Native Entities Within the State of Alaska Recognized by and Eligible To Receive Services From the United States Bureau of Indian Affairs

Agdaagux Tribe of King Cove
Akiachak Native Community
Akiak Native Community
Alatna Village
Algaaciq Native Village (St. Mary's)
Allakaket Village
Alutiiq Tribe of Old Harbor (previously listed as Native Village of Old Harbor and Village of Old Harbor)
Angoon Community Association
Anvik Village
Arctic Village (See Native Village of Venetie Tribal Government)
Asa'carsarmiut Tribe
Atqasuk Village (Atkasook)
Beaver Village
Birch Creek Tribe
Central Council of the Tlingit & Haida Indian Tribes
Chalkyitsik Village
Cheesh-Na Tribe (previously listed as Native Village of Chistochina)
Chevak Native Village
Chickaloon Native Village
Chignik Bay Tribal Council (previously listed as Native Village of Chignik)
Chignik Lake Village
Chilkat Indian Village (Klukwan)
Chilkoot Indian Association (Haines)
Chinik Eskimo Community (Golovin)
Chuloonawick Native Village
Circle Native Community
Craig Tribal Association (previously listed as Craig Community Association)
Curyung Tribal Council
Douglas Indian Association
Egegik Village
Eklutna Native Village
Emmonak Village
Evansville Village (aka Bettles Field)
Galena Village (aka Louden Village)
Gulkana Village Council (previously listed as Gulkana Village)
Healy Lake Village
Holy Cross Tribe (previously listed as Holy Cross Village)
Hoonah Indian Association
Hughes Village
Huslia Village
Hydaburg Cooperative Association
Igiugig Village
Inupiat Community of the Arctic Slope
Iqugmiut Traditional Council (previously listed as Iqurmuit Traditional Council)
Ivanof Bay Tribe (previously listed as Ivanoff Bay Tribe and Ivanoff Bay Village)
Kaguyak Village
Kaktovik Village (aka Barter Island)
Kasigluk Traditional Elders Council
Kenaitze Indian Tribe
Ketchikan Indian Corporation
King Island Native Community
King Salmon Tribe
Klawock Cooperative Association
Knik Tribe
Kokhanok Village
Koyukuk Native Village
Levelock Village
Lime Village
Manley Hot Springs Village
Manokotak Village
McGrath Native Village
Mentasta Traditional Council
Metlakatla Indian Community, Annette Island Reserve
Naknek Native Village
Native Village of Afognak
Native Village of Akhiok
Native Village of Akutan
Native Village of Aleknagik
Native Village of Ambler
Native Village of Atka
Native Village of Barrow Inupiat Traditional Government
Native Village of Belkofski
Native Village of Brevig Mission
Native Village of Buckland
Native Village of Cantwell
Native Village of Chenega (aka Chanega)
Native Village of Chignik Lagoon
Native Village of Chitina
Native Village of Chuathbaluk (Russian Mission, Kuskokwim)
Native Village of Council
Native Village of Deering
Native Village of Diomede (aka Inalik)
Native Village of Eagle
Native Village of Eek
Native Village of Ekuk
Native Village of Ekwok (previously listed as Ekwok Village)
Native Village of Elim
Native Village of Eyak (Cordova)
Native Village of False Pass
Native Village of Fort Yukon
Native Village of Gakona
Native Village of Gambell
Native Village of Georgetown
Native Village of Goodnews Bay
Native Village of Hamilton
Native Village of Hooper Bay
Native Village of Kanatak
Native Village of Karluk
Native Village of Kiana
Native Village of Kipnuk
Native Village of Kivalina
Native Village of Kluti Kaah (aka Copper Center)
Native Village of Kobuk
Native Village of Kongiganak
Native Village of Kotzebue
Native Village of Koyuk
Native Village of Kwigillingok
Native Village of Kwinhagak (aka Quinhagak)
Native Village of Larsen Bay
Native Village of Marshall (aka Fortuna Ledge)
Native Village of Mary's Igloo
Native Village of Mekoryuk

Native Village of Minto
Native Village of Nanwalek (aka English Bay)
Native Village of Napaimute
Native Village of Napakiak
Native Village of Napaskiak
Native Village of Nelson Lagoon
Native Village of Nightmute
Native Village of Nikolski
Native Village of Noatak
Native Village of Nuiqsut (aka Nooiksut)
Native Village of Nunam Iqua (previously listed as Native Village of Sheldon's Point)
Native Village of Nunapitchuk
Native Village of Ouzinkie
Native Village of Paimiut
Native Village of Perryville
Native Village of Pilot Point
Native Village of Point Hope
Native Village of Point Lay
Native Village of Port Graham
Native Village of Port Heiden
Native Village of Port Lions
Native Village of Ruby
Native Village of Saint Michael
Native Village of Savoonga
Native Village of Scammon Bay
Native Village of Selawik
Native Village of Shaktoolik
Native Village of Shishmaref
Native Village of Shungnak
Native Village of Stevens
Native Village of Tanacross
Native Village of Tanana
Native Village of Tatitlek
Native Village of Tazlina
Native Village of Teller
Native Village of Tetlin
Native Village of Tuntutuliak
Native Village of Tununak
Native Village of Tyonek
Native Village of Unalakleet
Native Village of Unga
Native Village of Venetie Tribal Government (Arctic Village and Village of Venetie)
Native Village of Wales
Native Village of White Mountain
Nenana Native Association
New Koliganek Village Council
New Stuyahok Village
Newhalen Village
Newtok Village
Nikolai Village
Ninilchik Village
Nome Eskimo Community
Nondalton Village
Noorvik Native Community
Northway Village
Nulato Village
Nunakauyarmiut Tribe
Organized Village of Grayling (aka Holikachuk)
Organized Village of Kake
Organized Village of Kasaan
Organized Village of Kwethluk
Organized Village of Saxman
Orutsararmiut Traditional Native Council (previously listed as Orutsararmuit Native Village (aka Bethel))
Oscarville Traditional Village
Pauloff Harbor Village
Pedro Bay Village
Petersburg Indian Association
Pilot Station Traditional Village
Pitka's Point Traditional Council (previously listed as Native Village of Pitka's Point)
Platinum Traditional Village
Portage Creek Village (aka Ohgsenakale)
Pribilof Islands Aleut Communities of St. Paul & St. George Islands
Qagan Tayagungin Tribe of Sand Point (previously listed as Qagan Tayagungin Tribe of Sand Point Village) Qawalangin Tribe of Unalaska
Rampart Village
Saint George Island (See Pribilof Islands Aleut Communities of St. Paul & St. George Islands)
Saint Paul Island (See Pribilof Islands Aleut Communities of St. Paul & St. George Islands)
Salamatof Tribe (previously listed as Village of Salamatoff)
Seldovia Village Tribe
Shageluk Native Village
Sitka Tribe of Alaska
Skagway Village
South Naknek Village
Stebbins Community Association
Sun'aq Tribe of Kodiak (previously listed as Shoonaq' Tribe of Kodiak)
Takotna Village
Tangirnaq Native Village (previously listed as Lesnoi Village (aka Woody Island))
Telida Village
Traditional Village of Togiak
Tuluksak Native Community
Twin Hills Village
Ugashik Village
Umkumiut Native Village (previously listed as Umkumiute Native Village)
Village of Alakanuk
Village of Anaktuvuk Pass
Village of Aniak
Village of Atmautluak
Village of Bill Moore's Slough
Village of Chefornak
Village of Clarks Point
Village of Crooked Creek
Village of Dot Lake
Village of Iliamna
Village of Kalskag
Village of Kaltag
Village of Kotlik
Village of Lower Kalskag
Village of Ohogamiut
Village of Red Devil
Village of Sleetmute
Village of Solomon
Village of Stony River
Village of Venetie (See Native Village of Venetie Tribal Government)
Village of Wainwright
Wrangell Cooperative Association
Yakutat Tlingit Tribe
Yupiit of Andreafski

[FR Doc. 2020–01707 Filed 1–29–20; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[210A2100DD/AAKC001030/ A0A501010.999900]

Supplemental Environmental Impact Statement for the Arrow Canyon Solar Project on the Moapa River Indian Reservation, Clark County, Nevada

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of intent.

SUMMARY: The Bureau of Indian Affairs (BIA), as lead agency in cooperation with the Moapa Band of Paiute Indians (Moapa Band) and other agencies, intends to prepare a Supplemental Environmental Impact Statement (SEIS) that will evaluate the expansion of the previously approved Moapa Solar Energy Center (MSEC) Project on the Moapa River Indian Reservation (Reservation). This project is now referred to as the Arrow Canyon Solar Project (Project) and this notice announces the beginning of the scoping process to solicit public comments and identify potential issues related to the expansion. It also announces that two public scoping meetings will be held in Nevada to identify potential issues, alternatives, and mitigation to be considered in the SEIS.

DATES: Written comments on the scope of the Project or implementation of the proposal must arrive by Monday, March 2, 2020. The dates and locations of the public scoping meetings will be published in the *Las Vegas Sun, Las Vegas Review-Journal,* and *Moapa Valley Progress* at least 15 days before the scoping meetings.

ADDRESSES: You may mail, email, or hand carry written comments to Mr. Chip Lewis, BIA Western Regional Office, 2600 North Central Avenue, 4th Floor Mailroom, Phoenix, Arizona 85004; email: *Chip.Lewis@bia.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Chip Lewis, BIA Western Regional Office; telephone: (602) 379–6750; email: *Chip.Lewis@bia.gov.*

SUPPLEMENTARY INFORMATION: The proposed Federal action, taken under 25 U.S.C. 415, is BIA's approval of an amendment of the solar energy ground lease and related agreements entered into by the Moapa Band with Moapa

Solar LLC allowing the expansion of the solar field previously approved for the MSEC Project. The agreements provide for construction, operation and maintenance (O&M), and decommissioning of a 200-megawatt (MW) alternating current solar photovoltaic (PV) electricity generation facility located entirely on the Reservation and specifically on Tribal lands held in trust by BIA for the Moapa Band. The MSEC Project was originally developed by Moapa Solar LLC and approved in 2014. It included an 850-acre solar site on the Reservation and associated rights-of-way (ROWs) on Bureau of Land Management (BLM)-managed lands for an access road, gen-tie line, and water pipeline. BIA and BLM issued Records of Decision (RODs) in May 2014 and BLM issued a ROW in August 2015 for the linear facilities. In March 2017, EDF Renewables Development, Inc. (EDFR) purchased the MSEC Project from the original owner and renamed the Project the Arrow Canyon Solar Project. EDFR subsequently transferred the project to Arrow Canyon Solar, LLC (Applicant). The Applicant currently plans to expand the solar field on the Reservation from 850 acres to 2,200 acres. This expansion would occur on Tribal lands identified by the Moapa Band adjacent to the originally approved MSEC site. The linear facilities (*i.e.* main access road, 230kV gen-tie line, and permanent buried water pipeline) previously approved by the BLM would remain part of the Project description and as previously evaluated; therefore, these facilities will not need to be reevaluated in the SEIS. The 2,200-acre solar site would be located in all or parts of Sections 28, 29, 30, 31, 32, and 33 in Township 16 South, Range 64 East; and part of Section 7 in Township 17 South, Range 64 East, Mount Diablo Meridian, Nevada. Access to the Project would be provided from I–15, US–93, and North Las Vegas Boulevard via the 2.5-mile access road previously approved by BLM. The solar project would interconnect to the regional grid via the previously approved 7.1-mile 230kV generation-tie transmission line on BLM-managed Federal lands that would connect the solar facility to NV Energy's Harry Allen 230kV substation. The Applicant is expected to operate the energy facility for up to 35 years under the terms of the solar lease with the Moapa Band. The Project is expected to be built in one phase of 200 MW to meet an existing Power Purchase Agreement (PPA) for the output of the Project. Major components of the solar site would include multiple blocks of solar PV panels mounted on tracking systems, H-beam or pad mounted inverters, transformers, collection lines, battery storage facilities, project substation, and O&M facilities. Construction of the Project is expected to take approximately 18 to 20 months. Water will be needed during construction for dust control and a minimal amount will be needed during operations for administrative and sanitary water use and up to two panel washings annually. The water supply required for the Project would be leased from the Moapa Band and delivered to the site via the previously approved water pipeline.

The purposes of the proposed Project are, among other things, to: (1) Help to provide a long-term, diverse, and viable economic revenue base and job opportunities for the Moapa Band; (2) meet the terms of the existing PPA for the output of the Project; (3) help Nevada and neighboring States to meet their State renewable energy needs; and (4) allow the Moapa Band, in partnership with the Applicant, to optimize the use of the lease site while maximizing the potential economic benefit to the Tribe. BIA will prepare the SEIS in cooperation with the Moapa Band, BLM, U.S. Environmental Protection Agency (EPA), U.S. Fish and Wildlife Service (USFWS), and Nevada Department of Wildlife (NDOW). In addition, the National Park Service (NPS) will provide input on the analysis. The resulting SEIS will aim to; (1) provide agency decision makers, the Moapa Band, and the general public with a comprehensive understanding of the impacts of the proposed expansion of the solar field on the Reservation; (2) describe the cumulative impacts of increased development on the Reservation; and (3) identify and propose mitigation measures that would minimize or prevent significant adverse impacts. Consistent with these objectives, the SEIS will focus on the expansion of the solar field and analyze the proposed expansion and appurtenant features, viable alternatives, and the No Action alternative. Other alternatives may be identified in response to issues raised during the scoping process. The SEIS will provide a framework for BIA to make decisions and determine whether to amend the existing lease agreement to include the expanded Project footprint. In addition, BIA will use and coordinate the NEPA commenting process to satisfy its obligations under Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470f) as provided for in 36 CFR 800.2(d)(3). Tribal consultation will be conducted in accordance with policy, and Tribal concerns will be given due consideration, including impacts on Indian trust assets. Other Federal agencies may rely on the SEIS to make decisions under their authority and the Moapa Band may also use the SEIS to make decisions under their Tribal Environmental Policy Ordinance. USFWS will review the SEIS for consistency with the Endangered Species Act, as amended, and other implementing acts and may rely on the SEIS to support its decisions and opinions regarding the Project. Issues to be addressed in the SEIS analysis may include, but would not be limited to, Project impacts on water resources, biological resources, threatened and endangered species, cultural resources, Native American religious concerns, and aesthetics. In addition to those resource topics identified above, Federal, State, and local agencies, along with other stakeholders that may be interested or affected by the BIA's decision on the proposed Project, are invited to participate in the scoping process to identify additional issues to be addressed.

Directions for Submission of Public Comments

Please include your name, return address, and the caption ''SEIS, Arrow Canyon Solar Project,'' on the first page of any written comments. You may also submit comments at the public scoping meetings. The public scoping meetings will be held to further describe the Project and identify potential issues and alternatives to be considered in the SEIS. The first public scoping meeting will be held on the Reservation and the other public scoping meeting will be held in Las Vegas, Nevada. The dates of the public scoping meetings will be included in notices to be posted in the Las Vegas Sun, Las Vegas Review-Journal, and Moapa Valley Progress 15 days before the meetings.

Public Comment Availability

Comments, including names and addresses of respondents, will be available for public review at the mailing address shown in the **ADDRESSES** section during regular business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. 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.

Authority

This notice is published in accordance with 40 CFR 1501.7 of the Council of Environmental Quality regulations and 43 CFR 46.235 of the Department of the Interior regulations implementing the procedural requirements of the NEPA (42 U.S.C. 4321 *et seq.*), and in accordance with the exercise of authority delegated to Assistant Secretary—Indian Affairs by part 209 of the Department Manual.

Dated: January 23, 2020.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2020–01708 Filed 1–29–20; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–BSD–CONC–NPS0028088; PPWOBSADC0, PPMVSCS1Y.Y00000 (200); OMB Control Number 1024–0029]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; National Park Service Concessions

AGENCY: National Park Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the National Park Service (NPS) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before March 2, 2020.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's (OMB) Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov*; or by facsimile at 202–395–5806. Please provide a copy of your comments to Phadrea Ponds, Acting Information Collection Clearance Officer, National Park Service, 1201 Oakridge Drive, Fort Collins, CO 80525; or by email at *phadrea_ponds@nps.gov*. Please reference OMB Control Number 1024–0029 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Kurt Rausch, Acting Chief, Commercial Services Program, National Park Service, 1849 C Street NW, Washington, DC 20240; or by email at *kurt_rausch@nps.gov*; or by telephone at 202–513–7202. Please reference OMB Control Number 1024–0029 in the subject line of your comments. You may also view the ICR *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.

On June 5, 2019, we published a **Federal Register** notice soliciting comments on this collection of information for 60 days, ending on August 5, 2019 (84 FR 26149). We did not receive any public comments on the notice.

We are again 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 the NPS; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the NPS enhance the quality, utility, and clarity of the information to be collected; and (5) how might the NPS 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. We will include or summarize each comment in our request to OMB to approve this ICR. 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: Private businesses under contract to the NPS manage food, lodging, tours, whitewater rafting, boating, and many other recreational activities and amenities in more than 100 national parks. These services gross more than $1 billion every year and provide jobs for more than 25,000 people during peak season.

The regulations codified in 36 CFR part 51 primarily implement Title IV of the National Parks Omnibus Management Act of 1998 (54 U.S.C., 101911 *et seq.* also referred to as Pub. L. 105–391), which provides legislative authority, policies, and requirements for the solicitation, award, and administration of NPS concession contracts.

Furthermore, 54 U.S.C., 101911 *et seq.* provides that ''all proposed concession contracts shall be awarded by the Secretary to the person, corporation or other entity submitting the best proposal, as determined by the Secretary through a competitive selection process. Such competitive process shall include simplified procedures for small, individually-owned, concessions contracts.''

We collect the following information associated with the administration of concessions:

- Description of how respondent will conduct operations to minimize disturbance to wildlife; protect park resources; and provide visitors with a high quality, safe, and enjoyable visitor experience.
- Organizational structure and history and experience with similar operations.
- Details on violations or infractions and how they were handled.
- Financial information and demonstration that respondent has credible, proven track record of meeting obligations.

Concessioner Annual Financial Report (Forms 10–356, 10–356A, and 10–356B)

The Concessioner Annual Financial Report provides concessioner financial information as required by each concession contract. This information is necessary to comply with the requirements placed on the Secretary of the Interior by Congress. Title IV, Section 407 of the National Parks Omnibus Management Act of 1998 (Pub. L. 105–391) requires that ''a concessions contract shall provide for payment to the Government of a franchise fee or other such monetary consideration as determined by the Secretary, upon consideration of the probable value to the concessioner of the privileges granted by the particular contract involved. Such probable value shall be based upon a reasonable opportunity for net profit in relation to capital invested and the obligations of the contract.'' In accordance with 36 CFR part 51, subpart I concession contracts are required to ''provide for payment to the Government of a franchise fee or other monetary consideration as determined by the Director upon consideration of the probable value to the concessioner of the privileges granted by the contract involved.'' In order to verify the

accuracy of the report and payments of franchise fees, concessioners with gross receipts of over $1 million are required to have financial statements audited by an independent certified public accountant and have them express an opinion on the financial statements. Concessioners with gross receipts between $500,000 and $1 million must have a review opinion by an independent accountant, a lesser requirement and burden.

Form 10–356, ''Concessioner Annual Financial Report''—is an accumulation of various financial statements commonly used by industry for reporting in conformance with generally accepted accounting principles. The information provides a comprehensive view of the concessioner's financial situation at the end of its fiscal year and the concessioner's activity over the preceding year. Careful analysis provides an effective tool in the decision making process and for the tracking of concessioner and Government contractual obligations for payments and maintenance and construction requirements. The financial information being collected is necessary to provide insight into and knowledge of the concessioner's operation so that this authority can be exercised and franchise fees can be determined in a timely manner and without an undue burden on the concessioner. We collect the following information:

- Cover sheet provides identifying information and the concessioner's certification as to the accuracy of the accompanying report.
- Schedule A is an income statement summarizing the financial activity (gross receipts, expenses, and net income) of the period being reported on.
- Schedule A–1 is a worksheet for calculating the comprehensive income.
- Schedule B is a worksheet for calculating the franchise fee.
- Schedule C is a balance sheet comparing the sources (liabilities and equity) with the uses (assets) of the capital of the company at the end of the fiscal year.
- Schedule D is a detail of the fixed assets reported on the balance sheet with a special listing of possessory interest or leasehold improvement assets (potential obligations of the Government).
- Schedule E is a statement of cash flows.
- Schedule F is space reserved for explanatory notes to the report.
- Schedule G is a breakdown of gross receipts by major departments.
- Schedule H is a detail of departmental income and expenses.
- Schedule I is a detail of general and administrative expenses.
- Schedule J lists ownership and compensation to officers and owners.
- Schedule K details the additions and disposals of fixed assets during the year.
- Schedule L is a supporting schedule for any amounts that need further explanation or detail.
- Schedule M contains various operational statistics commonplace for the major services provided in parks.
- Schedule P provides an accounting for those concessioners who have a contractual repair and maintenance reserve requirement.
- Schedule Q lists the projects from that reserve.

Form 10–356A, ''Concessioner Annual Financial Report (For Concessioners with Gross Receipts Less than $500,000)''—In an attempt to reduce administrative burden, concessioners with gross receipts under $500,000 submit only a shorter report (Form 10–356A). This ''short form'' is a simplified income statement, balance sheet, and operation statistics. Concessioners with gross receipts under $250,000 do not have to submit the balance sheet.

Form 10–356B, ''Concessioner Annual Financial Report (For Concessioners with Special Accounts and Utility Add-ons)''—A limited number of concessioners have special accounts in lieu of franchise fees or rate add-ons to offset high costs for unique operations. To reduce administrative burden, additional schedules for reporting on these unique contract inclusions are provided in a separate form. The additional schedules include:

- Schedule N provides an accounting for those concessioners who have Special Accounts.
- Schedule O lists expenditures from Special Accounts.
- Schedule R provides an accounting for those concessioners who have approved rate add-ons.

Proposals for Concession Opportunities (Forms 10–357A, 10–357B, 10–358, 10–359A, 10–359B)

The public solicitation process begins with the issuance of a prospectus to invite the general public to submit proposals for the contract. The prospectus describes the terms and conditions of the concession contract to be awarded, the procedures to be followed in the selection of the best proposal, and the information that must be provided. We collect the following information from every offeror:

Offeror's Transmittal Letter. This letter identifies the name of the entity offering a proposal to operate a concession contract and that entity's contact information.

Certificate of Business Entity Offeror. This form identifies the type of entity for the offeror, such as corporation, Limited Liability Company, partnership, etc.

- *Form 10–357A, ''Business Organization Information Form for Corporation, Limited Liability Company, Partnership or Joint Venture.''*
- *Form 10–357B, ''Business Organization Information Form for Individual or Sole Proprietorship.''*

Form 10–358, ''Business History Information Form.'' We request information about the offeror's business history to understand any adverse history that could impact future operations under a concession contract.

Credit Report. We request offerors submit a credit report so that we can understand the offeror's credit history and any risks of contracting with the entity.

Offeror's Financial Projection: The Service needs this information to verify there are enough funds available to be able to pay the required expenses to operate the Draft Contract and satisfy any other existing debt. If the offeror's total debts exceed current assets, provide a narrative explaining how these debts will be paid.

- *Form 10–359A Large Concessions*
- *Form 10–359B Small Concessions*

In addition to this standard information, we also collect additional information in narrative and form format. The amount of information or degree of detail requested varies widely, depending upon the size and scope of the business opportunity. For example, a much greater amount of detailed information would be required for a multi-unit lodging and food service operation (such as that at Yellowstone), than would be required for a small firewood sales operation. This additional information includes the following which coincide with the five principal selection factors:

- Proposals to protect, conserve and preserve resources of the park. These proposals respond to specific resource management objectives and issues at the park and contract in question.
- Proposals to provide necessary and appropriate visitor services at reasonable rates. These proposals respond to specific visitor service questions at the park and contract in question.
- The experience and related background of the offeror, including past performance and expertise of the offeror in providing the same or similar

visitor services as those to be provided under the draft concession contract.

• The financial capability of the offeror to carry out its proposal. In particular, we ask for projected financials including initial investments, startup expenses, income statement, operating assumptions, cash flow statement, recapture of investments, and all associated assumptions.

• The amount of the proposed minimum franchise fee and other forms of financial consideration.

We use the information provided to objectively evaluate offers received for a particular business opportunity, assure that the park resources will be adequately protected, and determine which offeror will provide the best service to visitors.

Amendments

In accordance with 36 CFR 51.15, an offeror may not amend or supplement a proposal after the submission date unless requested by the Director to do so and the Director provides all offerors that submitted proposals a similar opportunity to amend or supplement their proposals. Permitted amendments must be limited to modifying particular aspects of proposals resulting from a general failure of offerors to understand particular requirements of a prospectus or a general failure of offerors to submit particular information required by a prospectus.

In accordance with 36 CFR 51.32, if the Director determines that a proposal other than the responsive proposal submitted by a preferred offeror is the best proposal submitted for a qualified concession contract, then the Director must advise the preferred offeror of the better terms and conditions of the best proposal and permit the preferred offeror to amend its proposal to match them. An amended proposal must match the better terms and conditions of the best proposal. If the preferred offeror amends the proposal within the time period allowed, and the Director determines that the amended proposal matches the better terms and conditions of the best proposal, then the Director must select the preferred offeror for award of the contract.

Appeals

Regulations in 36 CFR 51.47 state that any person may appeal to the Director, a determination that a concessioner is not a preferred offeror for the purposes of a right of preference in renewal and that the appeal must specify the grounds for the appeal. If the appellant does not identify the specific grounds on which it objects to the Director's initial preferred offeror determination, the Director could make a final determination without fully understanding the appellant's concerns or without taking into consideration important information the appellant may wish to submit in support of its position.

Request To Construct a Capital Improvement

In accordance with 36 CFR 51.54, a request for approval to construct a capital improvement must include appropriate plans and specifications for the capital improvement. The request must also include an estimate of the total construction cost of the capital improvement. The estimate of the total construction cost must specify all elements of the cost in such detail as is necessary to permit the Director to determine that they are elements of construction cost. The approval requirements of this and other sections of 36 CFR part 51 also apply to any change orders to a capital improvement project and to any additions to a structure or replacement of fixtures.

Construction Report

In accordance with 36 CFR 51.55, a concessioner obtaining a leasehold surrender interest must submit a construction report to the NPS. The construction report must be supported by actual invoices of the capital improvement's construction cost together with, if requested by the NPS, a written certification from a certified public accountant (CPA). The construction report must document, and any requested certification by the certified public accountant must certify, that all components of the construction cost were incurred and capitalized by the concessioner in accordance with Generally Accepted Accounting Principles (GAAP), and that all components are eligible direct or indirect construction costs. Invoices for additional construction costs of elements of the project that were not completed as of the date of substantial completion may subsequently be submitted to the Director for inclusion in the project's construction cost.

Application To Sell or Transfer Concession Operation

36 CFR part 51, subpart J, provides that a concessioner must obtain NPS approval to assign, sell, convey, grant, contract for, or otherwise transfer: any concession contract; any rights to operate under or manage the performance of a concession contract as a subconcessioner or otherwise; any controlling interest in a concessioner or concession contract; or any leasehold surrender interest or possessory interest obtained under a concession contract. The amount and type of information to be submitted varies with the type and complexity of the proposed transaction. Information includes, but is not limited to:

• Instruments proposed to implement the transaction.

• Narrative description of the proposed transaction.

• Opinion of counsel that the proposed transaction is lawful under all applicable Federal and State laws.

• Statement as to the existence and nature of any litigation relating to the proposed transaction.

• Description of the management qualifications, financial background, and financing and operational plans of any proposed transferee.

• Description of all financial aspects of the proposed transaction.

• Prospective financial statements (proformas).

• Schedule that allocates in detail the purchase price (or, in the case of a transaction other than an asset purchase, the valuation) of all assets assigned or encumbered. In addition, the applicant must provide a description of the basis for all allocations and ownership of all assets.

Recordkeeping

In accordance with 36 CFR 51.98, a concessioner (and any subconcessioner) must keep and make available to NPS, records for the term of the concession contract and for 5 years after the termination or expiration of the concession contract.

Title of Collection: National Park Service Concessions, 36 CFR 51.

OMB Control Number: 1024–0029.

Form Number: NPS Forms 10–356, 10–356A, 10–356B, 10–357A, 10–357B, 10–358, 10–359A, and 10–359B.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals, businesses, and nonprofit organizations.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion for proposals, amendments, and appeals; annually for financial reports; and ongoing for recordkeeping.

Total Estimated Annual Nonhour Burden Cost: $425,000 ($420,000 for proposals associated with expenses for printing, travel for onsite visits, and professional fees; and, $5,000 for application to sell or transfer concession operation associated with preparing and submitting an application, other than expenses for printing, estimated to be approximately $250 per application (× 20 applications).

Activity	Total annual responses	Completion time per response (hours)	Total annual burden hours *
Concessioner Annual Financial Report			
Form 10–356, "Concessioner Annual Financial Report"	150	15	2,250
Form 10–356A, "Concessioner Annual Financial Report (For Concessioners with Gross Receipts Less than $500,000)"	350	4	1,400
Form 10–356B, "Concessioner Annual Financial Report (For Concessioners with Special Accounts and Utility Add-ons)"	30	2	60
Proposals for Concession Opportunities			
Form 10–359A, "Large Concession"	30	240	7,200
Form 10–359B, "Small Concession"	60	80	4,800
Amendments	1	1	1
Appeals	1	.5	1
Request To Construct a Capital Improvement			
Large Projects	31	16	496
Small Projects	89	8	712
Construction Report			
Large Project	31	56	1,736
Small Project	89	24	2,136
Application to Sell or Transfer a Concession Operation	20	80	1,600
Recordkeeping			
Large Concessions	150	800	120,000
Small Concessions	350	50	17,500
Totals	1,382	.....	159,892

* Rounded.

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.*).

Phadrea Ponds,

Acting, NPS Information Collection Clearance Officer, National Park Service.

[FR Doc. 2020–01674 Filed 1–29–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–WM–PSB–NPS0028321; PPWOWMADH2, PPMPSAS1Y.YH0000 (200); OMB Control Number 1024–0282]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; National Park Service Background Clearance Initiation Request

AGENCY: National Park Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the National Park Service (NPS) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before March 2, 2020.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's (OMB) Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or by facsimile at 202–395–5806. Please provide a copy of your comments to Phadrea Ponds, Acting Information Collection Clearance Officer, National Park Service, 1201 Oakridge Drive, Fort Collins, CO 80525; or by email at *phadrea_ponds@nps.gov.* Please reference OMB Control Number 1024–0282 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR by mail contact Shean Rheams, Chief, Personnel Security & Identity Management Group, National Park Service, 1849 C Street NW, Washington, DC 20240; or by email at *shean_rheames@nps.gov;* or by telephone at 202–354–1974. Please reference OMB Control Number 1024–0282 in the subject line of your comments. 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.

On October 4, 2019, we published a **Federal Register** notice soliciting comments on this collection of information for 60 days, ending on December 3, 2019 (84 FR 53174). No public comments were received in response to this notice.

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 NPS; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the NPS enhance the quality, utility, and clarity of the information to be collected; and (5) how might the NPS 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. We will include or summarize each comment in our request to OMB to approve this ICR. 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: As delegated by the U.S. Office of Personnel Management (OPM), the NPS is authorized to request information to determine the suitability of applicants for Federal employment and non-Federal personnel (*i.e.,* contractor, partners, etc.) who require access to NPS property and/or receive DOIAccess personal identity verification (PIV) badges. Suitability determinations are authorized under Executive Orders 10450, ''Security requirements for Government employment'' and 10577, ''Amending the Civil Service Rules and authorizing a new appointment system for the competitive service.''

To conform with regulations mandated by OPM and the Department of the Interior (DOI), the NPS Personnel Security Branch utilizes the Electronic Questionnaires for Investigations Processing (e-QIP) System. Form 10–152, ''Background Clearance Initiation Request'' is used to create e-QIP accounts necessary to initiate background investigations for all individuals requiring access to NPS property or to receive a DOIAccess PIV badge.

Applicants for federal employment will complete form 10–152. This includes non-federal personnel, contractors and individuals not otherwise directly employed by the Federal Government—those who perform work for or on behalf of the Federal Government and will require access to NPS property and/or receive a DOIAccess PIV badge. The following information is collected from each proposed candidate requiring a background clearance:

(1) Full name
(2) Social Security number
(3) Date and place of birth
(4) Country of citizenship
(5) Contact phone number
(6) Email address
(7) Home address
(8) Whether proposed candidate has ever been investigated by another federal agency.

Title of Collection: National Park Service Background Clearance Initiation Request.

OMB Control Number: 1024–0282.

Form Number: NPS 10–152, ''Background Clearance Initiation Request''.

Type of Review: Extension of a currently approved collection.

Description of Respondents: Candidates for federal employment, contractors, partners, and other non-federal candidates who require access to NPS property and/or a DOIAccess PIV badge.

Total Estimated Number of Annual Respondents: 6,500.

Total Estimated Number of Annual Responses: 6,500.

Estimated Completion Time per Response: 7 minutes.

Total Estimated Number of Annual Burden Hours: 758.

Respondent's Obligation: Mandatory.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

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.*).

Phadrea Ponds,

Acting, Information Collection Clearance Officer, National Park Service.

[FR Doc. 2020–01677 Filed 1–29–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–COMP–NPS0028281; PPWOCOPP0, PPMPSD1YM0000 (200); OMB Control Number 1024–0279]

Agency Information Collection Activities; National Park Service Lost and Found Report

AGENCY: National Park Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the National Park Service (NPS) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before March 2, 2020.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's (OMB) Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or by facsimile at 202–395–5806. Please provide a copy of your comments to Phadrea Ponds, Acting Information Collection Clearance Officer, National Park Service, 1201 Oakridge Drive, Fort Collins, CO 80525; or by email at *phadrea_ponds@nps.gov.* Please reference OMB Control Number 1024–0279 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR contact Marlene Haynes, Acting Bureau Office of Property and Fleet Management, National Park Service, 13461 Sunrise Valley Drive, Herndon, VA 20171–3272; or by email at *marlene_haynes@nps.gov;* or by telephone at 701–623–4730. Please reference OMB Control Number 1024–0279 in the subject line of your comments. 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.

On October 4, 2019, we published a **Federal Register** notice soliciting comments on this collection of information for 60 days, ending on December 3, 2019 (84 FR 53173). We did not receive any public comments on this notice.

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 NPS; (2) will this information be processed and used in a timely manner;

(3) is the estimate of burden accurate; (4) how might the NPS enhance the quality, utility, and clarity of the information to be collected; and (5) how might the NPS 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. We will include or summarize each comment in our request to OMB to approve this ICR. 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: Each year, more than 7,000 visitors to the various units of the National Park System file reports of lost or found items. Reporting of lost or found personal property in national parks is governed by 36 CFR 2.22, ''Disposition of Property'' which requires unattended property be impounded and deemed to be abandoned unless claimed by the owner or an authorized representative within 60 days. The 60-day period commences upon notification to the rightful owner of the property, if the owner can be identified, or from the time the property was placed in the superintendent's custody, if the owner cannot be identified.

Unclaimed property must be stored for a minimum period of 60 days and, unless claimed by the owner or an authorized representative, may be claimed by the finder, provided the finder is not an employee of the NPS. Found property not claimed by the owner, an authorized representative of the owner, or the finder, shall be deemed abandoned and disposed of in accordance with Title 41 Code of Federal Regulations.

In order to comply with the requirements of 36 CFR 2.22, the NPS uses Form 10–166, ''Lost—Found Report,'' to allow the park to properly identify personal property reported as lost or found and to return found items to the legitimate owner, when possible, or to the finder if the item is not claimed by the owner or their authorized representative. NPS Form 10–166 collects the following information from the visitor filing the report:

- Park name, receiving station (if appropriate), and date item was lost or found;
- Name, address, city, state, zip code, email address, and contact phone numbers (cell and home);
- Type of item, detailed description of item, and location where the item was last seen or found; and
- Photograph of item (if available).

Title of Collection: National Park Service Lost and Found Report, 36 CFR 2.22.

OMB Control Number: 1024–0279.

Form Number: NPS Form 10–166, ''Lost—Found Report.''

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals and visitors of NPS units who file reports of lost or found items.

Total Estimated Number of Annual Respondents: 7,200.

Total Estimated Number of Annual Responses: 7,200.

Estimated Completion Time per Response: 5 minutes.

Total Estimated Number of Annual Burden Hours: 600.

Respondent's Obligation: Voluntary.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

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.

Phadrea Ponds,

Acting, Information Collection Clearance Officer, National Park Service.

[FR Doc. 2020–01675 Filed 1–29–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–CR–HPS–NPS0028085; PPWOCRADP1, PRN00HP12.CS0000, XXXP104214 (200); OMB Control Number 1024–0009]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Historic Preservation Certification Application

AGENCY: National Park Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the National Park Service (NPS) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before March 2, 2020.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's (OMB) Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or by facsimile at 202–395–5806. Please provide a copy of your comments to Phadrea Ponds, Acting Information Collection Clearance Officer, National Park Service, 1201 Oakridge Drive, Fort Collins, CO 80525; or by email at *phadrea_ponds@nps.gov.* Please reference OMB Control Number 1024–0009 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Brian Goeken, Chief, Technical Preservation Services, 1849 C St. NW, Room 2255, Washington, DC 20240; or by email at *brian_goeken@nps.gov;* or by telephone at 202–354–2033. Please reference OMB Control Number 1024–0009 in the subject line of your comments. 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.

On July 3, 2019, we published a **Federal Register** notice soliciting comments on this collection of information for 60 days, ending on September 3, 2019 (84 FR 31909). We received three (3) public comments on this notice.

Ogee, LLC suggested the use of a standardized list or more detailed organization of the description of work section in the Part 2 section of the application and that no portions of the scope of work for the project were unintentionally omitted.

NPS Response: We are considering the creation of additional guidance and application examples that would provide more direction on how to organize and structure the required description of work information.

Historic Tax Credit Coalition (HTTC) suggested that more information be collected regarding the rehabilitation of affordable housing units as part of the tax incentives program. Specifically, (1) number of rental housing units that are being created, (2) units created for ''special needs'' (*i.e.,* members of a specified group under a federal or state housing program, or person engaged in artistic or literary activities), and (3) how are units that are ''considered affordable and/or accessible,'' being measured.

NPS Response: We contacted the commenter to discuss possible new field(s) and how existing and new fields could labeled or defined. The application form already requests some of this information. While the wording of the field names could be changed or further defined in the instructions, we did not update the forms because there is limited space available for new fields without having to add an additional page to the application. The commenter was unable to make any specific suggestions; therefore, we are not proposing any changes at this time in response to this comment.

Ogee, LLC and Historic Tax Credit Coalition (HTTC) both suggested that the NPS should provide or further explore the use of electronic submissions.

NPS Response: Currently, there are a number of logistical, technological, and practical factors that make submission of the application via electronic means presently unworkable, but we continue to explore this as a future option.

Artifacts-Inc. suggested that the program should work more closely with State Historic Preservation Offices (SHPOs) to administer the review process.

NPS Response: By law the National Park Service must make all final certification decisions. However, NPS partners with SHPOs to administer the certification program. The SHPOs are often the first point of contact meeting with applicants to answer questions, make site visits, and forward applications to the NPS after reviewing and making recommendations.

We are again 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 the NPS; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the NPS enhance the quality, utility, and clarity of the information to be collected; and (5) how might the NPS 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. We will include or summarize each comment in our request to OMB to approve this ICR. 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: The Federal Historic Preservation Tax Incentives Program encourages private-sector investment in the rehabilitation and re-use of historic buildings. Through this program, underutilized or vacant buildings throughout the country of every period, size, style, and type have been rehabilitated and reused in a manner that maintains their historic character. To be eligible for tax incentives for historic buildings, a building must be listed individually on the National Register of Historic Places (NRHP); or located in a registered historic district and certified by the NPS as contributing to the historic significance of that district. A registered historic district is any district listed on the NRHP; or a state or local district if the district and the enabling statute have also been certified by the NPS. The NRHP is the official list of the Nation's historic places worthy of preservation.

Section 47 of the Internal Revenue Code requires that the Secretary of the Interior certify to the Secretary of the Treasury upon application by owners of historic properties for Federal tax benefits: (a) The historic significance of the property, and (b) that the rehabilitation work is consistent with its historic character. The NPS administers the program with the Internal Revenue Service in partnership with the State Historic Preservation Offices (SHPOs). The NPS uses the information collected in the Historic Preservation Certification Application (Forms 10–168, 10–168a, 10–168b, and 10–168c) to evaluate the condition and historic significance of buildings undergoing rehabilitation, and to evaluate whether the rehabilitation work meets the Secretary of the Interior's Standards for Rehabilitation.

Regulations codified in 36 CFR part 67 contain a requirement for completion of an application form. The NPS needs the information required on the application form to allow the authorized officer to determine if the project is qualified to obtain historic preservation certifications from the Secretary of the Interior. These certifications are necessary for an applicant to receive substantial federal tax incentives authorized by Section 47 of the Internal Revenue Code. These incentives include a 20% federal income tax credit for the rehabilitation of income-producing historic buildings and an income tax deduction for the charitable donation of easements on historic properties. The Internal Revenue Code also provides a 10% federal income tax credit for the rehabilitation of non-historic, nonresidential buildings built before 1936. An owner of a non-historic building in a historic district must also use the application to obtain a certification from the Secretary of the Interior that his or her building does not contribute to the significance of the historic district before claiming this lesser tax credit for rehabilitation. The 10% credit was repealed as part of the 2017 tax reform legislation but remains in effect under certain transition rules.

SHPOs are the first point of contact for property owners wishing to use the rehabilitation tax credits. They help applicants determine if an historic building is eligible for Federal or State historic preservation tax incentives, provide guidance on an application before or after the project begins, and provide advice on appropriate preservation work. SHPOs use Forms 10–168d and 10–168e to make recommendations to NPS.

In accordance with 36 CFR 67, we also collect information for: (1) Certifications of State and local statutes (§ 67.8), (2) certifications of State or local historic districts (§ 67.9), and (3) appeals (§ 67.10).

Title of Collection: Historic Preservation Certifications, 36 CFR part 67.

OMB Control Number: 1024–0009.

Form Number: NPS Forms 10–168, 10–168a, 10–168b, 10–168c, 10–168d, and 10–168e.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals, organizations, companies and businesses, and State or tribal governments.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Non-hour Burden Cost: $4,612,811 based primarily on application fees and other costs (includes printing photographs and architectural drawings).

Activity	Estimated total annual responses	Estimated average completion time	Estimated total annual burden hours *
Form 10–168 (Part 1):			
Individuals	88	15	1,320
Private Sector	1,663	15	24,945
Form 10–168a (Part 2):			
Individuals	77	51	3,927
Private Sector	1,473	51	75,123
Form 10–168b (Amendment):			
Individuals	77	6	462
Private Sector	1,473	6	8,832
Form 10–168c (Part 3):			
Individuals	53	12	636
Private Sector	1,000	12	12,000
Forms 10–168d and 10–168e (State Review Sheets):			
Form 10–168d	1,751	3	5,253
Form 10–168e (Part 2s)	1,550	5	7,750
Form 10–168e (Part 3s)	1,053	4	4,212
Form 10–168e (for Amendments)	1,549	3	4,647
Certification of Statutes	1	5	5
Cert of Historic Districts	2	20	40
Appeals:			
Individuals	3	40	120
Private Sector	29	40	1,160
Totals	11,841		150,432

* Rounded.

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.*).

Phadrea Ponds,

Acting, NPS Information Collection Clearance Officer, National Park Service.

[FR Doc. 2020–01673 Filed 1–29–20; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1115]

Certain Blow-Molded Bag-In-Container Devices, Associated Components, and End Products Containing or Using Same; Notice of a Commission Determination To Terminate the Investigation in Whole Based on Withdrawal of the Complaint; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to terminate the investigation in whole based on the withdrawal of the complaint. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3115. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *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.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on June 5, 2018, based on a complaint filed by Anheuser-Busch InBev S.A. of Leuven, Belgium and Anheuser-Busch, LLC of St. Louis, Missouri (collectively, ''Complainants''). 83 FR 26088–89 (Jun. 5, 2018). Supplements to the complaint were filed on May 4, 2018, and May 15, 2018. The complaint alleges a violation of section 337 by reason of infringement of certain claims of U.S. Patent Nos. 9,162,372 (''the '372 patent''); 9,517,876; 9,555,572 (''the '572 patent''); and 9,944,453. The notice of investigation names as respondents Heineken International B.V. of Amsterdam, Netherlands; Heineken N.V. of Amsterdam, Netherlands; Heineken USA Inc. of White Plains, New York; Heineken Holding N.V. of Amsterdam, Netherlands; Heineken Beer Systems B.V. of Amsterdam, Netherlands; Heineken Brouwerijen B.V. of Amsterdam, Netherlands; Heineken Export Americas B.V. of Amsterdam, Netherlands; and Heineken Global Procurement B.V of Amsterdam, Netherlands (collectively, ''Respondents''). *Id.* at 26089. The Office of Unfair Import Investigations is not participating in this investigation. Subsequently, the investigation was terminated in part as to the '372 and '572 patents. Order No. 26 (March 21, 2019), *not reviewed,* Commission Notice (April 11, 2019).

Pursuant to Commission Rule 210.21(a), 19 CFR 210.21(a), on April 29, 2019, Complainants moved to terminate this investigation in whole on the basis of withdrawal of the complaint. On April 30, 2019, Respondents filed a response opposing the motion. Respondents contended that termination is inappropriate given the advanced posture of the investigation and the fact that they had only temporarily halted importation of their accused products.

On May 3, 2019, the ALJ issued an initial determination (''ID'') (Order No. 50) granting Complainants' motion. He found no extraordinary circumstances exist that would prevent the requested termination of this investigation. Order No. 50 at 3.

On May 10, 2019, Respondents filed a petition for review of the ID. On May 17, 2019, Complainants filed a response opposing the petition.

On June 26, 2019, the Commission determined to review the subject ID. Commission Notice (June 26, 2019).

Upon review, the Commission has determined to grant Complainants' request to terminate the investigation based on withdrawal of its complaint allegations. The Commission has considered Respondents' arguments regarding Complainants' filing of their motion to terminate shortly before the hearing was scheduled to begin, after extensive proceedings, including discovery, had occurred before the ALJ. However, it would be premature at this time for the Commission to decide the effect, if any, of this termination on a future complaint that might be filed. Accordingly, the Commission need not and does not now decide what action it may take, or what conditions may apply, should Complainants file a complaint based on the same or similar alleged violations of section 337 by these Respondents in the future. Nor does the Commission now decide whether and how, if a new investigation were instituted based on the same or similar allegations, the record from the instant investigation may be used in such future investigation.

The investigation is terminated.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in Part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.

Issued: January 24, 2020.

Katherine Hiner,

Supervisory Attorney.

[FR Doc. 2020–01635 Filed 1–29–20; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Fire Protection Association

Notice is hereby given that, on January 6, 2020, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), National Fire Protection Association (''NFPA'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, NFPA has provided an updated and current list of its standards development activities, related technical committee and conformity assessment activities. Information concerning NFPA regulations, technical committees, current standards, standards development and conformity assessment activities are publicly available at *nfpa.org.*

On September 20, 2004, NFPA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on October 21, 2004 (69 FR 61869).

The last notification was filed with the Department on September 6, 2019. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on October 17, 2019 (84 FR 55585).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2020–01750 Filed 1–29–20; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—CHEDE–8

Notice is hereby given that, on January 8, 2020, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), CHEDE–8 (''CHEDE–8'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, SINOTRUK Jinan Power Co., Ltd., Shandong, CHINA, has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open and CHEDE–8 intends to file additional written notifications disclosing all changes in membership.

On December 4, 2019, CHEDE–8 filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on December 30, 2019 (84 FR 71977).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2020–01752 Filed 1–29–20; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Integrated Photonics Institute for Manufacturing Innovation Operating Under the Name of the American Institute for Manufacturing Integrated Photonics

Notice is hereby given that, on December 23, 2019, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), the Integrated Photonics Institute for Manufacturing Innovation operating under the name of the American Institute for Manufacturing Integrated Photonics (''AIM Photonics'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Advantiv Technologies Inc., Fremont, CA; Nimbis Services, Inc., Oro Vallet, AZ; Nonlinear Materials Corporation, Seattle, WA; and Rochester Electronics, Newport, MA, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and AIM Photonics intends to file additional written notifications disclosing all changes in membership.

On June 16, 2016, AIM Photonics filed its original notification pursuant to

Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 25, 2016 (81 FR 48450).

The last notification was filed with the Department on October 8, 2019. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on October 30, 2019 (84 FR 58173).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2020–01755 Filed 1–29–20; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Digital Manufacturing Design Innovation Institute

Notice is hereby given that, on January 2, 2020, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Digital Manufacturing Design Innovation Institute (''DMDII'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, D3 Technical Services, Kansas City, MO and Advanced O&P Solutions, Hickory Hills, IL, have been added as parties to this venture.

Also, PDES, Inc., Johnston, IA; C-Labs Corporation, Bellevue, WA; Optimax Systems, Ontario, NY; FlexLab, Berkeley, CA; ACE Clearwater, Torrance, CA; Luna Lights, Chicago, IL; Craig Technologies, Cape Canaveral, FL; E-gineering, Indianapolis, IN; Entrigna, Chicago, IL; Knoldus, Chicago, IL; MAL USA, Ferndale, WA; Notiphy, Chicago, IL; The Northridge Group, Rosemont, IL; Sigmaxim Inc., Norwood, MA; Chicago White Metal Casting, Bensenville, IL; RCM Industries, Franklin Park, IL; Twin City Die Castings, Lauderdale, MN; and EMNS Inc. (GSQA), Downers Grove, IL, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open and DMDII intends to file additional written notifications disclosing all changes in membership.

On January 5, 2016, DMDII filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 9, 2016 (46 FR 12525).

The last notification was filed with the Department on September 19, 2018. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on October 2, 2018 (83 FR 49577).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2020–01745 Filed 1–29–20; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Interstate Arrangement for Combining Employment and Wages

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL's) Employment and Training Administration (ETA) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, ''Interstate Arrangement for Combining Employment and Wages.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by March 30, 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 by contacting Candace Edens by telephone at 202–693–3195 (this is not a toll-free number), TTY 1–877–889–5627 (this is not a toll-free number), or by email at *Edens.Candace@dol.gov.*

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance, 200 Constitution Avenue NW, Frances Perkins Bldg. Room S–4524, Washington, DC 20210; by email: *Edens.Candace@dol.gov*; or by Fax 202–693–3975.

FOR FURTHER INFORMATION CONTACT: Contact Candace Edens by telephone at 202–693–3195 (this is not a toll-free number) or by email at *Edens.Candace@dol.gov.*

Authority: 44 U.S.C. 3506(c)(2)(A).

SUPPLEMENTARY INFORMATION: DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

Section 3304(a)(9)(B), of the Internal Revenue Code of 1986, requires states to participate in an arrangement for combining employment and wages covered under the different state laws for the purpose of determining unemployed workers' entitlement to unemployment compensation. The Interstate Arrangement for Combining Employment and Wages for combined wage claims (CWC), promulgated at Title 20 of the Code of Federal Regulations (20 CFR), Part 616, requires the prompt transfer of all relevant and available employment and wage data between states upon request. The Benefit Payment Promptness Standard, codified at 20 CFR part 640, requires the prompt payment of unemployment compensation including benefits paid under the CWC arrangement. This information collection, also referred to as the ETA 586 report, provides ETA with information necessary to measure the scope and effect of the CWC program and to monitor the performance of each state in responding to wage transfer data requests and the payment of benefits. Section 303 (a)(6) of the Social Security Act and 20 CFR part 616 authorize 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 it is approved by 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.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB control number 1205–0029.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL 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.

Type of Review: Extension without changes.

Title of Collection: Interstate Arrangement for Combining Employment and Wages.

Form: ETA 586 Report Form.

OMB Control Number: 1205–0029.

Affected Public: State Workforce Agencies.

Estimated Number of Respondents: 53.

Frequency: Quarterly.

Total Estimated Annual Responses: 212.

Estimated Average Time per Response: 4 hours.

Estimated Total Annual Burden Hours: 848 hours.

Total Estimated Annual Other Cost Burden: $0.

John Pallasch,

Assistant Secretary for Employment and Training.

[FR Doc. 2020–01626 Filed 1–29–20; 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

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Office of Federal Contract Compliance Programs (OFCCP) sponsored information collection request (ICR) titled, ''Section 503 of the Rehabilitation Act of 1973, as Amended'' 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 March 2, 2020. The information collection requirements associated with this ICR will be effective 90 calendar days after OMB approval.

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=201910-1250-004* (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–OFCCP, 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 OFCCP Recordkeeping Requirements—29 U.S.C. 793, Section 503 of the Rehabilitation Act of 1973, as Amended information collection. OFCCP administers and enforces Executive Order 11246, section 503 of the Rehabilitation Act (section 503), and the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA), and their implementing regulations. Collectively, these laws require federal contractors to take affirmative action and not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, disability, or status as a protected veteran. Additionally, Executive Order 11246 prohibits a contractor from discharging or otherwise discriminating against applicants or employees who inquire about, discuss or disclose their compensation or that of others, subject to certain limitations. This information collection request covers the recordkeeping and third party disclosure requirements for Section 503 and VEVRAA. OFCCP is not proposing to collect new information with this renewal. Section 503 prohibits employment discrimination against applicants and employees because of physical or mental disability and requires affirmative action to ensure that persons are treated without regard to disability. Section 503 applies to Federal contractors and subcontractors with contracts in excess of $15,000.[1] VEVRAA prohibits employment discrimination against protected veterans and requires affirmative action to ensure that persons are treated without regard to their status as a protected veteran. VEVRAA applies to Federal contractors and subcontractors with contracts of $150,000 or more.[1]

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

[1] Effective October 1, 2015, the coverage threshold under VEVRAA increased from $100,000 to $150,000, in accordance with the inflationary adjustment requirements in 41 U.S.C. 1908.

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 1250–0005.

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 3, 2019 (84 FR 52897).

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 1250–0005. 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–OFCCP.

Title of Collection: OFCCP Recordkeeping Requirements—29 U.S.C. 793, Section 503 of the Rehabilitation Act of 1973, as Amended.

OMB Control Number: 1250–0005.

Affected Public: Private Sector: Businesses or other for-profits.

Total Estimated Number of Respondents: 48,918,177.

Total Estimated Number of Responses: 48,918,177.

Total Estimated Annual Time Burden: 4,426,842 hours.

Total Estimated Annual Other Costs Burden: $763,467.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: January 24, 2020.

Frederick Licari,

Departmental Clearance Officer.

[FR Doc. 2020–01627 Filed 1–29–20; 8:45 am]

BILLING CODE 4510–CM–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Labor Standards for the Registration of Apprenticeship Program

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 ''Labor Standards for the Registration of Apprenticeship Program,'' 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 March 2, 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=201912-1205-008* (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 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 Title 29 CFR part 29—Labor Standards for the Registration of Apprenticeship Program. Title 29 CFR 29 sets forth labor standards to safeguard the welfare of apprentices and to extend the application of such standards by prescribing policies and procedures concerning registration of apprenticeship. This information collection, ETA 671, has two sections: The first records the sponsor's information and the second is for the apprentice's information, filled out by the sponsor based on employment records. The submission is reviewed and signed by the state agency/Office of Apprenticeship. The information is collected on a one-time basis. This information collection is a revision, because the annual burden for this information collection increased from 22,158 hours to 32,399, which OMB approved until January 31, 2020. The burden hours have increased due to an increase in the total number of responses (*i.e.,* apprentice and program counts). The number of responses has increased by 221,210 (from 239,720 to 451,930).

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 1205–0223. 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 56203).

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 1205–0223.

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: Title 29 CFR part 29—Labor Standards for the Registration of Apprenticeship Programs.

OMB Control Number: 1205–0223.

Affected Public: Individuals or Households; State, Local or Tribal Governments; Private Sector—businesses or other for-profits, and, not-for-profit institutions; Federal Government.

Total Estimated Number of Respondents: 316,459.

Total Estimated Number of Responses: 451,930.

Total Estimated Annual Time Burden: 32,399 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: January 24, 2020.

Frederick Licari,

Departmental Clearance Officer.

[FR Doc. 2020–01618 Filed 1–29–20; 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; VETS/USERRA/VP (VETS–1010 Form)

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Veterans' Employment and Training Service (VETS) sponsored information collection request (ICR) titled, ''VETS/USERRA/VP (VETS–1010 Form)'' 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 March 2, 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=201906-1293-003* (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–VETS, 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 VETS/USERRA/VP (VETS–1010 Form) information collection. The VETS USERRA/VP Form 1010 (VETS–1010 Form) is used to file complaints with the Department of Labor's Veterans' Employment and Training Service (VETS) under either the Uniformed Services Employment and Reemployment Rights Act (USERRA) or the laws and regulations related to Veterans' Preference (VP) in Federal employment. On October 13, 1994, the Uniformed Services Employment and Reemployment Rights Act (USERRA), Public Law 103–353, 108 Stat. 3150 was signed into law. Contained in Title 38, U.S.C. 4301– 4335, USERRA is the replacement for the Veterans' Reemployment Rights (VRR) law.

The purposes of USERRA laws and regulations are:

- To minimize disruption to the lives of persons who perform service in the uniformed services (including the National Guard and Reserves), as well as to their employers, their fellow employees, and their communities, by providing for prompt reemployment of such persons upon completion of such service;
- To encourage individuals to participate in non-career uniformed service by eliminating and minimizing the disadvantages to civilian careers and employment which can result from such service; and
- To prohibit discrimination in employment and acts of reprisal against persons because of their obligations in the uniformed services, prior service, intention to join the uniformed services, filing of a USERRA claim, seeking assistance concerning an alleged USERRA violation, testifying in a proceeding, or otherwise assisting in an investigation of a USERRA claim.

The Veterans Employment Opportunities Act (VEOA) of 1998, Public Law 105–339, 12 Stat. 3182, contained in Title 5 U.S.C. 3330a–3330c, authorizes the Secretary of Labor to provide assistance to preference eligible individuals who believe their rights under the veterans' preference laws have been violated, and to investigate claims filed by those individuals.

The purposes of veterans' preference laws include: To provide preference for certain veterans over others in Federal hiring from competitive lists of

applicants; to allow access and open up Federal job opportunities to veterans that might otherwise be closed to the public; and to provide preference eligible veterans with preference over others in retention during reductions in force in Federal agencies. VETS has an electronic complaint form, the VETS e1010, available on our website. The e1010 may be completed and submitted electronically without having to download, print, or mail a signed hard copy to our Atlanta data center.

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 1293–0002.

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 September 30, 2019 (84 FR 51640).

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 1293–0002. 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–VETS.

Title of Collection: VETS/USERRA/VP (VETS–1010 Form).

OMB Control Number: 1293–0002.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 2,250.

Total Estimated Number of Responses: 2,250.

Total Estimated Annual Time Burden: 1,125 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: January 24, 2020.

Frederick Licari,

Departmental Clearance Officer.

[FR Doc. 2020–01624 Filed 1–29–20; 8:45 am]

BILLING CODE 4510–79–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Vietnam Era Veterans' Readjustment Assistance Act, as Amended

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Office of Federal Contract Compliance Programs (OFCCP) sponsored information collection request (ICR) titled, ''Vietnam Era Veterans' Readjustment Assistance Act, as Amended'' 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 March 2, 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=201904-1250-002* (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–OFCCP, 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 Vietnam Era Veterans' Readjustment Assistance Act, as Amended information collection. OFCCP administers and enforces Executive Order 11246, section 503 of the Rehabilitation Act (section 503), and the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA), and their implementing regulations. Collectively, these laws require federal contractors to take affirmative action and not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, disability, or status as a protected veteran. Additionally, Executive Order 11246 prohibits a contractor from discharging or otherwise discriminating against applicants or employees who inquire about, discuss or disclose their compensation or that of others, subject to certain limitations. This information collection request covers the recordkeeping and third party disclosure requirements for Section 503 and VEVRAA. OFCCP is not proposing to collect new information with this renewal. Section 503 prohibits employment discrimination against

applicants and employees because of physical or mental disability and requires affirmative action to ensure that persons are treated without regard to disability. Section 503 applies to Federal contractors and subcontractors with contracts in excess of $15,000.1 VEVRAA prohibits employment discrimination against protected veterans and requires affirmative action to ensure that persons are treated without regard to their status as a protected veteran. VEVRAA applies to Federal contractors and subcontractors with contracts of $150,000 or more.[1]

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 1250–0004.

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 3, 2019 (84 FR 52897).

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 1250–0004. 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–OFCCP.

Title of Collection: Vietnam Era Veterans' Readjustment Assistance Act, as Amended.

OMB Control Number: 1250–0004.

Affected Public: Private Sector: Businesses or other for-profits.

Total Estimated Number of Respondents: 42,532,659.

Total Estimated Number of Responses: 42,532,659.

Total Estimated Annual Time Burden: 5,377,348 hours.

Total Estimated Annual Other Costs Burden: $763,467.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: January 23, 2020.

Frederick Licari,

Departmental Clearance Officer.

[FR Doc. 2020–01617 Filed 1–29–20; 8:45 am]

BILLING CODE 4510–CM–P

[1] Effective October 1, 2015, the coverage threshold under VEVRAA increased from $100,000 to $150,000, in accordance with the inflationary adjustment requirements in 41 U.S.C. 1908.

OFFICE OF MANAGEMENT AND BUDGET

Improving and Reforming Regulatory Enforcement and Adjudication

AGENCY: Office of Management and Budget (OMB), Executive Office of the President.

ACTION: Request for information: Improving and/or reforming regulatory enforcement and adjudication.

SUMMARY: In furtherance of the policy *on Promoting the Rule of Law Through Transparency and Fairness in Civil Administrative Enforcement and Adjudication,* the Office of Management and Budget invites the public to identify additional reforms that will ensure adequate due process in regulatory enforcement and adjudication.

DATES: Comments are due on or before March 16, 2020.

ADDRESSES: Interested parties should submit comments, identified by docket number OMB–2019–0006, before the comment closing date to *www.regulations.gov.*

SUPPLEMENTARY INFORMATION: Protecting Americans against the unjust or arbitrary exercise of government power forms a cornerstone of the United States' constitutional structure. The presumption of innocence, adjudication by a neutral arbiter, fair and speedy proceedings, and the prohibition of double jeopardy, are some of the time-honored protections that constitute the rule of law in America.

The growth of administrative enforcement and adjudication over the last several decades has not always been accompanied by commensurate growth of protections to ensure just and reasonable process. Because many citizens' sole or principal interaction with the federal government is with a federal agency, it is of the utmost importance that administrative enforcement and adjudication operate subject to requirements that ensure they are fair, speedy, accurate, transparent, and respectful of the rights of Americans.

This Administration continues to evaluate a full range of options to make significant reforms in the context of administrative enforcement and adjudication. OMB invites public comment to promote an informed consideration of additional reforms. In particular, OMB solicits input on regulatory reforms that will better safeguard due process in the regulatory enforcement and adjudication settings (*i.e.,* non- Article III adjudications).

The Administration recognizes that procedural protections vary considerably by Department and/or agency, sub-agency, etc. Adjudications pursuant to the Administrative Procedure Act's section 554 (*i.e.,* ''formal'' adjudications) require more robust procedural protections. *See* 5 U.S.C 554, 556, and 557. Other adjudications (*i.e.,* ''informal'' adjudications) tend to enjoy more procedural flexibility. No matter the diversity of protections and/or types of proceedings, the Administration maintains an interest in overarching procedural reform. Put differently, the Administration requests public input on procedural reforms to both formal and informal adjudications and pre-adjudication enforcement protection(s). This request for information seeks ideas that will ensure each and every American enjoys adequate protections in regulatory enforcements and adjudications.

Among the topics of interest, OMB invites feedback on the following queries:

• Prior to the initiation of an adjudication, what would ensure a speedy and/or fair investigation? What reform(s) would avoid a prolonged investigation? Should investigated parties have an opportunity to require an agency to ''show cause'' to continue an investigation?

• When do multiple agencies investigate the same (or related) conduct and then force Americans to contest liability in different proceedings across multiple agencies? What reforms would encourage agencies to adjudicate related conduct in a single proceeding before a single adjudicator?

• Would applying the principle of res judicata in the regulatory context reduce duplicative proceedings? How would agencies effectively apply res judicata?

• In the regulatory/civil context, when does an American have to prove an absence of legal liability? Put differently, need an American prove innocence in regulatory proceeding(s)? What reform(s) would ensure an American never has to prove the absence of liability? To the extent permissible, should the Administration address burdens of persuasion and/or production in regulatory proceedings? Or should the scope of this reform focus strictly on an initial presumption of innocence?

• What evidentiary rules apply in regulatory proceedings to guard against hearsay and/or weigh reliability and relevance? Would the application of some of the Federal Rules of Evidence create a fairer evidentiary framework, and if so, which Rules?

• Should agencies be required to produce all evidence favorable to the respondent? What rules and/or procedures would ensure the expedient production of all exculpatory evidence?

• Do adjudicators sometimes lack independence from the enforcement arm of the agency? What reform(s) would adequately separate functions and guarantee an adjudicator's independence?

• Do agencies provide enough transparency regarding penalties and fines? Are penalties generally fair and proportionate to the infractions for which they are assessed? What reform(s) would ensure consistency and transparency regarding regulatory penalties for a particular agency or the federal government as a whole?

• When do regulatory investigations and/or adjudications coerce Americans into resolutions/settlements? What safeguards would systemically prevent unfair and/or coercive resolutions?

• Are agencies and agency staff accountable to the public in the context of enforcement and adjudications? If not, how can agencies create greater accountability?

• Are there certain types of proceedings that, due to exigency or other causes, warrant fewer procedural protections than others?

For each of the above queries, OMB requests specific, concrete examples of current due process shortfalls and concrete reform proposals to ensure adequate due process. Abstract, general principles will do little to advance actionable reform.

Instructions for Written Responses

Interested parties should provide written responses to the questions outlined in the supplementary information section of this **Federal Register** document. Submissions are due 45 days from publication of this document through *www.regulations.gov* and should be identified by docket number OMB–2019–0006.

Please include the below in your response, *limiting this portion of your response to one page:*

• The name of the individual(s) and/or organization responding. Anonymous responses will also be accepted.

• A brief description of the responding individual(s) or organization's mission and/or areas of expertise, if the responder feels appropriate.

• A contact for questions or other follow-up on your response if desired.

Comments submitted in response to this document are subject to FOIA. OMB may also make all comments available to the public. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

Russell T. Vought,

Acting Director, OMB.

[FR Doc. 2020–01632 Filed 1–29–20; 8:45 am]

BILLING CODE 3110–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (20–006)]

Notice of Intent To Grant Partially Exclusive License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant partially exclusive patent license.

SUMMARY: NASA hereby gives notice of its intent to grant a partially exclusive patent license in the United States to practice the inventions described and claimed in U.S. Patent No. 8,167,204 B2 for an invention entitled ''Wireless Damage Location Sensing System,'' NASA Case Number LAR–17593–1; U.S. Patent No. 7,086,593 B2 for an invention entitled ''Magnetic Field Response Measurement Acquisition System,'' NASA Case Number LAR–16908–1; U.S. Patent No. 7,159,774 B2 for an invention entitled ''Magnetic Field Response Measurement Acquisition System,'' NASA Case Number LAR–17280–1; U.S. Patent No. 8,430,327 B2 for an invention entitled ''Wireless Sensing System Using Open-Circuit, Electrically-Conductive Spiral-Trace Sensor,'' NASA Case Number LAR–17294–1; U.S. Patent No. 8,042,739 B2 for an invention entitled ''Wireless Tamper Detection Sensor and Sensing System,'' NASA Case Number LAR–17444–1; U.S. Patent No. 7,814,786 B2 for an invention entitled ''Wireless Sensing System for Non-Invasive Monitoring of Attributes of Contents in a Container,'' NASA Case Number LAR–17488–1; U.S. Patent No. 8,673,649 B2 for an invention entitled ''Wireless Chemical Sensor and Sensing Method for Use Therewith,'' NASA Case Number LAR–17579–1; U.S. Patent No. 9,329,149 B2 for an invention entitled ''Wireless Chemical Sensor and Sensing Method for Use Therewith,'' NASA Case Number LAR–17579–2; U.S. Patent No. 9,733,203 B2 for an invention entitled ''Wireless Chemical Sensing Method,'' NASA Case Number LAR–17579–3; U.S. Patent No. 8,179,203 B2 for an invention entitled ''Wireless Electrical Device Using Open-Circuit Elements Having No Electrical Connections,'' NASA Case Number LAR–17711–1; and U.S. Patent No. 10,193,228 B2 for an invention entitled ''Antenna for Near Field Sensing and Far Field Transceiving,'' NASA Case Number LAR–18400–1, to Gyra Systems, Inc., having its principal place of business in La Mesa, CA. The fields of use may be limited to package monitoring quality sensors to detect changes in product quality and authenticity, such as pharmaceutical, food, beverage, tobacco, and cosmetics

products and/or similar field(s) of use thereto. NASA has not yet made a determination to grant the requested license and may deny the requested license even if no objections are submitted within the comment period.

DATES: The prospective partially exclusive license may be granted unless NASA receives written objections including evidence and argument, no later than February 14, 2020 that establish that the grant of the license would not be consistent with the requirements regarding the licensing of federally owned inventions as set forth in the Bayh-Dole Act and implementing regulations. Competing applications completed and received by NASA no later than February 14, 2020 will also be treated as objections to the grant of the contemplated [partially] exclusive license. Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act.

ADDRESSES: Objections relating to the prospective license may be submitted to Patent Counsel, Office of Chief Counsel, NASA Langley Research Center, MS 30, Hampton, Virginia 23681. Phone (757) 864–3221. Facsimile (757) 864–9190.

FOR FURTHER INFORMATION CONTACT: Robin W. Edwards, Patent Counsel, Office of Chief Counsel, NASA Langley Research Center, MS 30, Hampton, Virginia 23681. Phone (757) 864–3221. Facsimile (757) 864–9190.

SUPPLEMENTARY INFORMATION: This notice of intent to grant a partially exclusive patent license is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). The patent rights in these inventions have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective partially exclusive license will comply with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Information about other NASA inventions available for licensing can be found online at *http://technology.nasa.gov.*

William McMurry,

Deputy General Counsel.

[FR Doc. 2020–01712 Filed 1–29–20; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: The National Science Foundation (NSF) is announcing plans to establish this collection. In accordance with the requirements of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting Office of Management and Budget (OMB) clearance of this collection for no longer than 3 years.

DATES: Written comments on this notice must be received by March 2, 2020 to be assured consideration. Comments received after that date will be considered to the extent practicable. Send comments to address below.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Suite W18200, Alexandria, Virginia 22314; telephone (703) 292–7556; or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including Federal holidays).

SUPPLEMENTARY INFORMATION:

Title of Collection: Evaluation of the Sustainability and Diffusion of the NSF ADVANCE Program.

OMB Number: 3145–NEW.

Expiration Date of Approval: Not applicable.

Type of Request: Intent to seek approval to establish an information collection.

Proposed Project: Use of the Information: The ADVANCE Program, launched by the National Science Foundation in 2001, supports projects to identify and address structural and policy barriers to equity for STEM faculty. The proposed evaluation examines the sustainability and diffusion of ADVANCE strategies. The evaluation focuses on ADVANCE projects that started between 2001 and 2018, as well as proposals for the ADVANCE Institutional Transformation (IT) grants that were not funded. The data collection for this request includes: Six self-completion online surveys (with questions tailored to different types of ADVANCE grants); one self-completion online survey for ADVANCE Institutional Transformation applicants; and one instrument to conduct interviews with two representatives from six ADVANCE grantees.

Respondents: Respondents are representatives from ADVANCE grantees and applicants of ADVANCE Institutional Transformation grants.

Estimated Number of Annual Respondents: 328 individuals.

Burden on the Public: 227 hours.

Data collection type	Number of individuals	Participation time (in minutes)	Burden (in annual hours)
Single Institution Organizational Change Ended Survey	74	60	74
Single Institution Organizational Change Ongoing Survey	19	60	19
Leadership Ended Survey	34	30	17
Partnership Ended Survey	27	30	13.5
Single Institution Self-Assessment Ended Survey	34	30	17
Partnership Ongoing Survey	8	30	4
Single Institution Organizational Change Ended Survey and Partnership Ended Survey	6	90	9
Partnership Ended Survey and Leadership Ended Survey	1	60	1
Leadership Ended Survey and Single Institution Self-Assessment Ended Survey	1	90	1.5
Single Institution Organizational Change Ended Survey and Single Institution Self-Assessment Ended Survey	1	120	2
Single Institution Organizational Change Ongoing Survey and Single Institution Self-Assessment Ended Survey	1	120	2
Institutional Transformation Applicant Survey	110	30	55
Telephone interviews with representatives of ADVANCE Grantees	12	60	12
Total	328	.....	227

Comments: Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information shall have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; and (d) 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.

Dated: January 27, 2020.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2020–01697 Filed 1–29–20; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings; National Science Board

The National Science Board (NSB), pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended, (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of meetings for the transaction of NSB business as follows:

TIME AND DATE: Tuesday, February 4, 2020, from 8:30 a.m. to 4:30 p.m., and Wednesday, February 5, 2020 from 9:00 a.m. to 3:30 p.m. EST.

PLACE: The morning meeting on Tuesday, February 4, 2020, will be held in the Eisenhower Executive Office Building, 1650 Pennsylvania Avenue NW, Washington, DC 20502, Room 350 in conjunction with the members of the President's Advisory Council on Science and Technology (PCAST). Individuals from the public who wish to attend this session must register using the following email address: *PCAST@ostp.eop.gov.* Please note that public seating for this meeting is limited and is available on a first-come, first-served basis.

The remaining meetings in the afternoon of February 4, and on February 5, 2020, will be held at the NSF headquarters, 2415 Eisenhower Avenue, Alexandria, VA 22314. These meetings are held in the boardroom on the 2nd floor. The public may observe public meetings held in the NSF boardroom. All visitors must contact the Board Office (call 703–292–7000 or send an email to *nationalsciencebrd@nsf.gov*) at least 24 hours prior to the meeting and provide your name and organizational affiliation. Visitors must report to the NSF visitor's desk in the building lobby to receive a visitor's badge.

STATUS: Some of these meetings will be open to the public. Others will be closed to the public. See full description below.

MATTERS TO BE CONSIDERED:

Tuesday, February 4, 2020

Plenary Board Meeting (at Eisenhower Executive Office Building)

Open Session: 8:30 a.m.–12:30 p.m.

- Presentations and Discussion of the new NSB Science and Engineering Indicators Report and Vision 2030 Project
- PCAST Subcommittee Discussions Led by Subcommittee Chairs and NSB Liaisons
- Open Discussion between PCAST and NSB Members
- Public Comment Period
- Summary, Next Meeting, and Adjournment

Plenary Board Meeting (at NSF Headquarters)

Open Session: 2:00–3:30 p.m.

- NSB Chair's Welcome
- NSF Director's Remarks
- NSF 2026 Idea Machine Panel
- NSB Chair's Remarks and Summary of Activities

Committee on Awards and Facilities (A&F)

Closed session: 3:30–4:30 p.m.

- Committee Chair's Remarks
- Approval of Prior Closed Minutes
- Action Item: High Luminosity Upgrades to the ATLAS and CMS Detectors
- Context Item: Mid-Scale Research Infrastructure Track 2 Portfolio

Wednesday, February 5, 2020

Committee on Awards and Facilities (A&F)

Open Session: 9:00–10:45 a.m.

- Committee Chair's Remarks
- Approval of Prior Open Minutes
- Calendar Year (CY) 2020 Schedule of Planned Action and Context Items
- Antarctica Site Visit Report
- Written Item: NSB Approval and Oversight Process for Mid-Scale
- Information Item: National Solar Observatory (NSO) Mid-term Review/DKIST Update
- Information Item: Seismological Facility for the Advancement of Geoscience (SAGE) and Geodetic Facility for the Advancement of Geoscience (GAGE)

Committee on External Engagement (EE)

Open Session: 10:45–11:00 a.m.

- Committee Chair's Remarks
- Approval of Prior Open Minutes
- NSB Chair's Report on Congressional Testimony before the House Committee on Science, Space, & Technology

Committee on Strategy (CS)

Open Session: 11:00–11:10 a.m.

- Committee Chair's Remarks
- Approval of Prior Open Minutes

Committee on Strategy (CS)

Closed Session: 11:10–11:45 a.m.

- Committee Chair's Remarks
- Approval of Prior Closed Minutes
- Update on Budgets

Plenary Board

Closed Session: 11:45 a.m.–12:10 p.m.

- NSB Chair's Remarks
- Approval of Prior Closed Minutes
- Director's Remarks
  - Written report on personnel situation
- Closed Committee Reports
- National Solar Observatory Mid-term Review
- Vote: High Luminosity Upgrades to the ATLAS and CMS Detectors for the Large Hadron Collider

Plenary Board (Executive)

Closed Session: 12:10–12:30 p.m.

- NSB Chair's Remarks
- Approval of Prior Executive Closed Minutes
- Director's Remarks
  - Arctic Research Support and Logistics Services Contract Update
  - Waterman Award
- Report by Subcommittee on Honorary Awards

Committee on National Science and Engineering Policy (SEP)

Open Session: 1:30–2:00 p.m.

- Committee Chair's Remarks
- Approval of Prior Open Minutes
- *Indicators 2020* Rollout Activities Report
- Update on Indicators 2020 Thematic Report Publication
- Discussion of SEP Spring Retreat Agenda

Task Force on Vision 2030 (Vision TF)

Open Session: 2:00–2:30 p.m.

- Task Force Chair's Remarks
- Approval of Prior Open Minutes
- Update on Vision Project

Committee on Oversight (CO)

Open Session: 2:30–3:00 p.m.

- Committee Chair's Remarks
- Approval of Prior Open Minutes
- Merit Review Digest and Update on Modernization
  - Discussion and vote on NSB Preface to Merit Review Digest
- OIG Semiannual Report and Management Response
- Inspector General's Update
- Chief Financial Officer's Update

Plenary Board

Open Session: 3:00–3:30 p.m.

- NSB Chair's Remarks
- Approval of Prior Open Minutes
- Director's Remarks
- Open Committee Reports
- Resolution in Memory of Karen King, Ph.D.
- Vote on NSB Preface to Merit Review Digest
- NSB Chair's Closing Remarks

Meeting Adjourns: 3:30 p.m.

Meetings That Are Open to the Public

Tuesday, February 4, 2020

8:30 a.m.–12:30 p.m. Plenary NSB and PCAST
2:00–3:30 p.m. Plenary

Wednesday, February 5, 2020

9:00–10:45 a.m. A&F
10:45–11:00 a.m. EE
11:00–11:10 a.m. CS
1:30–2:00 p.m. SEP
2:00–2:30 p.m. Vision 2020 TF
2:30–3:00 p.m. CO
3:00–3:30 p.m. Plenary

Meetings That Are Closed to the Public

Tuesday, February 4, 2020

3:30–4:30 p.m. A&F

Wednesday, February 5, 2020

11:10–11:45 a.m. CS
11:45 a.m.–12:10 p.m. Plenary
12:10–12:30 p.m. Plenary Executive

CONTACT PERSON FOR MORE INFORMATION: The NSB Office contact is Brad Gutierrez, *bgutierr@nsf.gov,* 703–292–7000. The NSB Public Affairs contact is Nadine Lymn, *nlymn@nsf.gov,* 703–292–2490.

SUPPLEMENTARY INFORMATION: Public meetings and public portions of meetings held in the 2nd floor boardroom will be webcast. To view these meetings, go to: *http://www.tvworldwide.com/events/nsf/200204/* and follow the instructions. The public may observe public meetings held in the boardroom. The address is 2415 Eisenhower Avenue, Alexandria, VA 22314.

Please refer to the NSB website for additional information. You will find any updated meeting information and schedule updates (time, place, subject matter, or status of meeting) at *https://www.nsf.gov/nsb/meetings/notices.jsp#sunshine.*

The NSB provides some flexibility around meeting times held at the NSF headquarters. After the first meeting of each day, actual meeting start and end times will be allowed to vary by no more than 15 minutes in either direction. As an example, if a 10:00 meeting finishes at 10:45, the meeting scheduled to begin at 11:00 may begin at 10:45. Similarly, the 10:00 meeting may be allowed to run over by as much as 15 minutes if the Chair decides the extra time is warranted. The next meeting would start no later than 11:15. Arrive at the NSB boardroom or check the webcast 15 minutes before the scheduled start time of the meeting you wish to observe.

Chris Blair,

Executive Assistant to the National Science Board Office.

[FR Doc. 2020–01911 Filed 1–28–20; 4:15 pm]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2019–0074]

Information Collection: NRC Form 850, Request for Contractor Assignment(s)

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of submission to the Office of Management and Budget; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, NRC Form 850, ''Request for Contractor Assignment(s).''

DATES: Submit comments by March 2, 2020. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Submit comments directly to the OMB reviewer at: OMB Office of Information and Regulatory Affairs (OMB approval number 3150–0218), Attn: Desk Officer for the Nuclear Regulatory Commission, 725 17th Street NW, Washington, DC 20503; email: *oira_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: David Cullison, NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2019–0074 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2019–0074. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2019–0074 on this website.
- *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 supporting statement and NRC Form 850 are available in ADAMS under Accession Nos. ML20008D524 and ML19213A236.
- *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.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment

submissions are posted at *https://www.regulations.gov* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, 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 comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a request for consolidation and renewal of an existing collection of information to OMB for review entitled, NRC Form 850, ''Request for Contractor Assignment(s).'' The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on October 10, 2019 (84 FR 54649).

1. *The title of the information collection:* NRC Form 850, ''Request for Contractor Assignment(s).''
2. *OMB approval number:* 3150–0218.
3. *Type of submission:* Revision.
4. *The form number if applicable:* NRC Form 850.
5. *How often the collection is required or requested:* On Occasion.
6. *Who will be required or asked to respond:* NRC contractors, subcontractors and other individuals who are not NRC employees.
7. *The estimated number of annual responses:* 500.
8. *The estimated number of annual respondents:* 500.
9. *An estimate of the total number of hours needed annually to comply with the information collection requirement or request:* 85.
10. *Abstract:* 10 CFR part 10, ''Criteria and Procedures for Determining Eligibility for Access to Restricted Data or National Security Information or an Employment Clearance,'' establishes requirements that individuals requiring an access authorization and/or employment clearance must have an investigation of their background. NRC Form 850 will be used by the NRC to obtain information on NRC contractors, subcontractors, and other individuals who are not NRC employees and require access to NRC buildings, IT systems, sensitive information, sensitive unclassified information, or classified information.

Dated at Rockville, Maryland, this 27th day of January 2020.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2020–01746 Filed 1–29–20; 8:45 am]

BILLING CODE 7590–01–P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review, Request for Comments

Summary: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) is forwarding three Information Collection Requests (ICR) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB). Our ICR describes the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

The RRB invites comments on the proposed collections of information to determine (1) the practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of the information that is the subject of collection; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology. Comments to the RRB or OIRA must contain the OMB control number of the ICR. For proper consideration of your comments, it is best if the RRB and OIRA receive them within 30 days of the publication date.

Title and purpose of information collection: Supplement to Claim of Person Outside the United States; OMB 3220–0155.

Under the Social Security Amendments of 1983 (Pub. L. 98–21), which amends Section 202(t) of the Social Security Act, effective January 1, 1985, the Tier I or the overall minimum (O/M) portion of an annuity, and Medicare benefits payable under the Railroad Retirement Act to certain beneficiaries living outside the U.S., may be withheld. The benefit withholding provision of Public Law 98–21 applies to divorced spouses, spouses, minor or disabled children, students, and survivors of railroad employees who (1) initially became eligible for Tier I amounts, O/M shares, and Medicare benefits after December 31, 1984; (2) are not U.S. citizens or U.S. nationals; and (3) have resided outside the U.S. for more than six consecutive months starting with the annuity beginning date. The benefit withholding provision does not apply, however to a beneficiary who is exempt under either a treaty obligation of the U.S., in effect on August 1, 1956, or a totalization agreement between the U.S. and the country in which the beneficiary resides, or to an individual who is exempt under other criteria specified in Public Law 98–21.

RRB Form G–45, *Supplement to Claim of Person Outside the United States,* is currently used by the RRB to determine applicability of the withholding provision of Public Law 98–21. Completion of the form is required to obtain or retain a benefit. One response is requested of each respondent.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (84 FR 63907 on November 19, 2019) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Supplement to Claim of Person Outside the United States.

OMB Control Number: 3220–0155.

Form(s) submitted: G–45.

Type of request: Revision of a currently approved collection of information.

Affected public: Individuals or Households.

Abstract: Under Public Law 98–21, the Tier I or the overall minimum portion of an annuity and Medicare benefits payable under the Railroad Retirement Act to certain beneficiaries living outside the United States may be withheld. The collection obtains the information needed by the Railroad Retirement Board to implement the benefit withholding provisions of Public Law 98–21.

Changes proposed: The RRB proposes minor non-burden impacting changes to Form G–45.

The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time (minutes)	Burden (hours)
G–45	100	10	17

Additional Information or Comments: Copies of the forms and supporting

documents can be obtained from Kennisha C. Tucker at (312) 469–2591 or *Kennisha.Tucker@RRB.gov.*

Comments regarding the information collection should be addressed to Brian Foster, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611–1275 or *Brian.Foster@rrb.gov* and to the OMB Desk Officer for the RRB, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov.*

Brian D. Foster,

Clearance Officer.

[FR Doc. 2020–01625 Filed 1–29–20; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88039; File No. SR–LCH SA–2019–007]

Self-Regulatory Organizations; LCH SA; Order Approving Proposed Rule Change Relating to Amendments to LCH SA's Liquidity Risk Modelling Framework

January 24, 2020.

I. Introduction

On December 3, 2019, Banque Centrale de Compensation, which conducts business under the name LCH SA (''LCH SA''), 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 (''Proposed Rule Change'') to amend its Liquidity Risk Modeling Framework (the ''Framework''). The Proposed Rule Change was published for comment in the **Federal Register** on December 10, 2019.[3]

II. Description of the Proposed Rule Change

LCH SA is proposing to amend its Framework, which describes the Liquidity Stress Testing framework by which the Collateral and Liquidity Risk Management department of LCH Group Holdings Limited (''LCH Group'') assures that LCH SA has enough cash available to meet any financial obligations, both expected and unexpected, that may arise over the liquidation period for each of the clearing services that LCH SA offers.[4] The Framework identifies LCH SA's sources of liquidity and corresponding liquidity risks; identifies LCH SA's liquidity requirements with respect to its members and its interoperable central counterparty; describes the metrics and limits that LCH SA monitors; and describes the scenarios under which these metrics are computed.[5] The proposed rule change would make revisions to three aspects of the Framework related to physically-settled options, Fixed Income Clearing System, and stress tests.

A. Physically-Settled Options

LCH SA is proposing to amend the Framework in order to address more accurately its liquidity requirements in the event of the assignment and exercise of physically-settled options involving a defaulting clearing member during the liquidation period of such clearing member.[6] Specifically, the amended Framework will address LCH SA's liquidity requirements in the event options that are in the money are exercised either on the day (''T''), or on the business day immediately following the day (''T+1''), on which the clearing member that is a seller of the options defaults.[7]

If a defaulting clearing member is a seller of a Call option that is in the money, LCH SA would have to purchase the underlying securities in the market at a stressed price and await payment at the strike price from the non-defaulting purchaser of the Call option at settlement.[8] If such defaulting clearing member is a seller of a Put option that is in the money, LCH SA would have to purchase the underlying securities at the strike price from the non-defaulting purchaser of the Put option.[9] Although margins should cover any potential loss, liquidity outflows as a result of the sales' proceeds are included as liquidity requirements, in each case.[10]

In the current Framework, there is no liquidity provision related to the risk of assignment and exercise of options at expiration.[11] In order to address this concern, the amended Framework will anticipate, prior to the expiration dates, the amount of liquidity funding that may arise from options that may be exercised, in the event of the default of LCH SA's two largest members (''Cover 2'').[12] On a daily basis, LCH's liquidity coverage ratio (''LCR'') calculation will identify all of the potential positions that are in the money or at the money on that day and the next business day.[13] Given the potential option exercise, the LCR calculation will generate a liquidity need.[14] The additional liquidity amount that LCH SA could potentially need will be equal to the sum of the equities to source following the option assignments at expiration and/or the difference between the underlying securities and the strike price or the strike price minus the asset in the event of a cash settlement.[15]

In practice, the process would work as follows on a daily basis:

- The liquidity needs arising from the options that are in the money or at the money, having their expiries on T or T+1, will be computed by applying no market stress to the equities.
- The liquidity needs arising from the options that are in the money or at the money, having their expiries on T or T+1, will be computed by applying a stress scenario to the equities.
- LCH SA will select the positions consistent with the Cover 2 for both modes described above and will retain the most punitive one.

This amount would be added to the current cash equity amount in the LCR calculation, which LCH would then retain through qualified liquid resources.[16]

B. Fixed Income Clearing System

LCH SA is proposing to amend the Framework to take into account the expansion of sovereign debt for which LCH SA provides clearing services through its Fixed Income Clearing System.[17] LCH SA initially provided clearing services only with respect to French sovereign debt.[18] The Fixed Income Clearing service subsequently added the sovereign debt of Italy, Spain, Germany, and Belgium.[19] More recently, the Fixed Income Clearing System has been extended to eight additional Euro markets: Austria, Netherlands, Finland, Ireland, Portugal, Slovakia, Slovenia and Supranationals.[20]

In this regard, therefore, the Framework would be revised to provide that all securities resulting from the settlement of all repurchase contracts (''repos'') on behalf of a defaulting clearing member, not just repos on the sovereign debt of France, Italy and Spain, may be used to generate liquidity

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 87655 (Dec. 4, 2019), 84 FR 67488 (Dec. 10, 2019) (SR–LCH–SA–2019–007) (''Notice'').

[4] The following description is substantially excerpted from the Notice.

[5] Notice, 84 FR at 67488.

[6] *Id.*

[7] Notice, 84 FR at 67488–67489.

[8] Notice, 84 FR at 67489.

[9] *Id.*

[10] *Id.*

[11] *Id.*

[12] *Id.*

[13] *Id.*

[14] *Id.*

[15] *Id.*

[16] *Id.*

[17] *Id.*

[18] *Id.*

[19] *Id.*

[20] *Id.*

at the Banque de France.[21] The amended Framework would also clarify that, in the event that a Central Bank Guarantee (''CBG'') is triggered by the default of a clearing member posting the CBG, the relevant Central Bank will pay the liabilities of the defaulting clearing member in cash.[22]

Further, the Framework would be revised to (i) identify the relevant central securities depository (''CSD'') through which transactions in the sovereign debt of the different jurisdictions may settle, (ii) describe the manner by which LCH SA injects liquidity into each settlement platform, in particular, Euroclear Bank and Clearstream Luxembourg, and (iii) modify the limits by settlement platform on the main liquidity drivers (*i.e.,* cash injected into the platforms, auto-collateralization and gross fails).[23]

C. Stress Tests

The proposed rule change would make clarifications with respect to certain aspects of its stress tests.[24] With respect to the operational liquidity target, which is a metric allowing LCH SA to confirm that the business as usual liquidity sources are sufficient for a five day period in stressed situations, consistent with the LCR time horizon, the Framework would note that LCH SA uses a three-day window with regard to margin reduction.[25] The Framework would further clarify that, in calculating liquidity resources, LCH SA deducts funds required to facilitate settlements, cover end of day fails at Euroclear Bank and Clearstream Luxembourg, and avoid Target 2 Securities fails.[26] In addition, the Framework assumes that members allowed to post CBGs will switch from cash or ECB-eligible non-cash collateral to CBGs (although the Framework does not currently take such switches into account, since all eligible members, *i.e.,* Dutch and Belgian members, have already done so).[27] Moreover, the amended Framework would confirm that, in calculating required variation margin payments to CC&G, LCH SA assumes a theoretical 5-day holding period.[28]

The amended Framework would also clarify how stressed liquidity requirements and impact are calculated for each clearing member, in particular with respect to the cash equity settlement requirement for options.[29] These calculations are used to determine the two clearing members that would potentially cause the largest aggregate liquidity exposure for the CCP in extreme but plausible market conditions.[30]

Finally, the Framework would clarify how LCH SA conducts reverse stress tests in order to determine if there is a combination of changes in LCH SA's liquidity that could lead to a liquidity shortfall.[31] In particular, the amended Framework would consider whether there is a combination of changes in LCH SA's liquidity resources that could lead to a liquidity shortfall, even in the absence of stress in the market.[32]

III. Commission Findings

Section 19(b)(2)(C) of the Act directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the organization.[33] For the reasons given below, the Commission finds that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act[34] and Rule 17Ad–22(e)(4)(ii) thereunder.[35]

A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires, among other things, that the rules of LCH SA be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of LCH SA or for which it is responsible, and, in general, to protect investors and the public interest.[36]

As described above, the proposed rule change would amend the Framework to anticipate, prior to expiration dates, the need for LCH SA to step in and meet a defaulter's obligation in the event of the assignment or exercise of physically-settled options involving a defaulting clearing member by utilizing the LCR calculation, on a daily basis, to identify all of the potential positions that are in the money or at the money on that day and the next business day. LCH SA will then be able to calculate the additional need and ensure it holds sufficient qualified liquid resources to meet that need. The Commission believes that, by anticipating and ensuring that it meets its liquidity needs in this manner, the proposed rule change would help ensure that LCH SA is able to meet its financial obligations in stressed situations, which in turn would allow LCH SA to continue to meet its obligation to promptly and accurately clear and settle securities transactions in such situations.

Further, as noted above, the proposed rule change would amend the Framework to take into account the expansion of sovereign debt for which LCH SA provides clearing services through its Fixed Income Clearing System. Specifically, LCH SA would revise the Framework to provide that all securities resulting from the settlement of all repos on behalf of a defaulting clearing member, not just repos on the sovereign debt of France, Italy and Spain, may be used to generate liquidity at the Banque de France, and clarify that, in the event that a CBG is triggered by the default of a clearing member posting the CBG, the relevant Central Bank will pay the liabilities of the defaulting clearing member in cash. The Commission believes that, through these changes, the proposed rule change would enhance LCH SA's sources of liquidity and thus LCH SA's financial condition, which in turn would support LCH SA's ability to continue to promptly and accurately clear and settle securities transactions. Additionally, the Commission believes that by specifying the CSD through which transactions in the identified foreign sovereign debt may settle and describing the manner by which LCH SA injects liquidity into each settlement platform, the proposed rule change would strengthen LCH SA's procedures for safeguarding securities and funds for which it is responsible and facilitate prompt and accurate clearance and settlement by clarifying procedures for interacting with such platforms.

For the reasons stated above, the Commission believes that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act.[37]

B. Consistency With Rule 17Ad–22(e)(4)(ii)

Rule 17Ad–22(e)(4)(ii) requires that, among other things, LCH SA establish, implement, maintain and enforce written policies and procedures reasonably designed to, as applicable, effectively identify, measure, monitor, and manage its credit exposures to

[21] *Id.*

[22] *Id.*

[23] *Id.*

[24] *Id.*

[25] *Id.*

[26] *Id.* Target 2 Securities is a Eurosystem technical platform to which CSDs assign the management of securities settlement in central bank money.

[27] *Id.*

[28] *Id.*

[29] *Id.*

[30] *Id.*

[31] *Id.*

[32] *Id.*

[33] 15 U.S.C. 78s(b)(2)(C).

[34] 15 U.S.C. 78q–1(b)(3)(F).

[35] 17 CFR 240.17Ad–22(e)(4)(ii).

[36] 15 U.S.C. 78q–1(b)(3)(F).

[37] 15 U.S.C. 78q–1(b)(3)(F).

participants and those arising from its payment, clearing, and settlement processes, including by maintaining additional financial resources at the minimum to enable it to cover a wide range of foreseeable stress scenarios that include, but are not limited to, the default of the two participant families that would potentially cause the largest aggregate credit exposure for the covered clearing agency in extreme but plausible market conditions.[38]

As described above, the proposed rule change would amend the Framework to clarify certain aspects of LCH SA's stress tests. Specifically, the proposed rule change would clarify how stressed liquidity requirements and impact are calculated for each clearing member. Because these calculations would then be used by LCH SA to determine the two clearing members that would potentially cause the largest aggregate liquidity exposure for LCH SA in extreme but plausible market conditions, the Commission believes that the proposed rule change would support LCH SA's ability to effectively identify, measure, monitor, and manage its credit exposures to participants, and ultimately maintain additional financial resources at the minimum to enable it to cover a wide range of foreseeable stress scenarios that include, but are not limited to, the default of the two participant families. Further, by clarifying how LCH SA conducts reverse stress tests in order to determine if there is a combination of changes in LCH SA's liquidity that could lead to a liquidity shortfall even in the absence of stress in the market, the Commission believes that the proposed rule change would enhance LCH SA's ability to manage its credit exposures and maintain additional resources.

Finally, as discussed above, under the proposed rule change the Framework would anticipate, prior to expiration dates, the need for LCH SA to step in and meet a defaulter's obligation in the event of the assignment or exercise of physically-settled options involving a defaulting clearing member. The Commission believes that this change as well would enhance LCH SA's ability to manage its credit exposures and maintain additional financial resources to cover foreseeable stress scenarios involving Cover 2 by identifying the liquidity need ahead of time and then retaining the amounts through qualified liquid resources.

For the reasons stated above, the Commission believes that the proposed rule changes are consistent with Rule 17Ad–22(e)(4)(ii).[39]

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act, and in particular, with the requirements of Section 17A(b)(3)(F) of the Act[40] and Rule 17Ad–22(e)(4)(ii) thereunder.[41]

It is therefore ordered pursuant to Section 19(b)(2) of the Act[42] that the proposed rule change (SR–LCH SA–2019–007) be, and hereby is, approved.[43]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[44]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–01649 Filed 1–29–20; 8:45 am]

BILLING CODE 8011–01–P

[38] 17 CFR 240.17Ad–22(e)(4)(ii).

[39] 17 CFR 240.17Ad–22(e)(4)(ii).

[40] 15 U.S.C. 78q–1(b)(3)(F).

[41] 17 CFR 240.17Ad–22(e)(4)(ii).

[42] 15 U.S.C. 78s(b)(2).

[43] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capitalformation. 15 U.S.C. 78c(f).

[44] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88030; File No. SR–OCC–2020–001]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Proposed Rule Change To Modify the Fees for Exercise Notices Submitted After the Deadlines and To Change the Deadline for Submitting a Late Exercise Notice on Non-Expiration Dates

January 24, 2020.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 14, 2020, the Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by OCC. 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).

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

This proposed rule change by OCC would amend Rules 801 and 805 to modify the fees for exercise notices submitted after the deadlines and to amend Rule 801 to change the deadline for submitting a late exercise notice on non-expiration dates. The proposed changes to OCC's Rules are included in Exhibit 5 of the filing. Material proposed to be added to OCC's Rules as currently in effect is marked by underlining and material proposed to be deleted is marked with strikethrough text. All terms with initial capitalization that are not otherwise defined herein have the same meaning as set forth in the By-Laws and Rules.[3]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

The purpose of this rule filing is to: (1) Amend Rule 801 for exercises on non-expiration dates and Rule 805 for exercises on expiration dates to modify the fee applied to exercise notices that are submitted to OCC after the start of critical processing (''late exercise notices''), and (2) amend Rule 801 to change the deadline by which late exercise notices are to be submitted to OCC for exercises on non-expiration dates from 6:30 a.m. CT (7:30 a.m. ET) to 6:00 a.m. CT (7:00 a.m. ET).

Background

Rule 801 addresses the exercise of options other than at expiration. Subject to certain conditions, Rule 801(d) grants the Chief Executive Officer, Chief Operating Officer, or any delegate of such officer the discretion to permit a Clearing Member to file an exercise notice after the prescribed deadline solely for the purpose of correcting a bona fide error on the part of the

[3] OCC's By-Laws and Rules can be found on OCC's public website: *http://optionsclearing.com/about/publications/bylaws.jsp.*

Clearing Member or a customer.[4] However, the requesting Clearing Member must pay OCC a $75,000 fee per line item for a late exercise notice.[5] Similarly, Rule 805, which addresses exercises on expiration, imposes a $75,000 fee per line item on a Clearing Member that submits an exercise notice after the prescribed deadline.[6]

Rule 801(d) further provides that the deadline for submitting late exercise notices for exercises other than at expiration is 6:30 a.m. CT, and that OCC will notify Clearing Members with short positions that they have been assigned a late exercise notice by 8:00 a.m. CT.[7]

Discussion

In 2008, OCC raised the late exercise fee from $20,000 to $75,000 per line item in Rules 801 and 805 in response to the increased amount of late exercise notices it had received in the prior two years.[8] As noted in connection with that change, the late exercise fee is intended as an incentive for OCC Clearing Members to be especially diligent in processing exercise notices and to improve back office procedures, while at the same time while preserving their ability to correct bona fide operational errors. OCC believes that the increase achieved its intended purpose at the time of improving Clearing Members' processing proficiency and significantly reduced the amount of late exercise notices.

In 2017, OCC received four late exercise notices.[9] This amount was significantly more than the four late exercise notices OCC had received in the seven years preceding 2017, and it prompted OCC to review the late exercise fee again. OCC discussed the issue on November 9, 2017 with the OCC Roundtable, which is an OCC-sponsored advisory group comprised of representatives from OCC's participant exchanges, a cross-section of OCC clearing members, and OCC staff. These discussions noted the dollar amount at issue in connection with each of the four late exercises in 2017, which reflected the amount of dividends received by the person submitting the late exercise as a result of receiving the underlying shares. These dividend amounts ranged from $188,000 to $375,810.[10] As a result of these discussions, OCC's Roundtable agreed that it was appropriate to increase the late exercise fee to $250,000 per line item for late exercise notices submitted under Rules 801 and 805. Consistent with the purposes of the late exercise fee noted above, the Roundtable believed this amount would be in a range to incent OCC Clearing Members to be especially diligent in processing exercise notices while at the same time still allowing firms to correct bona fide errors.

In connection with the four late exercise notices received in 2017, OCC also reviewed its procedures for processing a late exercise. OCC Rule 801(d) provides that the current deadline for a Clearing Member to formally request a late exercise for an exercise on a non-expiration date is 6:30 a.m. CT and that OCC must notify the assigned Clearing Members by 8:00 a.m. CT of the late exercise. Given the compressed timeframe in which to process a late exercise (*i.e.,* 6:30 a.m. CT to 8:00 a.m. CT) and that they are an exception to the normal processing routine, OCC's procedures for processing a late exercise involve significant resources. They include a review of the positions of the Clearing Member, escalation of the request to senior management, random assignment of the exercise to Clearing Members holding the short position, and a detailed communication to those assigned Clearing Members. The late exercises in 2017 have shown the 6:30 to 8:00 a.m. CT window is a narrow window for OCC staff to properly process the exercise and assignments without delays, and OCC therefore believes it needs another 30 minutes to process the late exercises. Accordingly, OCC is proposing to change the deadline for the submission of late exercises to 6:00 a.m. CT from the current 6:30 a.m. CT deadline. OCC also discussed this proposal with the OCC Roundtable in connection with discussions noted above and they agreed with it.

(2) Statutory Basis

Section 17A(b)(3)(F) of the Act[11] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities and derivatives transactions. OCC believes that the proposed rule change is consistent with this provision because it would promote the prompt and accurate clearance and settlement of securities transactions by providing an incentive for Clearing Members to improve back office processing with respect to identifying and handling positions for which an exercise notice is to be submitted, while preserving their ability to correct bona fide operational errors. Similarly, providing OCC an additional 30 minutes in which to process a late exercise notice is consistent with this provision because it is designed to help OCC process such notices without delays. As noted, OCC discussed both of these changes with the OCC Roundtable and they agreed with them. The proposed rule change is not inconsistent with the existing rules of OCC, including any other rules proposed to be amended.

(B) Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act[12] requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the Act. OCC does not believe that the proposed rule change would impact or impose any burden on competition.[13] The proposed rule change would not affect the competitive dynamics between Clearing Members in that it would apply to all Clearing Members equally. The proposed rule change also would not inhibit access to OCC's services or disadvantage or favor any particular user in relationship to another. In this regard, as described above, the proposed rule change is designed to further facilitate the prompt and accurate clearance and settlement of securities transactions. It is designed to incent Clearing Members to be especially diligent in processing exercise notices and to improve back office procedures, while at the same time preserving their

[4] The current deadline for submitting exercise notices other than at expiration is 6:00 p.m. CT.

[5] A line item is an exercise instruction which includes the account, series, and quantity to be exercised.

[6] The current deadline for submitting exercise notices at expiration is 8:00 p.m. CT on monthly standard Friday expirations, 7:00 p.m. CT on weekly Friday expirations, and 6:30 p.m. CT on Monday and Wednesday expirations. Any exercise notice submitted after these expiration deadlines until the ''expiration time'' of the option, which is currently 10:59 p.m. CT as set forth in Article 1, Section 1(E)(23) of the By-Laws, would be treated as a late exercise notice. Rule 805(d)(2) also provides for the ability to submit a notice to not exercise an in-the-money option (*i.e.,* a contrary exercise). OCC does not allow for the submission of contrary exercise notices after these expiration deadlines.

[7] As discussed below, OCC is proposing to change the deadline for submitting late exercises under Rule 801(d). OCC is not, however, proposing to make any changes to the deadline for submitting late exercises under Rule 805 (*i.e.,* the expiration time for an option).

[8] *See* Exchange Act Release No. 59046 (December 3, 2008), 73 FR 75486 (December 11, 2008) (SR–OCC–2007–16).

[9] Until recently, OCC had not received a late exercise notice from a Clearing Member since these ones in 2017. On December 14, 2019, OCC received three late exercise notices from a Clearing Member.

[10] The dividend amounts for the recent December 14, 2019 late exercise notices ranged from $93,600 to $436,800.

[11] 15 U.S.C. 78q–1(b)(3)(F).

[12] 15 U.S.C. 78q–1(b)(3)(I).

[13] 15 U.S.C. 78q–1(b)(3)(I).

ability to correct bona fide operational errors

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self- regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be 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–OCC–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–OCC–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 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of OCC.

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–OCC–2020–001 and should be submitted on or before February 20, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–01644 Filed 1–29–20; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88031; File No. SR–NYSEArca–2020–07]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change Relating to Listing and Trading of Shares of the SPDR SSGA Responsible Reserves ESG ETF under NYSE Arca Rule 8.600–E

January 24, 2020.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on January 14, 2020, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. 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 list and trade shares of the SPDR SSGA Responsible Reserves ESG ETF (the ''Fund''), under NYSE Arca Rule 8.600–E (''Managed Fund Shares''). The proposed change is available on the Exchange's website at *www.nyse.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 self-regulatory organization 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 those 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 parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade shares (''Shares'') of the SPDR SSGA Responsible Reserves ESG ETF under NYSE Arca Rule 8.600–E (the ''Fund''), a series of the SSGA Active Trust (''Trust''),[4] under NYSE Arca Rule 8.600–E, which governs the listing and trading of Managed Fund Shares[5] on the Exchange.

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[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The Trust is registered under the 1940 Act. On December 20, 2019, the Trust filed with the Commission an amendment to its registration statement on Form N–1A under the Securities Act of 1933 (15 U.S.C. 77a) (''Securities Act'') and the 1940 Act relating to the Fund (File Nos. 333–173276 and 811–22542) (the ''Registration Statement''). The description of the operation of the Trust and the Fund herein is based, in part, on the Registration Statement. In addition, the Commission has issued an order granting certain exemptive relief under the 1940 Act to the Trust. *See* Investment Company Act Release No. 29524, December 13, 2010) (File No. 812–13487) (''Exemptive Order''). Investments made by the Fund will comply with the conditions set forth in the Exemptive Order.

[5] A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (''1940 Act'') organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues

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SSGA Funds Management, Inc. (''Adviser'') will be the investment adviser to the Fund. The Adviser is a wholly-owned subsidiary of State Street Global Advisors, Inc. (''SSGA''), which itself is a wholly-owned subsidiary of State Street Corporation. State Street Global Advisors Funds Distributors, LLC (''Distributor'') will be the distributor of the Fund's Shares. State Street Bank and Trust Company will be the custodian (''Custodian'') and transfer agent for the Fund.

Commentary .06 to Rule 8.600–E provides that, if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect and maintain a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such investment company portfolio.[6] In addition, Commentary .06 further requires that personnel who make decisions on the open-end fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the open-end fund's portfolio. The Adviser is not registered as a broker-dealer but is affiliated with a broker-dealer and has implemented and will maintain a fire wall with respect to such broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio. In the event (a) the Adviser becomes registered as a broker-dealer or newly affiliated with one or more broker-dealers, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement and maintain a fire wall with respect to its relevant personnel or its broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

SPDR SSGA Responsible Reserves ESG ETF

According to the Registration Statement, the investment objective of the Fund will be to seek to maximize current income while giving consideration to environmental, social and governance (''ESG'') criteria, consistent with the preservation of capital and liquidity by investing in a portfolio of high-quality, short-term debt obligations.

The Fund will follow a disciplined investment process in which the Adviser bases its decisions on the relative attractiveness of different short-term debt instruments (''Short-Term Fixed Income Securities'') while considering ESG criteria at the time of purchase.

Under normal market conditions,[7] with respect to the Fund's investments in Short-Term Fixed Income Securities, the Fund will target to invest only in short-term debt obligations to maintain a maximum dollar-weighted average maturity of sixty days or less and dollar-weighted average life of 120 days or less. The Fund will invest in Short-Term Fixed Income Securities that have remaining maturities of 397 calendar days or less.

The Adviser intends to consider ESG criteria at the time of purchase by using ESG-related metrics for each Fund investment. The potential investment universe will first be screened to remove issuers involved in, and/or which derive significant revenue (as determined by data sourced from ''Third Party Providers'' (defined below)) from, certain practices, industries or product lines, including: extreme event controversies, controversial weapons, civilian firearms, thermal coal extraction, tobacco, and UN global compact violations. Issuers in the financial services sector are excluded from this initial screening process; however, the Adviser will consider other scoring criteria to assign an ESG rating to issuers in the financial services sector.

Principal Investments

According to the Registration Statement, the Fund will attempt to meet its investment objective by investing in a broad range of Short-Term Fixed Income Securities, as described below.

The Fund may invest in the following Short-Term Fixed Income Securities:

- short-term obligations of the U.S. Government, its agencies, instrumentalities, authorities or political subdivisions (other than cash equivalents);[8]
- mortgage pass-through securities;[9]
- corporate bonds, floating rate bonds or variable rate bonds (including ''inverse floaters'');
- bank obligations, including negotiable certificates of deposit, time deposits and bankers' acceptances[10] (other than cash equivalents);
- zero coupon securities;
- Eurodollar Certificates of Deposit (''ECDs''), Eurodollar Time Deposits (''ETDs'') and Yankee Certificates of Deposit (''YCDs'');[11]
- inflation-protected public obligations (''TIPS)'' of the U.S. Treasury, as well as TIPS of major governments and emerging market countries, excluding the United States;
- repurchase and reverse repurchase agreements (other than repurchase and reverse repurchase agreements that are cash equivalents);
- sovereign debt obligations issued or guaranteed by foreign governments or their agencies;
- commercial paper (other than cash equivalents);
- private placements, restricted securities and Rule 144A securities.

The Fund may hold cash and cash equivalents.

Other Investments

While the Fund, under normal market conditions, will invest principally in the securities described above in ''Principal Investments,'' the Fund may invest its

Investment Company Units, listed and traded on the Exchange under NYSE Arca Rule 5.2–E(j)(3), seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

[6] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[7] The term ''normal market conditions'' is defined in NYSE Arca Rule 8.600–E(c)(5).

[8] The term ''cash equivalents'' is defined in Commentary .01(c) to NYSE Arca Rule 8.600–E.

[9] The Fund will seek to obtain exposure to U.S. agency mortgage pass-through securities primarily through the use of ''to-be-announced'' or ''TBA transactions.''

[10] Under normal market conditions, the Fund intends to invest more than 25% of its total assets in bank obligations.

[11] ECDs and ETDs are U.S. dollar denominated certificates of deposit and time deposits, respectively, issued by non-U.S. branches of domestic banks and non-U.S. banks. YCDs are U.S. dollar denominated certificates of deposit issued by U.S. branches of non-U.S. banks.

remaining assets in the securities described below.

The Fund may invest in exchange traded funds (''ETFs'').[12]

The Fund may invest in the securities of non-exchange-traded investment company securities, subject to applicable limitations under Section 12(d)(1) of the 1940 Act.

The Fund will not invest in securities or other financial instruments that have not been described in this proposed rule change.

Creation and Redemption of Creation Units

The Fund will issue and redeem its Shares on a continuous basis, at net asset value (''NAV''), only in a large specified number of Shares (a ''Creation Unit''). Creation Unit sizes are 50,000 Shares per Creation Unit. The Creation Unit size for the Fund may change.

The Trust will issue and sell Shares of the Fund only in Creation Units on a continuous basis through the Distributor at their NAV per Share next determined after receipt of an order, on any Business Day (as defined below), in proper form pursuant to the terms of the Authorized Participant Agreement (''Participant Agreement''). A ''Business Day'' with respect to the Fund is, generally, any day on which the NYSE is open for business.

The consideration for purchase of a Creation Unit of the Fund generally will consist of either (i) the in-kind deposit of a designated portfolio of securities (the ''Deposit Securities'') per each Creation Unit and the ''Cash Component'' (defined below), computed as described below or (ii) the cash value of the Deposit Securities (''Deposit Cash'') and Cash Component, computed as described below.

Together, the Deposit Securities or Deposit Cash, as applicable, and the Cash Component constitute the ''Fund Deposit,'' which represents the minimum initial and subsequent investment amount for a Creation Unit of the Fund. The ''Cash Component'', is an amount equal to the difference between the NAV of the Shares (per Creation Unit) and the market value of the Deposit Securities or Deposit Cash, as applicable.

The Custodian, through the National Securities Clearing Corporation (''NSCC''), will make available on each Business Day, prior to the opening of business on the Exchange (currently 9:30 a.m., Eastern time), the list of the names and the required number of shares of each Deposit Security or the required amount of Deposit Cash, as applicable, to be included in the current Fund Deposit (based on information at the end of the previous Business Day) for the Fund.

To be eligible to place orders to purchase a Creation Unit of the Fund, an entity must be (i) a ''Participating Party'', *i.e.,* a broker-dealer or other participant in the clearing process through the Continuous Net Settlement System of the NSCC (the ''Clearing Process''), a clearing agency that is registered with the SEC; or (ii) a Depository Trust Company participant.

Redemption of Shares

Shares may be redeemed only in Creation Units at their NAV next determined after receipt of a redemption request in proper form by the Fund and only on a Business Day. With respect to the Fund, the Custodian, through the NSCC, will make available prior to the opening of business on the Exchange on each Business Day, the list of the names and share quantities of the Fund's portfolio securities that will be applicable on that day (''Fund Securities''). Fund Securities received on redemption may not be identical to Deposit Securities.

Redemption proceeds for a Creation Unit will be paid either in-kind or in cash or a combination thereof, as determined by the Trust. With respect to in-kind redemptions of the Fund, redemption proceeds for a Creation Unit will consist of Fund Securities, as announced by the Custodian prior to the opening of business on the Business Day of the request for redemption received in proper form plus cash in an amount equal to the difference between the NAV of the Shares being redeemed, as next determined after a receipt of a request in proper form, and the value of the Fund Securities (the ''Cash Redemption Amount''), less a fixed redemption transaction fee and any applicable additional variable charge. Notwithstanding the foregoing, at the Trust's discretion, an Authorized Participant may receive the corresponding cash value of the securities in lieu of the in-kind securities value representing one or more Fund Securities.[13]

Investment Restrictions

The Fund's investments will be consistent with the Fund's investment objective and will not be used to enhance leverage (although certain derivatives and other investments may result in leverage). That is, while the Fund will be permitted to borrow as permitted under the 1940 Act, the Fund's investments will not be used to seek performance that is the multiple or inverse multiple (*e.g.,* 2Xs and 3Xs) of the Fund's primary broad-based securities benchmark index (as defined in Form N–1A).[14]

Disclosed Portfolio

The Fund's disclosure of derivative positions in the applicable Disclosed Portfolio includes information that market participants can use to value these positions intraday. On a daily basis, the Fund will disclose the information regarding the Disclosed Portfolio required under NYSE Arca Rule 8.600–E (c)(2) to the extent applicable. The Fund's website information will be publicly available at no charge.

Application of Generic Listing Requirements

The Exchange is submitting this proposed rule change because the portfolio for the Fund will not meet all of the ''generic'' listing requirements of Commentary .01 to NYSE Arca Rule 8.600–E applicable to the listing of Managed Fund Shares. The Fund's portfolio would meet all such requirements except for those set forth in Commentary .01(a)(1)(A) through (E) (with respect to the Fund's investments in non-exchange-traded investment company securities) and Commentary .01(b)(3) to NYSE Arca Rule 8.600–E with respect to the Fund's investments in Short-Term Fixed Income Securities.[15]

The Fund's Short-Term Fixed Income Securities may not comply with the requirements set forth in Commentary .01(b)(3) to NYSE Arca Rule 8.600–E. While the requirements set forth in Commentary .01(b)(3) is intended to ensure that the Short-Term Fixed

[12] For purposes of this filing, ''ETFs'' are Investment Company Units (as described in NYSE Arca Rule 5.2–E(j)(3)); Portfolio Depositary Receipts (as described in NYSE Arca Rule 8.100–E); and Managed Fund Shares (as described in NYSE Arca Rule 8.600–E). All ETFs will be listed and traded in the U.S. on a national securities exchange. The Fund will not invest in inverse or leveraged (*e.g.,* 2X, -2X, 3X or -3X) ETFs.

[13] The Adviser represents that, to the extent the Trust effects the creation or redemption of Shares wholly or partially in cash, such transactions will be effected in the same manner for all Authorized Participants.

[14] The Fund's broad-based securities benchmark index will be identified in a future amendment to the Registration Statement following the Fund's first full calendar year of performance.

[15] Commentary .01(b)(3) to NYSE Arca Rule 8.600–E provides as follows:

''An underlying portfolio (excluding exempted securities) that includes fixed income securities shall include a minimum of 13 non-affiliated issuers, provided, however, that there shall be no minimum number of non-affiliated issuers required for fixed income securities if at least 70% of the weight of the portfolio consists of equity securities as described in Commentary .01(a) above''.

Income Securities included in the Fund's portfolio are sufficiently diversified among non-affiliated issuers, the Exchange believes that any concerns related to non-compliance are mitigated by the types of instruments that the Fund would hold. The Fund's Short-Term Fixed Income Securities to a significant extent will include those instruments that are included in the definition of cash and cash equivalents, but are not considered cash and cash equivalents because they have maturities of three months or longer. The Exchange believes, however, that Short-Term Fixed Income Securities are less susceptible than other types of fixed income instruments both to price manipulation and volatility and that the holdings as proposed are generally consistent with the policy concerns which Commentary .01(b)(3) is intended to address. Because the Short-Term Fixed Income Securities will consist generally of high-quality Short-Term Fixed Income Securities described above, the Exchange believes that the policy concerns that Commentary .01(b)(3) is intended to address are otherwise mitigated and that the Fund should be permitted to hold these securities in a manner that may not comply with such provision.

The Adviser represents that the Fund is not a money market fund but its investment strategy follows certain guidelines applicable to such funds. Specifically, the Fund will only in Short-Term Fixed Income Securities to maintain a maximum dollar-weighted average maturity of sixty days or less and dollar-weighted average life of 120 days or less. The Fund will invest in securities that have remaining maturities of 397 calendar days or less. While the Fund will have portfolio holdings that meet the definition of cash and cash equivalents under NYSE Arca Rule 8.600–E, Commentary .01(c), the remaining assets may at times be invested in longer dated securities, including U.S. and foreign government securities, and corporate bonds. The exemption from the 13 non-affiliated issuer requirement for the fixed income portion of the Fund's portfolio will allow the Fund to invest in a limited number of Short-Term Fixed Income Securities without having to allocate a small percentage of assets under management to the required minimum 13 issuers.

The Fund may invest in shares of investment company securities (other than ETFs), which are equity securities. Therefore, to the extent the Fund invests in shares of other non-exchange-traded open-end management investment company securities, the Fund will not comply with the requirements of Commentary .01(a)(1)(A) through (E) to NYSE Arca Rule 8.600–E (U.S. Component Stocks) with respect to its equity securities holdings.

However, it is appropriate and in the public interest to approve listing and trading of Shares of the Fund notwithstanding that the Fund's holdings in such securities would not meet the requirements of Commentary .01(a)(1)(A) through (E) to Rule 8.600–E. Investments in other non-exchange-traded open-end management investment company securities will not exceed 20% of the total assets of the Fund. Such investments, which may include mutual funds that invest, for example, principally in fixed income securities, would be utilized to help the Fund meet its investment objective and to equitize cash in the short term. The Fund will invest in such securities only to the extent that those investments would be consistent with the requirements of Section 12(d)(1) of the 1940 Act and the rules thereunder.[16] Because such securities must satisfy applicable 1940 Act diversification requirements, and have a net asset value based on the value of securities and financial assets the investment company holds, it is both unnecessary and inappropriate to apply to such investment company securities the criteria in Commentary .01(a)(1).

The Exchange notes that Commentary .01(a)(1)(A) through (D) to Rule 8.600–E exclude certain ''Derivative Securities Products'' that are exchange-traded investment company securities, including Investment Company Units (as described in NYSE Arca Rule 5.2–E(j)(3)), Portfolio Depositary Receipts (as described in NYSE Arca Rule 8.100–E)) and Managed Fund Shares (as described in NYSE Arca Rule 8.600–E)).[17] In its 2008 Approval Order approving amendments to Commentary .01(a) to Rule 5.2(j)(3) to exclude Derivative Securities Products from certain provisions of Commentary .01(a) (which exclusions are similar to those in Commentary .01(a)(1) to Rule 8.600–E), the Commission stated that ''based on the trading characteristics of Derivative Securities Products, it may be difficult for component Derivative Securities Products to satisfy certain quantitative index criteria, such as the minimum market value and trading volume limitations.'' The Exchange notes that it would be difficult or impossible to apply to mutual fund shares certain of the generic quantitative criteria (*e.g.,* market capitalization, trading volume, or portfolio criteria) in Commentary .01(a)(1) (A) through (D) applicable to U.S. Component Stocks. For example, the requirements for U.S. Component Stocks in Commentary .01(a)(1)(B) that there be minimum monthly trading volume of 250,000 shares, or minimum notional volume traded per month of $25,000,000, averaged over the last six months are tailored to exchange-traded securities (*i.e.,* U.S. Component Stocks) and not to mutual fund shares, which do not trade in the secondary market and for which no such volume information is reported. In addition, Commentary .01(a)(1)(A) relating to minimum market value of portfolio component stocks, Commentary .01(a)(1)(C) relating to weighting of portfolio component stocks, and Commentary .01(a)(1)(D) relating to minimum number of portfolio components are not appropriately applied to open-end management investment company securities; open-end investment companies hold multiple individual securities as disclosed publicly in accordance with the 1940 Act, and application of Commentary .01(a)(1)(A) through (D)

[16] The Commission has previously approved proposed rule changes under Section 19(b) of the Act for series of Managed Fund Shares that may invest in non-exchange traded investment company securities to the extent permitted by Section 12(d)(1) of the 1940 Act and the rules thereunder. *See, e.g.,* Securities Exchange Act Release No. 86362 (July 12, 2019), 84 FR 34457 (July 18, 2019) (SR–NYSEArca–2019–36 (Notice of Filing of Amendment No. 3 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 3, to List and Trade Shares of JPMorgan Income Builder Blend ETF under NYSE Arca Rule 8.600–E).

[17] The Commission initially approved the Exchange's proposed rule change to exclude ''Derivative Securities Products'' (*i.e.,* Investment Company Units and securities described in Section 2 of Rule 8) and ''Index-Linked Securities (as described in Rule 5.2–E(j)(6)) from Commentary .01(a)(A) (1) through (4) to Rule 5.2–E(j)(3) in Securities Exchange Act Release No. 57751 (May 1, 2008), 73 FR 25818 (May 7, 2008) (SR–NYSEArca–2008–29) (Order Granting Approval of a Proposed Rule Change, as Modified by Amendment No. 1 Thereto, to Amend the Eligibility Criteria for Components of an Index Underlying Investment Company Units)(''2008 Approval Order''). *See also* Securities Exchange Act Release No. 57561 (March 26, 2008), 73 FR 17390 (April 1, 2008) (Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto to Amend the Eligibility Criteria for Components of an Index Underlying Investment Company Units). The Commission subsequently approved generic criteria applicable to listing and trading of Managed Fund Shares, including exclusions for Derivative Securities Products and Index-Linked Securities in Commentary .01(a)(1)(A) through (D), in Securities Exchange Act Release No. 78397 (July 22, 2016), 81 FR 49320 (July 27, 2016) (Order Granting Approval of Proposed Rule Change, as Modified by Amendment No. 7 Thereto, Amending NYSE Arca Rule 8.600–E To Adopt Generic Listing Standards for Managed Fund Shares). *See also* Amendment No. 7 to SR–NYSEArca-2015–110, available at *https://www.sec.gov/comments/sr-nysearca-2015-110/nysearca2015110-9.pdf.*

would not serve the purposes served with respect to U.S. Component Stocks, namely, to establish minimum liquidity and diversification criteria for U.S. Component Stocks held by series of Managed Fund Shares.

The Exchange notes that the Commission has previously approved listing and trading of an issue of Managed Fund Shares that may invest in equity securities that are non-exchange-traded securities of other open-end investment company securities notwithstanding that the fund would not meet the requirements of Commentary .01(a)(1)(A) through (E) to Rule 8.600–E with respect to such fund's investments in such securities.[18] Thus, the Exchange believes that it is appropriate to permit the Fund to invest in non-exchange-traded open-end management investment company securities, as described above.

The Exchange notes that, other than Commentary .01(a)(1)(A) through (E) Commentary .01(b)(3) to Rule 8.600–E, the Fund will meet all other requirements of Rule 8.600–E.

Availability of Information

The Fund's website (*www.spdrs.com*) will include a form of the prospectus for the Fund that may be downloaded. The Fund's website will include additional quantitative information updated on a daily basis, including, for the Fund, (1) daily trading volume, the prior Business Day's reported closing price, NAV and mid-point of the bid/ask spread at the time of calculation of such NAV (the ''Bid/Ask Price''),[19] and a calculation of the premium and discount of the Bid/Ask Price against the NAV, and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. On each Business Day, before commencement of trading in Shares in the Core Trading Session on the Exchange, the Adviser will disclose on the Fund's website the Disclosed Portfolio for the Fund as defined in NYSE Arca Rule 8.600–E(c)(2) that will form the basis for the Fund's calculation of NAV at the end of the business day.[20]

Investors can also obtain the Fund's Statement of Additional Information (''SAI''), its Shareholder Reports, its Form N–CSR, filed twice a year, and its Form N–CEN, filed annually. The Fund's SAI and Shareholder Reports are available free upon request from the Trust, and those documents and the Form N–CSR and Form N–CEN may be viewed on-screen or downloaded from the Commission's website at *www.sec.gov.*

Quotation and last sale information for the Shares and ETFs will be available via the CTA high speed line. Quotation and last sale information for such U.S. exchange-listed securities will be available from the exchange on which they are listed and from major market data vendors. Information regarding market price and trading volume for the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers.

Quotation information for Short-Term Fixed Income Securities and cash equivalents may be obtained from brokers and dealers who make markets in such securities or through nationally recognized pricing services through subscription agreements. The U.S. dollar value of foreign securities, instruments and currencies can be derived by using foreign currency exchange rate quotations obtained from nationally recognized pricing services.

In addition, the Portfolio Indicative Value (''PIV''), as defined in NYSE Arca Rule 8.600–E(c)(3), will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Core Trading Session.[21] The dissemination of the PIV, together with the Disclosed Portfolio, will allow investors to determine the approximate value of the underlying portfolio of the Fund on a daily basis and will provide a close estimate of that value throughout the trading day.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund.[22] Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Rule 7.12–E have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares of the Fund inadvisable.

Trading in the Shares will be subject to NYSE Arca Rule 8.600–E(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted.

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. Shares will trade on the NYSE Arca Marketplace from 4:00 a.m. to 8:00 p.m. E.T. in accordance with NYSE Arca Rule 7.34–E (Early, Core, and Late Trading Sessions). The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Rule 7.6–E, the minimum price variation (''MPV'') for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is $0.01, with the exception of securities that are priced less than $1.00 for which the MPV for order entry is $0.0001.

Except as described herein, the Shares of the Fund will conform to the initial and continued listing criteria under NYSE Arca Rule 8.600–E. The Exchange represents that, for initial and/or continued listing, the Fund will be in compliance with Rule 10A–3[23] under the Act, as provided by NYSE Arca Rule 5.3–E. A minimum of 100,000 Shares of the Fund will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares of the Fund that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances administered by the Exchange, as well as cross-market surveillances administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are

[18] *See* Securities Exchange Act Release No. 83319 (May 24, 2018) (SR–NYSEArca–2018–15) (Order Approving a Proposed Rule Change, as Modified by Amendment No. 1 Thereto, to Continue Listing and Trading Shares of the PGIM Ultra Short Bond ETF Under NYSE Arca Rule 8.600–E).

[19] The Bid/Ask Price of the Fund's Shares will be determined using the mid-point of the highest bid and the lowest offer on the Exchange as of the time of calculation of the Fund's NAV. The records relating to Bid/Ask Prices will be retained by the Fund and its service providers.

[20] Under accounting procedures to be followed by the Fund, trades made on the prior business day (''T'') will be booked and reflected in NAV on the current business day (''T+1''). Accordingly, the Fund will be able to disclose at the beginning of the Business Day the portfolio that will form the basis for the NAV calculation at the end of the Business Day.

[21] Currently, it is the Exchange's understanding that several major market data vendors display and/or make widely available PIVs taken from the CTA or other data feeds.

[22] *See* NYSE Arca Rule 7.12–E.

[23] 17 CFR 240 10A–3.

designed to detect violations of Exchange rules and applicable federal securities laws.[24] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares and ETFs with other markets and other entities that are members of the Intermarket Surveillance Group (''ISG''), and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in Shares and ETFs from such markets and other entities. In addition, the Exchange may obtain information regarding trading in Shares and ETFs from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[25] FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's Trade Reporting and Compliance Engine (''TRACE'').

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

All statements and representations made in this filing regarding (a) the description of the portfolio holdings or reference assets, (b) limitations on portfolio holdings or reference assets, or (c) the applicability of Exchange listing rules specified in this rule filing shall constitute continued listing requirements for listing the Shares on the Exchange.

The issuer has represented to the Exchange that it will advise the Exchange of any failure by the Fund to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor for compliance with the continued listing requirements. If the Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under NYSE Arca Rule 5.5–E(m).

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit (''ETP'') Holders in an Information Bulletin (''Bulletin'') of the special characteristics and risks associated with trading the Shares of the Fund. Specifically, the Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (2) NYSE Arca 9.2–E(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) the risks involved in trading the Shares during the Early and Late Trading Sessions when an updated PIV will not be calculated or publicly disseminated; (4) how information regarding the PIV and the Disclosed Portfolio is disseminated; (5) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information.

In addition, the Bulletin will reference that the Fund is subject to various fees and expenses described in the Registration Statement. The Bulletin will discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Act. The Bulletin will also disclose that the NAV for the Shares of the Fund will be calculated after 4:00 p.m. E.T. each trading day.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5)[26] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Rule 8.600–E. The Adviser is not registered as a broker-dealer but is affiliated with a broker-dealer and has implemented and will maintain a fire wall with respect to such broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio. The Exchange represents that trading in the Shares will be subject to the existing trading surveillances administered by the Exchange, as well as cross-market surveillances administered by FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws. The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares and ETFs with other markets and other entities that are members of the ISG, and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading such securities from such markets and other entities. In addition, the Exchange may obtain information regarding trading in such securities from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's TRACE.

The PIV, as defined in NYSE Arca Rule 8.600–E (c)(3), will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Core Trading Session.

Except as described herein, the Shares of the Fund will conform to the initial and continued listing criteria under NYSE Arca Rule 8.600–E. The Exchange represents that, for initial and/or continued listing, the Fund will be in compliance with Rule 10A–3 under the Act, as provided by NYSE Arca Rule 5.3–E. A minimum of 100,000 Shares of the Fund will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares of the Fund that the NAV per Share will be calculated daily and that

[24] FINRA conducts cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[25] For a list of the current members of ISG, *see www.isgportal.org.* The Exchange notes that not all components of the Disclosed Portfolio for the Fund may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

[26] 15 U.S.C. 78f(b)(5).

the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. In addition, a large amount of information is publicly available regarding the Fund and the Shares, thereby promoting market transparency. The Fund's portfolio holdings will be disclosed on its website daily after the close of trading on the Exchange and prior to the opening of trading on the Exchange the following day. On a daily basis, the Fund will disclose the information regarding the Disclosed Portfolio required under NYSE Arca Rule 8.600–E (c)(2) to the extent applicable. The Fund's website information will be publicly available at no charge.

Investors can also obtain the Fund's Statement of Additional Information (''SAI''), its Shareholder Reports, its Form N–CSR, filed twice a year, and its Form N–CEN, filed annually. The Fund's SAI and Shareholder Reports are available free upon request from the Trust, and those documents and the Form N–CSR and Form N–CEN may be viewed on-screen or downloaded from the Commission's website at *www.sec.gov.* Quotation and last sale information for the Shares and ETFs will be available via the CTA high speed line.

With respect to the Fund's non-compliance with Commentary .01(b)(3) (with respect to Short-Term Fixed Income Securities),[27] the requirement set forth in Commentary .01(b)(3) is intended to ensure that the Short-Term Fixed Income Securities included in the Fund's portfolio are sufficiently diversified among non-affiliated issuers, and the Exchange believes that any concerns related to non-compliance are mitigated by the types of instruments that the Fund would hold. The Fund's Short-Term Fixed Income Securities to a significant extent will include those instruments that are included in the definition of cash and cash equivalents, but are not considered cash and cash equivalents because they have maturities of three months or longer. The Exchange believes, however, that Short-Term Fixed Income Securities are less susceptible than other types of fixed income instruments both to price manipulation and volatility and that the holdings as proposed are generally consistent with the policy concerns which Commentary .01(b)(3) is intended to address. Because the Short-Term Fixed Income Securities will consist generally of high-quality Short-Term Fixed Income Securities described above, the Exchange believes that the policy concerns that Commentary .01(b)(3) is intended to address are otherwise mitigated and that the Fund should be permitted to hold these securities in a manner that may not comply with such provision.

As noted above, the Fund's portfolio will not meet the requirements of Commentary .01(a)(1)(A) through (E) to Rule 8.600–E with respect to the Fund's investments in non-exchange-traded securities of open-end investment company securities. The Exchange believes that it is appropriate and in the public interest to approve listing and trading of Shares of the Fund on the Exchange notwithstanding that the Fund would not meet the requirements of Commentary .01(a)(1)(A) through (E) to Rule 8.600–E with respect to the Fund's investments in non-exchange-traded securities of open-end investment company securities. Investments in non-exchange-traded securities of open-end investment company securities will not be principal investments of the Fund. Such investments, which may include mutual funds that invest, for example, principally in fixed income securities, would be utilized to help the Fund meet its investment objective and to equitize cash in the short term.

The website for the Fund will include the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information. Moreover, prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares of the Fund. Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Rule 7.12–E have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable, and trading in the Shares will be subject to NYSE Arca Rule 8.600–E(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, the PIV, the Disclosed Portfolio, and quotation and last sale information for the Shares. The Fund's investments will be consistent with the Fund's investment objective and will not be used to enhance leverage. That is, while the Fund will be permitted to borrow as permitted under the 1940 Act, the Fund's investments will not be used to seek performance that is the multiple or inverse multiple (*e.g.,* 2Xs and 3Xs) of the Fund's primary broad-based securities benchmark index (as defined in Form N–1A).[28]

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an actively-managed exchange-traded product and will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. In addition, as noted above, investors have ready access to information regarding the Fund's holdings, the PIV, the Disclosed Portfolio for the Fund, and quotation and last sale information for the Shares.

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 that is not necessary or appropriate in furtherance of the purpose of the Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of an additional type of actively-managed exchange-traded product that holds fixed income securities, equity securities and derivatives and that will enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

[27] *See* note 15, *supra.*

[28] *See* note 14, *supra.*

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–NYSEArca–2020–07 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–NYSEArca–2020–07. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2020–07 and should be submitted on or before February 20, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–01645 Filed 1–29–20; 8:45 am]

BILLING CODE 8011–01–P

[29] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88028; File No. SR–NASDAQ–2019–091]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Adopt a New Rule Permitting Nasdaq To Halt Trading in a Security and Request Information From the Company Regarding the Number of Unrestricted Publicly Held Shares in Certain Circumstances

January 24, 2020.

On November 22, 2019, The Nasdaq Stock Market LLC (''Nasdaq'' or ''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 adopt a new rule permitting Nasdaq to halt trading in a security and request information from the company regarding the number of unrestricted publicly held shares when Nasdaq observes unusual trading characteristics in a security or a company announces an event that may cause a contraction in the number of unrestricted publicly held shares. The proposed rule change was published for comment in the **Federal Register** on December 12, 2019.[3] The Commission has received no comment letters on the proposed rule change.

Section 19(b)(2) of the Act [4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is January 26, 2020. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates March 11, 2020 as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NASDAQ–2019–091).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–01642 Filed 1–29–20; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 87677 (Dec. 6, 2019), 84 FR 67974.

[4] 15 U.S.C. 78s(b)(2).

[5] *Id.*

[6] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88029; File No. SR–OCC–2019–007]

Self-Regulatory Organizations; The Options Clearing Corporation; Order Approving Proposed Rule Change, as Modified by Partial Amendment No. 1, Concerning a Proposed Capital Management Policy That Would Support The Options Clearing Corporation's Function as a Systemically Important Financial Market Utility

January 24, 2020.

I. Introduction

On August 9, 2019, the Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change SR–OCC–2019–007 (''Proposed Rule Change'') pursuant to Section 19(b) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Rule 19b–4 [2] thereunder to adopt a policy concerning capital management at OCC, which includes OCC's plan to replenish its capital in the event it falls close to or below target capital levels.[3] The Proposed Rule Change was published for public comment in the **Federal Register** on

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Notice of Filing *infra* note 4, at 84 FR 44952.

August 27, 2019.[4] The Commission received comments regarding the Proposed Rule Change.[5] On September 11, 2019, OCC filed a partial amendment (''Partial Amendment No. 1'') to modify the Proposed Rule Change.[6] On October 8, 2019, the Commission designated a longer period of time for Commission action on the Proposed Rule Change.[7] Notice of Partial Amendment No. 1 and of the designation of a longer period of time was published in the **Federal Register** on October 15, 2019.[8] On November 22, 2019, the Commission issued an order to institute proceedings to determine whether to approve or disapprove the Proposed Rule Change.[9] This order approves the Proposed Rule Change.

II. Background

One reason for the Proposed Rule Change is a specific Commission requirement for covered clearing agencies such as OCC. Rule 17Ad–22(e)(15) under the Exchange Act requires that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to identify, monitor, and manage the covered clearing agency's general business risk and hold sufficient liquid net assets funded by equity to cover potential general business losses so that the covered clearing agency can continue operations and services as a going concern if those losses materialize, including by taking the actions described in Rules 17Ad–22(e)(15)(i)–(iii) under the Exchange Act.[10] In adopting Rule 17Ad–22(e), which includes Rule 17Ad–22(e)(15), the Commission noted that ''each registered clearing agency has different organizational and operating structures and clears distinct products that warrant a tailored approach to governance and risk management, respectively.'' [11] The Commission also noted its belief that Rule 17Ad–22(e) ''achieves the appropriate balance between imposing new requirements on covered clearing agencies and allowing each covered clearing agency, subject to its obligations and responsibilities as an SRO under the Exchange Act, to design its policies and procedures pursuant to Rule 17Ad–22(e).''[12]

Rule 17Ad–22(e)(15) was adopted in 2016 as part of the Covered Clearing Agency Standards, with a compliance date of April 11, 2017.[13] Anticipating the need to come into compliance with new Rule 17Ad–22(e)(15), in January 2015, OCC filed with the Commission a proposed rule change regarding a plan to increase OCC's capitalization (the ''Capital Plan'').[14] The Capital Plan was approved by the Commission in February 2016,[15] and subsequently implemented by OCC. However, the approval order was vacated by the Court of Appeals for the D.C. Circuit and remanded to the Commission. On February 13, 2019, the Commission issued an order disapproving the Capital Plan on remand.[16] In order to come back into compliance with Rule 17Ad–22(e)(15), among other things, OCC now proposes changes to adopt, as part of its rules, a new policy concerning capital management at OCC (''Capital Management Policy''). Specifically, the proposed Capital Management Policy would (i) describe how OCC would determine the amount of liquid net assets funded by equity (''LNAFBE'') necessary to cover OCC's potential general business losses; (ii) require OCC to hold a minimum amount of shareholders equity (''Equity'') sufficient to support the amount of LNAFBE determined to be necessary;[17] and (iii) establish a plan for replenishing OCC's capital in the event that Equity were to fall below certain thresholds. OCC also proposes to revise its existing rules to support the terms of the proposed Capital Management policy.

A. Determining Capital Requirements

As noted above, OCC proposes to adopt rules describing the determination of the LNAFBE necessary to cover potential general business losses. As proposed, LNAFBE would be a subset of OCC's overall Equity—cash and cash equivalents, less any approved adjustments—and therefore, could not, by definition, exceed Equity. OCC proposes to set a ''Target Capital Requirement,'' which would be based on two components: (i) The amount of LNAFBE determined by OCC to be necessary to ensure compliance with OCC's regulatory obligations, including Rule 17Ad–22(e)(15) under the Exchange Act;[18] and (ii) any additional amounts determined to be necessary and appropriate for capital expenditures approved by OCC's Board.[19]

With respect to the first component of the Target Capital Requirement, to ensure that it is set at a level sufficient to ensure compliance with OCC's regulatory obligations, OCC proposes to set its Target Capital Requirement, at a minimum, equal to the greater of three amounts: (i) An amount equal to six-months of OCC's current operating expenses; (ii) the amount determined by OCC's Board to be sufficient to ensure a recovery or orderly wind-down of critical operations and services (''RWD Amount'');[20] or (iii) the amount determined by OCC's Board to be sufficient for OCC to continue

[4] Securities Exchange Act Release No. 86725 (Aug. 21, 2019), 84 FR 44952 (Aug. 27, 2019) (SR–OCC–2019–007) (''Notice of Filing''). OCC also filed a related advance notice (SR–OCC–2019–805) (''Advance Notice'') with the Commission pursuant to Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, entitled the Payment, Clearing, and Settlement Supervision Act of 2010 and Rule 19b–4(n)(1)(i) under the Exchange Act. 12 U.S.C. 5465(e)(1) and 17 CFR 240.19b–4, respectively. The Advance Notice was published in the **Federal Register** on September 11, 2019. Securities Exchange Act Release No. 86888 (Sep. 5, 2019), 84 FR 47990 (Sep. 11, 2019) (SR–OCC–2019–805).

[5] Comments are available at *https://www.sec.gov/comments/sr-occ-2019-007/srocc2019007.htm.*

[6] *See* Notice of Extension *infra* note 8, at 84 FR 55189. In Partial Amendment No. 1, OCC appended an Exhibit 2 to the materials filed on August 9, 2019 regarding File No. SR–OCC–2019–007. The appended Exhibit 2 consists of communications from OCC concerning the proposal dated after OCC filed the proposal on August 9, 2019 and does not change the purpose of or basis for the Proposed Rule Change. References to the Proposed Rule Change from this point forward refer to the Proposed Rule Change, as amended by Partial Amendment No. 1.

[7] *See* Notice of Extension *infra* note 8, at 84 FR 55189.

[8] Securities Exchange Act Release No. 87246 (Oct. 8, 2019), 84 FR 55189 (Oct. 15, 2019) (SR–OCC–2019–007) (''Notice of Extension'').

[9] Securities Exchange Act Release No. 87603 (Nov. 22, 2019), 84 FR 65858 (Nov. 29, 2019) (SR–OCC–2019–007).

[10] 17 CFR 240.17Ad–22(e)(15).

[11] Securities Exchange Act Release No. 78961 (September 28, 2016), 81 FR 70786, 70797 (October 13, 2016) (S7–03–14) (''Covered Clearing Agency Standards'').

[12] *Id.*

[13] *See* Covered Clearing Agency Standards, 81 FR at 70786.

[14] *See* Securities Exchange Act Release No. 74136 (Jan. 26, 2015, 80 FR 5171 (Jan. 30, 2015) (File No. SR–OCC–2015–02).

[15] Securities Exchange Act Release No. 7112 (Feb. 11, 2016), 81 FR 8294 (Feb. 18, 2016) (File No. SR–OCC–2015–02).

[16] *See* Securities Exchange Act Release No. 85121 (Feb. 13, 2019), 84 FR 5157 (Feb. 20, 2019) (File No. SR–OCC–2015–02).

[17] LNAFBE would mean cash and cash equivalents to the extent that such cash and cash equivalents do not exceed Equity.

[18] 17 CFR 240.17Ad–22(e)(15).

[19] In setting the Target Capital Requirement, OCC would also consider, but not be bound by, its projected rolling twelve-months' operating expenses pursuant to OCC's interpretation of Commodity Exchange Act Rule 39.11(a)(2). 17 CFR 39.11(a)(2). Nothing in this Order constitutes an interpretation of Rule 39.11(a)(2) under the Commodity Exchange Act by the Commission or an endorsement of OCC's interpretation of Rule 39.11(a)(2).

[20] Under the proposal, OCC's Board would approve the RWD Amount annually at a level designed to cover the cost to maintain OCC's critical services over the recovery or wind-down period. Identification of OCC's critical services and the length of time necessary to recover or wind-down is covered in OCC's Recovery and Wind-Down Plan. *See* Securities Exchange Act Release No. 83918 (Aug. 23, 2018), 83 FR 44091 (Aug. 29, 2018).

operations and services as a going concern if general business losses materialize (''Potential Loss Amount'').[21] OCC believes that a minimum Target Capital Requirement sized to cover at least these three amounts would address OCC's obligations under Exchange Act Rule 17Ad–22(e)(15).[22] With respect to the second component of the Target Capital Requirement, the proposal would authorize OCC's Board to increase the Target Capital Requirement by an amount to be retained for capital expenditures.[23] OCC's Board would be responsible for reviewing and approving the Target Capital Requirement annually.

B. Maintaining Capital

As noted above, OCC proposes to adopt rules that would require it to hold the minimum amount of Equity necessary to cover the Target Capital Requirement. Specifically, OCC proposes to adopt rules pertaining to the monitoring and management of OCC's Equity. Under the proposed rules, OCC's senior management would be responsible for reviewing analyses, including projections of future volume, expenses, cash flows, capital needs and other factors, to help ensure adequate financial resources are available to meet general business obligations. Such analyses would also include a monthly review of whether OCC's Equity falls close to or below the Target Capital Requirement. Under the proposal, OCC would view Equity less than 110 percent of the Target Capital Requirement as falling close to the Target Capital Requirement.[24] OCC would refer to a breach of this 110 percent threshold as an ''Early Warning.'' Under the proposed rules, OCC's senior management would be obligated to notify OCC's Board promptly if Equity were to fall below the Early Warning threshold and to recommend to the Board whether to implement a fee increase in an amount that the Board determines necessary and appropriate to raise additional Equity.

Under the proposal, OCC's senior management would also, on a quarterly basis, review OCC's schedule of fees in consideration of projected operating expenses, projected volumes, anticipated cash flows, and capital needs. Based on its review, OCC's senior management would recommend to OCC's Board Compensation and Performance Committee whether to issue a fee increase, decrease or fee waiver. Additionally, if Equity were to exceed 110 percent of the Target Capital Requirement plus an amount of excess Equity approved for capital expenditures, OCC's Board could reduce the cost of clearing by lowering fees, declaring a fee holiday, or issuing refunds.

OCC stated that resources held to meet OCC's Target Capital Requirement would be in addition to OCC's resources to cover participant defaults.[25] OCC proposes, however, to mitigate losses arising out of a Clearing Member default with OCC's own excess capital. Specifically, OCC proposes to offset default losses remaining after the application of a defaulted Clearing Member's margin deposits and Clearing Fund contributions with OCC's capital in excess of 110 percent of the Target Capital Requirement at the time of the default. OCC also proposes to charge losses remaining after the application of OCC's excess capital to OCC senior management's deferred compensation as well as non-defaulting Clearing Members.[26] The Commission understands these aspects of the proposal to constitute the first instance where a covered clearing agency is seeking Commission consideration of a ''skin-in-the-game'' component to financial risk management for central clearing. A skin-in-the-game component to financial risk management entails a covered clearing agency (in this instance, OCC), upon the occurrence of a default or series of defaults and application of all available assets of the defaulting participant(s), choosing to apply its own capital contribution to the relevant clearing or guaranty fund in full to satisfy any remaining losses prior to the application of any (a) contributions by non-defaulting members to the clearing or guaranty fund, or (b) assessments that the covered clearing agency require non-defaulting participants to contribute following the exhaustion of such participant's funded contributions to the relevant clearing or guaranty fund.[27]

C. Replenishing Capital

OCC proposes to establish a plan for replenishing its capital in the event that Equity were to fall below certain thresholds (''Replenishment Plan''). As described above, OCC proposes to establish an Early Warning threshold to define when OCC's Equity falls close enough to the Target Capital Requirement to require action. OCC also proposes to establish two ''Trigger Event'' thresholds to identify (i) whether OCC's Equity were to fall below the Target Capital Requirement; and (ii) the appropriate response based on the severity and speed of capital deterioration. Further, the proposed Capital Management Policy would require that, on an annual basis, OCC's management recommend that the Board approve or, as appropriate, modify the Replenishment Plan, and that the Board review and, as appropriate, approve Management's recommendation.

Under the proposed rules, a Trigger Event would occur if OCC's Equity were to remain below 100 percent of the Target Capital Requirement for a period of 90 consecutive calendar days (referred to herein as the ''Moderate Trigger Event''). OCC believes that the failure of a fee increase resulting from an Early Warning to increase OCC's Equity above the Target Capital Requirement within 90 days would indicate that corrective action in the form of a fee increase would be insufficient.[28] Under the proposed rules, a Trigger Event would also occur if OCC's Equity were to fall below 90 percent of the Target Capital Requirement at any time (referred to herein as the ''Severe Trigger Event''). OCC believes that a Severe Trigger Event would be a sign that corrective action more significant and with a more immediate impact than increasing fees should be taken to increase OCC's Equity.[29]

As noted above, OCC's Board would be authorized to approve fee increases to address the deterioration of OCC's capital over time. To address the more acute capital replenishment needs posed by the Trigger Events, OCC proposes to authorize the use of two

[21] Under the proposal, OCC's Board would set the Potential Loss Amount by analyzing and aggregating potential losses from individual operational risk scenarios, aggregating the loss events, and conducting loss modeling at or above the 99 percent confidence level.

[22] *See* Notice of Filing, 84 FR at 44945.

[23] Under the proposal, OCC's Board could determine, in the alternative, to fund capital expenditures out of funds in excess of the Target Capital Requirement. OCC stated that, in making such a determination, its Board would consider factors including, but not limited to, the amount of funding required, the amount of Equity proposed to be retained, the potential impact of the investment on OCC's operations, and the duration of time over which funds would be accumulated. *See id.*

[24] OCC stated that 10 percent of the Target Capital Requirement represents approximately two months of earnings, and that OCC believes that a two-month window would provide OCC's senior management and Board sufficient time to respond to a deterioration of OCC's capital. *See* Notice of Filing, 84 FR at 44946.

[25] *See* Notice of Filing, 84 FR at 44950.

[26] Such losses would be charged on a pro rata basis to (a) non-defaulting Clearing Members' Clearing Fund contributions, and (b) the aggregate value of the EDCP Unvested Balance (defined below).

[27] *See* Covered Clearing Agency Standards, 81 FR at 70806.

[28] *See* Notice of Filing, 84 FR at 44946–47.

[29] *See* Notice of Filing, 84 FR at 44946.

additional resources: (i) Funds held under The Options Clearing Corporation Executive Deferred Compensation Plan Trust (''EDCP''); [30] and (ii) funds obtained by levying a special fee on Clearing Members.

In response to a Trigger Event, OCC would be required to replenish its capital first through the contribution of the EDCP Unvested Balance. The amount of the EDCP Unvested Balance contributed would be the lesser of (i) the entire EDCP Unvested Balance or (ii) the amount necessary to raise OCC's Equity above 110 percent of the Target Capital Requirement. If a contribution of the entire EDCP Unvested balance were necessary, OCC would be required to reevaluate its Equity vis-à-vis the Target Capital Requirement to determine whether further action would be required following such a contribution.

The proposed rules would require that OCC take further action if, after contributing the entire EDCP Unvested Balance, either: (i) Equity were to remain above 90 percent, but below 100 percent, of the Target Capital Requirement for an additional 90-day period; [31] or (ii) Equity were below 90 percent of the Target Capital Requirement. Under the proposal, if OCC were to determine that further action would be necessary to replenish its capital, OCC would be required to levy a special fee on its Clearing Members (''Operational Loss Fee''), which would be payable within five business days of OCC providing notice to the Clearing Members. Accordingly, OCC proposes to amend its schedule of fees to describe the maximum Operational Loss Fee that it could charge Clearing Members. The maximum Operational Loss Fee would be sized to provide OCC with the RWD Amount after any applicable taxes (''Adjusted RWD Amount'').[32] Under the proposal, OCC would be authorized to charge Clearing Members, collectively, the lesser of (i) the maximum Operational Loss Fee or (ii) the amount necessary to raise OCC's Equity above 110 percent of the Target Capital Requirement. Under the proposal, OCC would allocate the Operational Loss Fee equally among the Clearing Members. OCC believes that charging the Operational Loss Fee in equal shares is preferable to other potential allocation methods because it would equally mutualize the risk of operational loss among the firms that use OCC's services.[33]

The proposed rules would permit OCC to charge amounts only up to the maximum Operational Loss Fee. If, after charging some amount less than the maximum Operational Loss Fee, OCC were to issue clearing fee refunds to manage excess capital, OCC would issue such refunds in equal shares until the amount of the Operational Loss Fee charged to each Clearing Member had been fully refunded. If OCC were to charge some amount less than the maximum Operational Loss Fee, then the proposed rules would allow OCC to charge another Operational Loss Fee in the future, provided that the sum of all Operational Loss Fees, less amounts refunded, could not exceed the maximum Operational Loss Fee. In the event that OCC were to charge the maximum Operational Loss Fee, OCC would then be required to convene its Board to develop a new replenishment plan.

III. Statutory Standards

Section 19(b)(2)(C) of the Exchange Act directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to such organization.[34] The Commission addresses in its review of the Proposed Rule Change the following relevant provisions of the Exchange Act and the rules and regulations thereunder applicable to registered clearing agencies:

- Section 17A(b)(3)(F) of the Exchange Act requires, in part, that the rules of a registered clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions, to assure the safeguarding of securities and funds which are in the custody or control of OCC or for which it is responsible, and to protect investors and the public interest.[35]
- Section 17A(b)(3)(D) of the Exchange Act requires, in part, that the rules of a clearing agency provide for the equitable allocation of reasonable dues, fees, and other charges among its participants.[36]
- Rule 17Ad–22(e)(2) under the Exchange Act requires, in part, that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to provide for governance arrangements that meet a number of criteria.[37]
- Rule 17Ad–22(e)(15) under the Exchange Act requires, in part, that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to identify, monitor, and manage the covered clearing agency's general business risk and hold sufficient liquid net assets funded by equity to cover potential general business losses so that the covered clearing agency can continue operations and services as a going concern if those losses materialize, including by taking the actions described in Rules 17Ad–22(e)(15)(i)–(iii) under the Exchange Act.[38]

IV. Discussion and Commission Findings

After considering the entire record, and for the reasons discussed below, the Commission finds the proposal is consistent with Sections 17A(b)(3)(F) and 17A(b)(3)(D) of the Exchange Act,[39] as well as Rules 17Ad–22(e)(2) and 17Ad–22(e)(15) thereunder.[40]

Before addressing the relevant portions of the Exchange Act and the rules and regulations thereunder, however, we address a comment submitted by Susquehanna International Group (''SIG''). SIG does not comment on the substance of the proposal, but, rather, expresses a generalized concern that the capital accumulated through the proposed Capital Management Policy could ultimately be monetized only or disproportionately for the benefit of the OCC shareholders in the event of a future sale of OCC.[41] SIG acknowledges that OCC's By-Laws currently limit the shareholders of OCC to national securities exchanges or national securities associations.[42] SIG states, however, that OCC's By-Laws leave

[30] The EDCP funds available for capital replenishment would be only those funds that are (x) deposited on or after January 1, 2020 in respect of the EDCP and (y) in excess of amounts necessary to pay for benefits accrued and vested under the EDCP at such time (''EDCP Unvested Balance'').

[31] The 90-calendar day term of a subsequent Moderate Trigger Event would be measured beginning on the date OCC applies the EDCP Unvested Balance.

[32] OCC acknowledged that the tax implications of the income represented by the Operational Loss Fee would depend on the extent to which any operational loss giving rise to a Trigger Event would be tax deductible. *See* Notice of Filing, 84 FR at 44947.

[33] *See id.* OCC stated that it found no evidence of a correlation between the risk of operational loss and either volume or a Clearing Member's credit risk profile. *See id.*

[34] 15 U.S.C. 78s(b)(2)(C).

[35] 15 U.S.C. 78q–1(b)(3)(F).

[36] 15 U.S.C. 78q–1(b)(3)(D).

[37] 17 CFR 240.17Ad–22(e)(2).

[38] 17 CFR 240.17Ad–22(e)(15).

[39] 15 U.S.C. 78q–1(b)(3)(D) and (F).

[40] 17 CFR 240.17Ad–22(e)(2) and 17 CFR 240.17Ad–22(e)(15).

[41] Letter from Brian Sopinsky, General Counsel, Susquehanna International Group, dated October 1, 2019, to Vanessa Countryman, Secretary, Commission (''SIG Letter'') at 1.

[42] SIG Letter at 1.

open the possibility of one of these organizations acquiring OCC or a future change to OCC's By-Laws to permit others to acquire OCC.[43] The Commission notes that any such future transformative transaction (including any related proposals concerning the Capital Management Policy) would be subject to the filing requirements of Section 19 of the Exchange Act. We would therefore assess the details and potential effects of the transaction at that time, including the treatment of fees collected from Clearing Members. In light of this required review of any such transaction, the Commission does not believe that the concerns raised by SIG about such a future transaction render the Capital Management Policy inconsistent with the Exchange Act.

A. Consistency With Section 17A(b)(3)(F) of the Exchange Act

Section 17A(b)(3)(F) of the Exchange Act requires, in part, that the rules of OCC be designed to promote the prompt and accurate clearance and settlement of securities transactions and to assure the safeguarding of securities and funds which are in the custody or control of OCC or for which it is responsible.[44] Based on its review of the record, the Commission finds the proposal is consistent with Section 17A(b)(3)(F) of the Exchange Act.

The Commission believes that the Capital Management Policy as a whole would help to ensure that OCC monitors and maintains its Equity at a level sufficient to either continue operating as a going concern or to wind-down its operations in an orderly manner in the event that OCC incurs potential operational or general business losses. In particular, the Commission believes that the proposed establishment of a Target Capital Requirement in combination with the capital monitoring, management, and replenishment tools described above, including the Operational Loss Fee, would reduce the risk that OCC would be unavailable to clear and settle securities transactions and therefore is consistent with promoting prompt and accurate clearance and settlement of securities transactions. The Commission did not receive any comments on this aspect of the proposal.

In addition, as described above, OCC proposes to mitigate losses arising out of a Clearing Member default with OCC's excess capital (*i.e.,* skin-in-the-game). Further, OCC proposes to charge losses remaining after the application of skin-in-the-game to OCC senior management as well as Clearing Members through the contribution of the EDCP Unvested Balance. Taken together, these aspects of the Proposed Rule Change could reduce the potential losses charged to the Clearing Fund contributions of non-defaulting Clearing Members in the event of a Clearing Member default, which in turn would help preserve the Clearing Fund contributions of non-defaulting Clearing Members.[45] As such, the components of the Proposed Rule Change related to skin-in-the-game are consistent with promoting the safeguarding of securities and funds in OCC's custody or for which OCC is responsible.

Accordingly, the Commission finds that the proposed Capital Management Policy is consistent with the requirements of Section 17A(b)(3)(F) of the Exchange Act.[46]

B. Consistency With Section 17A(b)(3)(D) of the Exchange Act

Section 17A(b)(3)(D) of the Exchange Act requires the rules of a clearing agency to provide for the equitable allocation of reasonable dues, fees, and other charges among its participants.[47] As discussed below, based on its review of the record, the Commission finds that OCC's proposal—as relevant here, the proposal to adopt the Operational Loss Fee—is consistent with Section 17A(b)(3)(D) of the Exchange Act.

1. OCC's Proposal To Set the Amount of the Operational Loss Fee Is Reasonable

As discussed above, the Operational Loss Fee is designed to replenish OCC's capital following the realization of losses arising out of operational or general business risk exposures (as opposed to losses arising out of the default of a Clearing Member). To that end, OCC proposes to set the maximum amount of the Operational Loss Fee based on the amount determined necessary to either recover and continue operating as a going concern, or wind-down its operations in an orderly manner, with adjustments to those amounts to account for the potential tax implications of revenues that would be generated by the fee.[48] Additionally, the proposal would not require OCC to charge the maximum amount of the Operational Loss Fee, and would provide OCC the means to repay any Operational Loss Fee charged to Clearing Members through subsequent refunds.[49]

As noted, the purpose of the Operational Loss Fee is to provide OCC with sufficient replenishment capital following an operational- or general business risk-related loss, such that OCC could either recover its operations and continue operating as a going concern, or wind-down its operations in an orderly manner. The Commission did not receive any comments on the aspects of the proposal related to the sizing of the Operational Loss Fee. Further, as discussed above, the Commission has reviewed the regulatory information available to it related to OCC's Clearing Members and understands that the maximum Operational Loss Fee would be approximately the same as the contingent obligations under the OCC Clearing Fund assessment requirements for a Clearing Member operating at the minimum Clearing Fund deposit.[50] The Commission believes that OCC's proposal to size the Operational Loss Fee consistent with other Clearing Member obligations while also generating an amount of capital appropriate to recover OCC's operations and continue as a going concern or wind down its operations in an orderly manner is reasonable and therefore consistent with the requirements of Section 17A(b)(3)(D) of the Exchange Act.[51]

2. OCC's Proposal Would Provide for the Equitable Allocation of the Operational Loss Fee

If levied, OCC would allocate the Operational Loss Fee equally among all Clearing Members.[52] According to OCC, equal allocation is preferable to a proportional allocation based on, for example, Clearing Members' trade volume or Clearing Fund contributions, because, in OCC's view, all Clearing Members benefit from equal access to the clearance and settlement services provided by OCC, irrespective of how much a given Clearing Member chooses to use those services.[53] Additionally, in developing its proposal to adopt the

[43] SIG Letter at 1.

[44] 15 U.S.C. 78q–1(b)(3)(F).

[45] Additional issues relevant to the skin-in-the-game aspects of the proposal, including relevant comments, are discussed below in Section V.C.

[46] 15 U.S.C. 78q–1(b)(3)(F).

[47] 15 U.S.C. 78q–1(b)(3)(D).

[48] *See* Notice of Filing, 84 FR at 44947. As discussed in Section V.D.2 herein, the Commission finds that the approach OCC applies to determining such amounts is reasonable and supported by the record.

[49] *See id.*

[50] Such minimum assessments could equal up to an additional $1 million ($500,000 minimum Clearing Fund requirement, assessed up to two times) on top of a Clearing Member's existing $500,000 minimum Clearing Fund contribution, for a total contribution of $1.5 million. *See, generally,* OCC Rule 1006(h), available at *https://www.theocc.com/components/docs/legal/rules_and_bylaws/occ_rules.pdf*

[51] 15 U.S.C. 78q–1(b)(3)(D).

[52] *See* Notice of Filing, 84 FR at 44947.

[53] *See id.*

Operational Loss Fee, OCC considered alternative allocation methods for the Operational Loss Fee, including allocating the Operational Loss Fee proportionally among Clearing Members based on trade volume, risk profile, and other metrics.[54] As part of this process, OCC reviewed available data related to different measures of Clearing Members' use of OCC's clearance and settlement services, such as trade volume and credit risk profiles, and performed a series of analyses to determine whether there is a potential correlation between and among those metrics and the various operational and general business risks that could give rise to the Operational Loss Fee.

The Commission received, and has reviewed, these analyses.[55] These analyses did not show a correlation between the operational and general business risks that could give rise to the Operational Loss Fee and contract volume, Clearing Fund contributions, risk profile, or other metrics.[56] Based on our review of the record, we conclude that it is consistent with the Exchange Act to allocate the Operational Loss Fee equally among all Clearing Members.

One commenter, the FIA, submitted a comment letter noting that the use of the Operational Loss Fee could allocate some amount of non-default losses to OCC's Clearing Members and stating that non-default losses should not be allocated to Clearing Members. In the FIA's view, as a CCP, OCC should absorb such losses rather than utilize capital on a discretionary basis.[57] Rather than assess the Operational Loss Fee in the event of a Trigger Event, the FIA asserts that OCC should begin accumulating retained earnings now so that it will be in a position to use them instead of the Operational Loss Fee.[58] OCC responds that raising additional capital through the accumulation of retained earnings over a number of years would still source the funds from Clearing Members, but would do so in a manner that essentially would pre-fund the replenishment obligation rather than only impose it if and when doing so became necessary.[59] OCC further describes the series of events that would have to occur in the event that its Equity fell at or below different percentages of the Target Capital Requirement, and the different measures OCC would have to take, including potentially raising fees, lowering costs, and using its available skin-in-the-game to cure such losses (and that would have to fail) before OCC would be permitted to charge the Operational Loss Fee.[60]

OCC's proposal with respect to the Operational Loss Fee will permit OCC to raise additional equity in the event that its equity falls close to or below the Target Capital Requirement. The Operational Loss Fee represents an appropriate and reasonable allocation of potential contingent costs to Clearing Members. The FIA's suggested approach would still source the required funds from Clearing Members, but in a manner that essentially pre-funds the maximum potential replenishment obligation without being informed by the specific facts and circumstances that inform OCC's determination of the actual required amount.[61] In contrast, under OCC's proposal, the Operational Loss Fee would be imposed only if and when OCC's efforts to set and maintain its capital reserves at a level sufficient to withstand operational and business losses are insufficient, OCC's capital reserves deteriorate to a significant degree as a result, and the other tools available to OCC are insufficient to return OCC's capital reserves to a minimum acceptable level. In this respect, the Commission believes that OCC's approach is both reasonable and consistent with the Exchange Act. Because the Operational Loss Fee is not assessed until a specific but contingent future time, it leaves available to Clearing Members funds and liquidity that may be put to more efficient use as opposed to being held indefinitely at OCC in the form of collected fees. Further, the Proposed Rule Change would allow OCC to charge less than the maximum Operational Loss Fee because, if and when such a fee were to become necessary, OCC would know that actual amount required to achieve replenishment. In the Commission's view, this approach is more precise, requiring OCC to determine and collect only the amount of the Operational Loss Fee required by OCC under the given circumstances to replenish its resources.

Further, as the FIA noted, OCC estimates that the Operational Loss Fee, if assessed now, would be around $1.4 million per Clearing Member.[62] OCC's rules currently require Clearing Members to maintain net capital of at least $2 million.[63] Based on its review of data provided by OCC, as of the time of filing, 98 percent of Clearing Members would be able to absorb the maximum Operational Loss Fee without breaching that requirement.[64] Further, a $1.4 million Operational Loss Fee would be roughly similar to the contingent obligations under the OCC Clearing Fund assessment requirements for a Clearing Member operating at the minimum Clearing Fund deposit.[65] In the Commission's view, this helps ensure that any potential liquidity obligations OCC may place on its Clearing Members via the Operational Loss Fee is at a level that is generally consistent with OCC's existing assessment demands on such Clearing Members.

Finally, the FIA's preferred approach of imposing higher fees now and building up OCC's capital reserves to the necessary level *over time* would not provide OCC with an *immediately available* replenishment plan, and would therefore, not be consistent with OCC's obligation to comply with Rule 17Ad-22(e)(15)(iii) of the Exchange Act. As such, although the FIA has a general objection to any CCP allocating non-default losses to Clearing Members, the FIA does not assert that, or otherwise explain how, OCC's specific proposal to do so in the context of the Operational Loss Fee would render the Proposed Rule Change inconsistent with the Exchange Act.

The FIA further expresses the belief that imposing the Operational Loss Fee on Clearing Members without providing a return to Clearing Members is inequitable and that, ideally, OCC's shareholders should either be required to provide ''similar such commitment or allow for an equity dilution.'' [66]

As explained above, the Commission believes that the record demonstrates that OCC has designed the Operational Loss Fee in a manner that is equitable to the Clearing Members in terms of determining (i) the overall amount of the Operational Loss Fee, and (ii) the relative burdens and obligations Clearing Members must meet in paying the Operational Loss Fee. Moreover, the Commission believes that the

[54] *See id.* Additionally, OCC discussed the equal allocation of the Operational Loss Fee with Clearing Members on May 31, 2019. *See* Notice of Filing, 84 FR at 44949.

[55] *See* Notice of Filing, 84, FR at 44947 (noting that OCC included as confidential Exhibit 3e a comparison of its quantification of operational risks to contract volume and the amount of Clearing Fund deposits).

[56] *See* Notice of Filing, 84, FR at 44947 (noting that ''OCC has not observed any correlation between the annual quantifications of these risks and contract volume or Clearing Member credit risk.'').

[57] FIA Letter at 3.

[58] FIA Letter at 2.

[59] OCC Letter at 2.

[60] OCC Letter at 4–5.

[61] OCC Letter at 2.

[62] FIA Letter at 2.

[63] Notice of Filing, 84 FR at 44951–52 (citation omitted).

[64] *See* Notice of Filing, 84, FR at 44952 (stating that OCC included, as confidential Exhibit 3h, financial data reported by Clearing Members).

[65] Notice of Filing, 84 FR at 44951; *see also* supra note 51.

[66] FIA Letter at 2.

Operational Loss Fee serves a critical purpose for the benefit of Clearing Members, their customers and the broader U.S. equity markets. OCC is the only clearing agency for standardized U.S. securities options listed on SEC-registered national securities exchanges (''listed options'') and provides central counterparty services for the U.S. listed-options markets.[67] OCC's role as the sole CCP for all listed options contracts in the U.S. makes it an integral part of the national system for clearance and settlement, and the Financial Stability Oversight Council designated OCC as a systemically important financial market utility (''SIFMU'') in 2012.[68] The resilience and ongoing orderly operations of OCC thus broadly benefits Clearing Members, their customers, and the broader U.S. financial system.[69] While OCC could have considered or proposed other approaches that might have entailed different obligations and burdens for Clearing Members (including via raising additional capital from the Clearing Members), the failure of OCC to consider or propose such alternative measures does not render the Proposed Rule Change inequitable.

A different commenter—LPL Financial (''LPL'')—expresses the belief that the proposal to allocate the Operational Loss fee in equal shares among OCC's Clearing Members would be inequitable and suggests that, instead, the Operational Loss Fee should be allocated ''in a manner that corresponds to the extent to which each Clearing Member utilizes (and therefore benefits from) the OCC's operations.'' [70] In LPL's view, such an allocation would ''correctly acknowledge that the extent to which a Clearing Member makes use of the OCC's clearing and settlement systems does, in some cases, directly correspond to the risk that the OCC will incur certain operational losses.'' [71] LPL further challenges OCC's statement that ''there is no correlation between operational risks, on the one hand, and contract volume, on the other hand,'' as ''flawed inasmuch as it ignores the fact that a Clearing Member that makes greater use of the OCC's clearing and settlement system places greater strain on that system and thus exposes the system to greater operational risk.''[72]

Based on the Commission's regulatory and supervisory experience, the Commission does not agree that a Clearing Member that ''makes greater use of OCC's clearing and settlement system necessarily places greater strain on that system and thus exposes the system to greater operational risk.'' Contrary to LPL's assertion that ''each contract introduced to the OCC's system brings with it a new opportunity for internal fraud and cyber-attack,'' [73] based on its supervisory and regulatory experience with OCC, the Commission understands that contracts are not submitted to be processed by OCC on a one-by-one basis such that each contract represents an equal potential for operational risk.

Further, in the Commission's experience, a Clearing Member's ''use'' of OCC's services is not necessarily correlated to that Clearing Member's operational resiliency. OCC has a broad range of geographically diverse Clearing Members, comprised of U.S. broker-dealers, future commission merchants, and foreign securities firms of various sizes, all of which serve diverse markets and engage in diverse strategies and activities on behalf of diverse clients, including professional traders, as well as institutional and retail investors. There is, therefore, no basis to conclude, for example, that a Clearing Member that clears 1,000 contracts in a given month in a particular set of financial products necessarily introduces *less* operational risk to OCC than a Clearing Member that clears 10,000 contracts in a different set of financial products in that same month.

LPL also fails to acknowledge or address the specific operational and business risks that could give rise to the Operational Loss Fee. As noted above, OCC conducted analyses to determine whether it could identify a correlation between various measures of Clearing Members' use of OCC's clearance and settlement services and the specific types of operational and general business risks that could give rise to the Operational Loss Fee. These included, among others, internal fraud, external fraud, employment practices, workplace safety, damage to physical assets, business disruption and system failures, and execution, delivery, and process management at OCC. The Commission believes that the operational and business risks identified and analyzed by OCC are reasonable in light of the requirements of Rule 17Ad–22(e)(15) discussed above.[74] And based on the Commission's review of the record, we do not believe that there is a positive correlation between these types of risks and a Clearing Member's ''use of OCC's clearing and settlement services.'' For example, OCC's analyses do not show a correlation between a Clearing Member's contract volume or credit risk profile, which are reasonable proxies for a Clearing Member's ''use'' of OCC's clearance and settlement services, and the specific operational risk that that Clearing Member poses to OCC.

Further, the Commission does not agree with the assertion that Clearing Members that ''use'' OCC's clearance and settlement services more derive more benefit from those services, and therefore should be allocated a larger portion of the Operational Loss Fee. As an initial matter, OCC has been designated as a SIFMU and its role as the sole CCP for all listed options contracts in the U.S. makes it an integral part of the national system for clearance and settlement. Clearing Members, their customers, investors, and the markets as a whole derive significant benefit from that national system and the overall market system it supports, regardless of their specific utilization of that system. As such, Clearing Members benefit from OCC's efforts to ensure that it is and remains well capitalized, that it has sufficient financial resources to withstand operational or general business losses, and that it has a plan in place to replenish those resources in the event that it incurs such losses. The Commission is not aware of evidence demonstrating that those benefits are tied directly or positively correlated to an individual Clearing Member's rate of utilization of OCC's clearance and settlement services. Further, as noted, the Commission has reviewed data provided by OCC that demonstrates a lack of correlation between use (as represented by volume) and operational risk.[75] Such data is consistent with the Commission's regulatory and

[67] *See* Securities Exchange Act Release No. 85121 (Feb. 13, 2019), 84 FR 5157 (Feb. 20, 2019) (File No. SR–OCC–2015–02); *see id.,* 84 FR at 5158.

[68] *See* Financial Stability Oversight Council (''FSOC'') 2012 Annual Report, Appendix A, *https://www.treasury.gov/initiatives/fsoc/Documents/2012%20Annual%20Report.pdf* (last visited November 25, 2019).

[69] *See id.* As a registered clearing agency, OCC plays an important role in fostering the proper functioning of financial markets and, by centralizing the clearance and settlement of listed options, allows market participants to reduce costs, increase operational efficiency, and manage risks more effectively. *See* Covered Clearing Agency Standards, 81 FR at 70860–61.

[70] Letter from Steven Morrison, SVP, Associate General Counsel, LPL, dated September 17, 2019 (received September 26, 2019) to Brent J. Fields, Secretary, Commission, (''LPL Letter'') at 1–2.

[71] LPL Letter at 1–2.

[72] LPL Letter at 3.

[73] LPL Letter at 3.

[74] The Commission notes that these operational and business risk metrics correspond to the Basel II Advanced Measurement Approach. *See* International Convergence of Capital Measurements and Capital Standards: a Revised Framework, Basel Committee on Banking Supervision, 2005, available at *https://www.bis.org/publ/bcbs128.pdf.*

[75] *See* Notice of Filing, 84, FR at 44947 (noting that OCC included as confidential Exhibit 3e a comparison of its quantification of operational risks to contract volume and the amount of Clearing Fund deposits).

supervisory experience, which demonstrates that operational risks can arise from a variety of disparate sources that are represented in different ways and to different degrees among OCC's diverse membership, such that, as noted above, the level of operational risk presented to OCC by a given Clearing Member does not appear to be positively correlated to the number, type, or volume of contracts that that Clearing Member clears through OCC.

Taken together, the Commission believes that OCC's current proposal to fund replenishment capital through the Operational Loss Fee includes a sizing and allocation methodology that, as discussed above, is reasonably designed to minimize the potential burden of the fee on Clearing Members, as supported by data on the record, and would result in both the reasonable sizing and the equitable allocation of the Operational Loss Fee. Accordingly, for the reasons discussed above, the Commission believes that the proposed allocation method is consistent with the requirement that OCC's rules provide for the equitable allocation of fees. The Commission finds, therefore, that OCC's proposal to adopt the Operational Loss Fee is consistent with the requirements of Section 17A(b)(3)(D) of the Exchange Act.[76]

C. Consistency With Rule 17Ad–22(e)(2) Under the Exchange Act

Rule 17Ad–22(e)(2) under the Exchange Act requires, in part, that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to provide for governance arrangements that, among other things, are clear and transparent; clearly prioritize the safety and efficiency of the covered clearing agency; and support the public interest requirements of the Exchange Act.[77] Based on its review of the record, the Commission finds the proposal is consistent with Rule 17Ad–22(e)(2) under the Exchange Act.

As described in more detail above, under the proposal OCC would introduce a skin-in-the-game component to its existing default waterfall to offset losses in the event of a Clearing Member default. The FIA stated that it is unclear how material these skin-in-the-game contributions would be and whether they would be meaningful enough to result in an alignment of interest from a shareholder perspective.[78] The FIA notes that capital expenditures planned and approved by the OCC Board can be met through amounts in excess of the Target Capital Requirement and, as such, it is unclear how this may tie in with OCC's plans to contribute skin-in-the-game.[79] The FIA also notes that ''capital levels in excess of 110% of threshold could result in OCC revisiting the fee schedule,'' and that it is ''unclear if/how this may impact the funded level of skin in the game.''[80] As such, the FIA seeks ''greater transparency on the size of these resources,'' states that OCC should have a minimum amount of skin-in-the-game that ''scales with risk and is defined and funded upfront,'' and urges OCC ''to define a level of [skin-in-the-game] *ex ante* that would always be readily available in case of a default loss.''[81]

OCC responds that the Commission has not imposed a skin-in-the-game requirement, but that OCC nevertheless believes it is prudent to align OCC's incentives with those of the broader industry with respect to the management of risks faced by OCC and, as a result, has determined to propose the skin-in-the-game provisions included in its proposal.[82] OCC states that, under the proposed Capital Management Policy, it would provide a layer of skin-in-the-game to be used for both default losses and non-default losses, and that the skin-in-the-game would be a combination of two sources: Current and retained earnings of OCC and available funds in OCC's EDCP.[83] OCC acknowledges that, because it would be determined based on a function of available funds at a specific point in time, the specific amount of skin-in-the-game will be unknown until the time of an operational loss event, but emphasizes its belief that the skin-in-the-game component of the proposed Capital Management Policy, particularly with respect to the EDCP funds that would be a direct contribution from OCC management, is sufficient to ensure the alignment of incentives for risk management between OCC and the Clearing Member community.[84]

We conclude that OCC's skin-in-the-game proposal is consistent with the Exchange Act and the rules and regulations thereunder. In adopting Rule 17Ad–22(e)(2), the Commission discussed comments it received regarding the concept of skin-in-the-game as a potential tool to align the various incentives of a covered clearing agency's stakeholders, including management and clearing members.[85] And, while the Commission declined to include a specific skin-in-the-game requirement, it stated its belief that ''the proper alignment of incentives is an important element of a covered clearing agency's risk management practices,'' and noted that skin-in-the-game ''may play a role in those risk management practices in many instances.''[86]

Here, OCC has considered its financial resources, ownership structure, existing risk management framework, and other factors and, in light of these considerations, proposes to add to its current default waterfall two potential sources of skin-in-the-game for offsetting losses associated with Clearing Member defaults: (i) Deferred compensation in the form of the EDCP Unvested Balance (*i.e.,* executive bonuses awarded but not yet paid) and (ii) capital reserves (*i.e.,* Shareholder equity) in excess of 110 percent of the Target Capital Requirement. OCC proposes to modify its current default waterfall such that it would be required to use these skin-in-the-game resources *before* utilizing non-defaulting members' Clearing Fund contributions.[87]

In the Commission's view, with this aspect of the Proposed Rule Change OCC would be taking an important step toward incorporating a skin-in-the-game component into its existing risk management framework, which in turn should help further align the interests of OCC's stakeholders, including OCC management and Clearing Members. The direct contribution of the EDCP Unvested Balance in particular would represent a direct contribution of executive compensation by OCC's senior managers and therefore would help align the incentives of OCC's

[76] 15 U.S.C. 78q–1(b)(3)(D).

[77] 17 CFR 240.17Ad–22(e)(2).

[78] FIA Letter at 1.

[79] FIA Letter at 2.

[80] FIA Letter at 2.

[81] FIA Letter at 1–2.

[82] OCC Letter at 1.

[83] OCC Letter at 1–2.

[84] OCC Letter at 2.

[85] Covered Clearing Agency Standards, 81 FR at 70805–06.

[86] Covered Clearing Agency Standards, 81 FR at 70806.

[87] Specifically, OCC's current default waterfall, in general, utilizes the following resources in the following order: (i) The defaulting Clearing Member's margin deposit; (ii) the defaulting Clearing Member's Clearing Fund contribution; and (iii) non-defaulting Clearing Members' Clearing Fund contributions. Under the proposal the new default waterfall would require OCC to utilize the following resources in the following order: (i) The defaulting Clearing Member's margin deposit; (ii) the defaulting Clearing Member's Clearing Fund contribution; (iii) skin-in-the-game in the form of capital reserves above 110 percent of the Target Capital Requirement at the time of the default; and (iv) skin-in-the-game in the form of the aggregate value of the EDCP Unvested Balance at the time of the default *and* non-defaulting Clearing Members' Clearing Fund contributions, both charged on a pro rata basis. In addition, under the proposal, OCC would be *permitted* (but would not be required) to also utilize capital reserves between 100 percent and 110 percent of the Target Capital Requirement.

senior management with those of the broader industry with respect to the management of risks faced by OCC. Further, the EDCP Unvested Balance would not be affected directly by the issues relating to capital expenditures and revisions to the fee schedule noted by the FIA. Finally, although the size of OCC's skin-in-the-game resources in absolute terms would not be set unless and until they were utilized, the Proposed Rule Change establishes a clear and transparent methodology for establishing the amount of skin-in-the-game that would be available at the time and in the event of a Clearing Member default. As such, the Commission believes that the skin-in-the-game aspects of the Proposed Rule Change are consistent with Section 17Ad–22(e)(2) of the Exchange Act.

In addition to the skin-in-the-game components discussed above, the Proposed Rule Change includes the various components that would govern the sizing and imposition of the Operational Loss Fee. The FIA comment letter expresses the belief that any Board decision that results in the imposition of an Operational Loss Fee should be ''syndicated with'' Clearing Members and that any resulting feedback from Clearing Members should be ''presented to the Board before any decisions are taken.'' [88] In response, OCC refers to the requirements of its By-Laws that result in more than two-thirds of OCC's directors being either Clearing Member directors or public directors.[89] Further, OCC expresses its strong belief that part of the viability of a plan to replenish capital is the speed at which that replenishment capital is accessible.

We find that the Operational Loss Fee is consistent with Rule 17Ad–22(e)(2)(iii). That rule requires that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to provide for governance arrangements that support the public interest requirements of Section 17A of the Exchange Act applicable to clearing agencies, and the objectives of owners and participants.[90] In adopting Rule 17Ad–22(e)(2), the Commission added paragraph (vi) in response to comments regarding the scope of Rule 17Ad–22(e)(2)(iii).[91] Paragraph (vi) of Rule 17Ad–22(e)(2) specifically addresses the consideration of the interests of participants' customers, securities issuers and holders, and other relevant stakeholders of the covered clearing agency.[92] In adopting Rule 17Ad–22(e)(2), the Commission noted that the inclusion of independent directors on a clearing agency's board may be one mechanism for helping to ensure that the relevant views of stakeholders are presented and considered.[93] In the context of default management, the Commission has acknowledged that risk exposures can change rapidly during periods of market stress.[94] Similarly, the Commission believes that the general business risk exposures, and related losses, may change rapidly during periods of stress, and, in turn, that there is a benefit to a covered clearing agency's ability to respond to such changes in a timely fashion.

The FIA also expresses a concern that OCC's Board has a fiduciary duty to OCC, and by implication, not to Clearing Members; however, OCC responds that, in furtherance of the Exchange Act requirement that OCC's rules must assure a fair representation of its shareholders (or members) and participants in the selection of its directors and the administration of its affairs, OCC's By-Laws ''state that nine of the twenty directorships are reserved for representatives of OCC clearing members,'' and that, in addition, five of the twenty directorships are reserved for public directors, who are charged with representing the interests of all stakeholders, such that more than two-thirds of OCC's directors are either Clearing Member directors or public directors.[95] OCC also describes the formal and informal mechanisms that OCC employs to solicit feedback from Clearing Members and other interested stakeholders, including its Financial Risk Advisory Committee, Operations Roundtable, multiple letters and open calls with Clearing Members and other interested stakeholders, and routine in-person meetings with trade groups and individual firms.[96] As such, OCC contends that the Capital Management Policy was constructed with the benefit of the perspective of the Clearing Member community, and any further discussions at the Board will benefit from this same perspective.[97]

Again, we agree that the proposal is consistent with Rule 17Ad–22(e)(2). In adopting Rule 17Ad–22(e)(2), the Commission noted that the approach a covered clearing agency may take in considering the views of stakeholders could vary depending on the ownership structure or organizational form of the covered clearing agency.[98] The Commission believes that the governance arrangements currently in existence and proposed by OCC in connection with the Proposed Rule Change, as discussed above, are consistent with the requirement to consider the interests of OCC's participants, and are therefore consistent with Rule 17Ad–22(e)(2).

Accordingly, and for the reasons stated above, the Commission finds the changes proposed in the Proposed Rule Change are consistent with Rule 17Ad–22(e)(2) under the Exchange Act.[99]

D. Consistency With Rule 17Ad–22(e)(15) Under the Exchange Act

Rule 17Ad–22(e)(15) under the Exchange Act requires, in part, that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to identify, monitor, and manage the covered clearing agency's general business risk and hold sufficient liquid net assets funded by equity to cover potential general business losses so that the covered clearing agency can continue operations and services as a going concern if those losses materialize, including by taking the actions described in Rules 17Ad–22(e)(15)(i)–(iii) under the Exchange Act.[100] As discussed below, based on its review of the record, the Commission finds that the proposal is consistent with Rule 17Ad–22(e)(15) of the Exchange Act.

1. Rule 17Ad–22(e)(15)(i)

Rule 17Ad–22(e)(15)(i) under the Exchange Act requires that the policies and procedures described under Rule 17Ad–22(e)(15) include determining the amount of liquid net assets funded by equity based upon a covered clearing agency's general business risk profile and the length of time required to achieve a recovery or orderly wind-down, as appropriate, of its critical operations and services if such action is taken.[101]

As described above, OCC proposes to adopt rules governing OCC's process for determining the amount of Equity required to support the LNAFBE necessary to cover potential general business losses, which would then be

[88] FIA Letter at 3.

[89] OCC Letter at 3.

[90] 17 CFR 240.17Ad–22(e)(2)(iii).

[91] Covered Clearing Agency Standards, 81 FR at 70803.

[92] 17 CFR 240.17Ad–22(e)(2)(vi).

[93] Covered Clearing Agency Standards, 81 FR at 70803.

[94] Covered Clearing Agency Standards, 81 FR at 70806.

[95] OCC Letter at 3–4.

[96] OCC Letter at 4.

[97] OCC Letter at 4.

[98] Covered Clearing Agency Standards, 81 FR at 70803.

[99] 17 CFR 240.17Ad–22(e)(2).

[100] 17 CFR 240.17Ad–22(e)(15).

[101] 17 CFR 240.17Ad–22(e)(15)(i).

used to help set its Target Capital Requirement.[102] In turn, the Target Capital Requirement would be designed to ensure, among other things, that OCC holds sufficient capital to continue operations and services as a going concern if general business losses materialize, which OCC refers to as the Potential Loss Amount.[103] To set the Potential Loss Amount, OCC would conduct an annual analysis of its capital requirements by analyzing and aggregating potential losses from individual operational risk scenarios, aggregating the loss events, and conducting loss modeling at or above the 99 percent confidence level.[104] The Commission did not receive any comments on this aspect of the proposal. Taken together, the Commission believes the proposal is designed to identify and maintain the resources necessary for OCC to recover or wind-down its critical operations or services as well as to remain a going concern following the realization of losses due to general business risk, and therefore finds that it is consistent with Rule 17Ad–22(e)(15)(i).[105]

2. Rule 17Ad–22(e)(15)(ii)

Rule 17Ad–22(e)(15)(ii) under the Exchange Act requires that the policies and procedures described under Rule 17Ad–22(e)(15) include holding liquid net assets funded by equity equal to the greater of either (i) six months of the covered clearing agency's current operating expenses, or (ii) the amount determined by the board of directors to be sufficient to ensure a recovery or orderly wind-down of critical operations and services of the covered clearing agency, as contemplated by the plans established under Rule 17Ad–22(e)(3)(ii), and which shall be in addition to resources held to cover participant defaults or other risks covered under applicable credit risk and the liquidity risk standards, and shall be of high quality and sufficiently liquid to allow the covered clearing agency to meet its current and projected operating expenses under a range of scenarios, including in adverse market conditions.[106]

As described above, OCC proposes to adopt rules that would require it to hold at least the minimum amount of Equity necessary to meet the Target Capital Requirement. In turn, the Target Capital Requirement would be set at a level at least sufficient to comply with Rule 17Ad–22(e)(15)(ii) under the Exchange Act. Specifically, the Target Capital Requirement would equal or exceed, at a minimum, the greater of (i) six months of OCC's current operating expenses; (ii) the RWD Amount (which would equal or exceed the amount determined by the board of directors to be sufficient to ensure a recovery or orderly wind-down of critical operations and services); or (iii) the Potential Loss Amount. Thus, under the proposal, OCC would maintain LNAFBE in an amount that would equal or exceed the amount determined by OCC to correspond to the amounts described in Rule 17Ad–22(e)(15)(ii).

To ensure that OCC continues to hold the amount of LNAFBE required under Rule 17Ad–22(e)(ii), as detailed above, OCC would also, on a monthly basis, monitor its Equity relative to the Target Capital Requirement to determine whether an Early Warning or Trigger Event had occurred. In addition, in response to such monitoring and any associated Early Warnings, OCC would use fee-related tools currently available under its existing Rules (*e.g.,* increases, decreases, refunds, or fee waivers) to manage and maintain its capital levels at or near the Target Capital Requirement. For example, OCC proposes to require OCC Management to notify OCC's Board promptly if Equity were to fall below the Early Warning threshold and to recommend to the Board whether to implement a fee increase in an amount that the Board determines necessary and appropriate to raise additional Equity. The requirement to notify the Board, and recommend appropriate action, would help to ensure that OCC continues to hold sufficient resources to meet the Target Capital Requirement. As such, the proposal would be designed to ensure that OCC holds Equity sufficient to support the amount of LNAFBE equal to the Target Capital Requirement, which requirement would correspond to the amounts specified under Rule 17Ad–22(e)(15)(ii).

The Capital Management Policy would provide objective, quantifiable metrics and tools that OCC would use to determine its forward six-months operating expenses and RWD Amount (*i.e.,* the cost of recovery or orderly wind-down) and ensure that it holds at least those amounts in LNAFBE at all times.[107] Specifically, to determine the RWD Amount, on an annual basis OCC would follow the process and use the assumptions laid out in its Recovery and Wind-Down Plan (''RWD Plan''), which the Commission previously reviewed and approved.[108] Under the RWD Plan, on an annual basis, OCC identifies its critical services and determines the cost to maintain those critical services over the prescribed recovery or wind-down period, assuming costs remain at historical levels.[109] As noted above, OCC would also set the Target Capital Requirement at a level designed to cover the Potential Loss Amount, which would be designed to address losses arising out of operational risk. On an annual basis, OCC would quantify the amount of capital to be held against OCC's operational risks by analyzing and aggregating potential losses from individual operational risk scenarios, aggregating the loss events, and conducting loss modeling at or above the 99 percent confidence level.[110]

The Commission also finds that the proposed rules concerning the form of OCC's LNAFBE and manner in which it would be held are consistent with the requirements of Rule 17Ad–22(e)(15)(ii). OCC proposes to define LNAFBE such that it would consist of only cash and cash equivalents. OCC's LNAFBE would, therefore, be liquid by definition. Further, OCC proposes to adopt rules requiring that OCC hold Equity equal to 110 percent of the Target Capital Requirement separate from OCC's resources to cover participant defaults, which would help ensure that the Equity it holds to comply with Rule 17Ad–22(e)(ii) is in addition to OCC's resources to cover participant defaults and other risks covered under applicable credit risk and liquidity risk standards. The Commission did not receive any comments opposing OCC's proposed approach to determining its forward six-months operating expenses and cost of recovery or orderly wind-down. For the reasons discussed above, the Commission believes that the

[102] *See supra* Section V.A; *see also* Notice of Filing, 84 FR at 44945.

[103] *See id.*

[104] *See id.;* OCC Letter at 4.

[105] 17 CFR 240.17Ad–22(e)(15)(i).

[106] 17 CFR 240.17Ad–22(e)(15)(ii).

[107] OCC has, in prior filings, discussed the quantitative analyses underlying the calculation of operating expenses and potential recovery and wind-down costs. *See* Securities Exchange Act Release No. 85322 (Mar. 14, 2019), 84 FR 10377, 10378 (Mar. 20, 2019) (File No. SR–OCC–2019–001) (stating that such quantitative assumptions are based on a number of assumptions and projections, including, among other things, (i) projected average daily volumes; (ii) projected expenses and known cash flows; (iii) an operating margin based on historical volumes; and (iv) known capital needs to replace and modernize OCC's technology infrastructure).

[108] *See* Notice of Filing, 84 FR at 44945. *See also* Securities Exchange Act Release No. 83918 (Aug. 23, 2018), 83 FR 44091 (Aug. 29, 2018) (File No. SR–OCC–2017–021) (approving OCC's proposal to formalize and update its Recovery and Orderly Wind-Down Plan).

[109] *See* Notice of Filing, 84 FR at 44945.

[110] *See* Notice of Filing, 84 FR at 44945.

proposal is consistent with Rule 17Ad–22(e)(15)(ii) of the Exchange Act.

The Commission did receive one comment regarding the degree of transparency OCC proposes to maintain in respect of the Target Capital Requirement. In its comment letter, the FIA states that the Target Capital Requirement information that OCC would publish on its website quarterly is ''important for transparency purposes'' and that OCC should ''also provide disclosures on any expenses/losses that could result in the operational loss fee being charged as this will assist members in their own risk management.'' [111] Rule 17Ad–22(e)(15) does not require OCC to publish the information to which the FIA refers, and Clearing Members already receive from OCC a wide range of information to assist with their own risk management and to help them anticipate and satisfy their obligations as Clearing Members of OCC, such as the Daily Position Report,[112] Daily Margin Report,[113] X–M Margin and Settlement Report,[114] Expiration Exercise Report,[115] Exercise and Assignment Activity Report,[116] and reports listing the current amount and form of a Clearing Member's required contribution to the Clearing Fund.[117] The Commission believes that such information already provides Clearing Members with timely, relevant information that Clearing Members are able to incorporate into their existing risk management efforts. As such, the Commission does not believe that OCC's failure to propose to provide the type of additional disclosures advocated by the FIA renders the Proposed Rule Change inconsistent with Rule 17Ad–22(e)(15)(ii) under the Exchange Act.

3. Rule 17Ad–22(e)(15)(iii)

Rule 17Ad–22(e)(15)(iii) under the Exchange Act requires that the policies and procedures described under Rule 17Ad–22(e)(15) include maintaining a viable plan, approved by the board of directors and updated at least annually, for raising additional equity should a covered clearing agency's equity fall close to or below the amount required under Rule 17Ad–22(e)(15)(ii).[118]

As described above, the proposed Replenishment Plan would govern OCC's process for replenishing its capital in the event that Equity were to fall close to or below the Target Capital Requirement by, among other things, implementing tools that would allow OCC to replenish its capital levels in the event that routine monitoring and management through its existing fee-related tools is insufficient to avoid a Trigger Event, which would only occur if OCC's Equity fell below 100% of the Target Capital Requirement and stayed there for 90 consecutive days *or* OCC's Equity fell below 90% of the Target Capital Requirement at any point in time. The proposed Replenishment Plan would require OCC's Management to monitor changes in Equity and to notify OCC's Board of a Trigger Event. If a Trigger Event were to occur, OCC would attempt to replenish its capital levels first through the contribution of the EDCP Unvested Balance. If and only if the entire EDCP Unvested Balance were insufficient to bring OCC's Equity back to or above 100% of the Target Capital Requirement, OCC would be required to levy the Operational Loss Fee on Clearing Members. The Operational Loss Fee would be sized to the Adjusted RWD Amount, and therefore would be designed to provide OCC with at least enough capital either to continue as a going concern or to wind-down in an orderly fashion.

Under the proposal, on an annual basis OCC's Management would be obligated to recommend that the Board approve or, as appropriate, modify the proposed Replenishment Plan. In turn, OCC's Board would be obligated annually to approve or, as appropriate, modify the proposed Replenishment Plan based on Management recommendation.

To the extent the Operational Loss Fee is levied, the FIA suggests that OCC should clarify the mechanism for returning such resources to Clearing Members.[119] In response, OCC states that if an Operational Loss Fee were charged and OCC's capital subsequently exceeded 110 percent of the Target Capital Requirement such that OCC determined to return to Clearing Members funds received pursuant to the charge, OCC would return the funds to Clearing Members in equal share to each Clearing Member that paid the Operational Loss Fee until such time as the aggregate amount of the Operational Loss Fee was returned.[120] OCC's comment included an example to further clarify OCC's explanation.[121] This information also is described in the Notice of Filing,[122] and is consistent with the Commission's understanding, based on its review of the record, of the mechanisms that OCC would use to return the Operational Loss Fee in the event that it is levied. Accordingly, the Commission believes that the information provided by OCC in the Notice of Filing and subsequently in its comment letter provides a comprehensive and sufficient response to the FIA's request for clarification.

The FIA also requests clarification regarding OCC's proposal to charge the Operational Loss Fee in an amount that would return OCC to a capitalization of 110 percent of the Target Capital Requirement, instead of just returning to the target capital levels.[123] OCC clarifies that the reason for this 10 percent buffer is ''embedded in the requirement itself: OCC's replenishment plan is to be used when OCC's Equity falls '*close to* or below the [Target Capital Requirement],''' [124] which OCC interprets as requiring it to maintain capital reserves, at a minimum, above 100 percent of the Target Capital Requirement. In determining how much above 100 percent of the Target Capital Requirement, OCC determined that maintaining capital reserves at or around 110 percent of the Target Capital Requirement was the appropriate amount, in part because 10 percent of the Target Capital Requirement represents approximately two months of earnings, and OCC believes that a two-month window would provide OCC's senior management and Board sufficient time to respond to a deterioration of OCC's capital.[125] The Commission has reviewed the analysis provided by OCC [126] and believes that a 110 percent buffer representing approximately two months of earnings is reasonable in light of the requirement set forth in Rule 17Ad–22(e)(15)(iii) that a viable replenishment plan be calibrated to circumstances where a covered clearing agency's capital level falls below *or close to* the required capital amount. Accordingly, here as well the

[111] FIA Letter at 4.

[112] *See* OCC Rule 501, available at *https://www.theocc.com/components/docs/legal/rules_and_bylaws/occ_rules.pdf.*

[113] *See* OCC Rule 605, available at *https://www.theocc.com/components/docs/legal/rules_and_bylaws/occ_rules.pdf.*

[114] *See* OCC Rule 706, available at *https://www.theocc.com/components/docs/legal/rules_and_bylaws/occ_rules.pdf.*

[115] *See* OCC Rule 805, available at *https://www.theocc.com/components/docs/legal/rules_and_bylaws/occ_rules.pdf.*

[116] *See* OCC Rule 901, available at *https://www.theocc.com/components/docs/legal/rules_and_bylaws/occ_rules.pdf.*

[117] *See* OCC Rule 1007, available at *https://www.theocc.com/components/docs/legal/rules_and_bylaws/occ_rules.pdf.*

[118] 17 CFR 240.17Ad–22(e)(15)(iii).

[119] FIA Letter at 3.

[120] OCC Letter at 3.

[121] *Id.*

[122] *See* Notice of Filing, 84 FR at 44946.

[123] FIA Letter at 3.

[124] OCC Letter at 3 (emphasis in original) (citation omitted).

[125] *See* Notice of Filing, 84, FR at 44946.

[126] *See* Notice of Filing, 84, FR at 44946, n. 17 (stating that OCC included its analysis in confidential exhibit 3d).

Commission believes that the information provided by OCC provides a comprehensive and sufficient response to the FIA's request for clarification.

The Commission believes that OCC's proposal with respect to the Operational Loss Fee will permit OCC to raise additional equity in the event that its equity falls close to or below the Target Capital Requirement and therefore finds that it is consistent with Rule 17Ad–22(e)(15)(iii) of the Exchange Act. The Commission finds, therefore, that adoption of these aspects of the proposed Capital Management Policy and supporting rule changes are consistent with Exchange Act Rule 17Ad–22(e)(15).[127]

V. Conclusion

On the basis of the foregoing, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Exchange Act, and in particular, the requirements of Section 17A of the Exchange Act [128] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,[129] that the Proposed Rule Change (SR–OCC–2019–007), as modified by Partial Amendment No. 1, be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[130]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–01643 Filed 1–29–20; 8:45 am]

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[127] 17 CFR 240.17Ad–22(e)(15).

[128] In approving this Proposed Rule Change, the Commission has considered the proposed rules' impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[129] 15 U.S.C. 78s(b)(2).

[130] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88033; File No. SR–NYSE–2020–03]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change To Add New Rule 46B To Permit the Appointment of Regulatory Trading Officials and Amend Rules 47 and 75

January 24, 2020.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on January 14, 2020, New York Stock Exchange LLC (''NYSE'' 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 self-regulatory organization. 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 a new Rule 46B to permit the appointment of Regulatory Trading Officials and corresponding amendments to Rules 47 and 75 to permit Regulatory Trading Officials to review whether a bid or offer was verbalized at the point of sale in time to be eligible for inclusion in the Closing Auction. The proposed rule change is available on the Exchange's website at *www.nyse.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 self-regulatory organization 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 those 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 parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes a new Rule 46B to permit the appointment of Regulatory Trading Officials and corresponding amendments to Rules 47 and 75 to permit Regulatory Trading Officials to review whether a bid or offer was verbalized at the point of sale in time to be eligible for inclusion in the Closing Auction.

Background

Rule 46 permits the Exchange to appoint active NYSE members [4] as Floor Officials. Rule 46 also permits the Exchange to appoint ''qualified'' [5] ICE employees to act as Floor Governors, one of the more senior types of Floor Officials (''Staff Governors'').[6] Floor Officials are delegated certain authority from the Board of Directors of the Exchange to supervise and regulate active openings and unusual situations that arise in connection with the making of bids, offers or transactions on the Trading Floor,[7] and to review and approve certain trading actions.

Currently, only Floor Officials are authorized to act under the Exchange's rules in connection with certain situations involving bids, offers or transactions on the Trading Floor. Specifically, Rule 75 (Disputes as to Bids and Offers) mandates that disputes arising on bids or offers that are not settled by agreement between the interested members shall be settled by a Floor Official. Under Rule 47 (Floor Officials—Unusual Situations), Floor Officials have the authority to ''supervise and regulate active openings and unusual situations that may arise in connection with the making of bids, offers or transactions on the Floor.''

Unusual situations may arise that could impede or prevent Floor brokers from representing customer interest before the end of Core Trading Hours.[8] In the event of such a potentially unusual situation,[9] a Floor broker may

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] Rule 2(a) states that the term ''member,'' when referring to a natural person, means a natural person associated with a member organization who has been approved by the Exchange and designated by such member organization to effect transactions on the Exchange Trading Floor or any facility thereof. *See also* note 7, *infra.*

[5] Supplementary Material .10 defines ''qualified'' employees as ''employees of ICE or any of its subsidiaries, excluding employees of NYSE Regulation, Inc., who shall have satisfied any applicable testing or qualification required by the NYSE for all Floor Governors.''

[6] Pursuant to Rules 46 and 46A, Floor Governors are one of several ranks of the broader category of Floor Officials, including, in order of increasing seniority, Floor Officials, Senior Floor Officials, Executive Floor Officials, Floor Governors and Executive Floor Governors. *See* Securities Exchange Act Release No. 57627 (April 4, 2008), 73 FR 19919 (April 11, 2008) (SR–NYSE–2008–19).

[7] The term ''Trading Floor'' is defined in Rule 6A to mean the restricted-access physical areas designated by the Exchange for the trading of securities, commonly known as the ''Main Room'' and the ''Buttonwood Room.''

[8] *See* NYSE Rule 52. Core Trading Hours are defined in Rule 1.1(d) to mean the hours of 9:30 a.m. ET through 4:00 p.m. ET, or such other hours as may be determined by the Exchange, for example, an early scheduled closing time.

[9] Unusual situations may arise, for example, if the Floor broker hand-held device malfunctions or ceases to work or if a Floor broker is physically impeded, as a result of a crowd condition beyond that of normal traffic flow on the Exchange's trading Floor or some other circumstance beyond the Floor broker's control, in his or her ability to be present at a post before the DMM closes the security. *See*

Continued

consult with a Floor Official and the Designated Market Maker (''DMM'') in the relevant security regarding whether and how that customer interest can be represented so that it is eligible to participate in the Closing Auction.[10] The Floor Official's role in this consultation is to provide an impartial professional assessment of the situation consistent with NYSE Rule 47. Currently, the DMM makes the final determination whether to include or exclude Floor broker verbal interest in the Closing Auction.

Proposed Rule Change

The Exchange proposes a new ''Regulatory Trading Official'' that may be consulted regarding whether a bid or offer was verbalized at the point of sale in time to be eligible for inclusion in the Closing Auction by the DMM.

Under proposed Rule 46B, Regulatory Trading Officials would be an Exchange employee or officer designated by the Chief Regulatory Officer or its designee to perform the functions specified in Exchange rules. As proposed, Regulatory Trading Officials would have the authority to review whether a bid or offer was verbalized at the point of sale in time to be eligible for inclusion in the Closing Auction. The final determination to include or exclude verbal interest from the Closing Auction will be made by the DMM pursuant to Rule 104. Floor Officials would retain the authority to settle disputes arising on bids or offers for all transactions on the Exchange other than the Closing Auction.

The Exchange believes that it is more appropriate for a regulatory employee to consult with a Floor broker and DMM relating to the timely entry of verbal interest in the Closing Auction. Whether a bid or offer was verbalized at the point of sale in time to be eligible for inclusion in the Closing Auction will often require assessing whether a Floor broker complied with the rules for entry of verbal interest prior to the Closing Auction.[11] The Exchange believes that having a regulatory employee involved in such discussions will emphasize the importance of including verbal interest entered in a timely manner in the closing auction.

To effectuate these changes, the Exchange proposes a new Rule 46B that would provide that a Regulatory Trading Official would be an Exchange employee or officer designated by the Chief Regulatory Officer or its designee to perform those functions specified in Exchange rules.

The Exchange further proposes to amend Rule 47 to specify that, whether a bid or offer was verbalized at the point of sale in time to be eligible for inclusion in the Closing Auction by a DMM, would be governed by Rule 75(b). The proposed changes to Rule 75 would separate the current rule text into two sections. First, the existing text of Rule 75 relating to the authority of Floor Officials to resolve disputes between members arising on bids or offers would be renumbered as new subsection (a)(1) and the existing text of Supplementary Material .10 would be renumbered as new subsection (a)(2). The Exchange proposes no substantive changes to the existing text of Rule 75 or current Supplementary Material .10.

The proposed authority of Regulatory Trading Officials would be set forth in a new subsection (b) to Rule 75. Proposed Rule 75(b) would provide that a Regulatory Trading Official may be consulted regarding whether a bid or offer was verbalized at the point of sale in time to be eligible for inclusion in the Closing Auction by the DMM. The proposed rule would provide that either the Floor broker with the verbal interest or the DMM responsible for the Closing Auction in the relevant security may request Regulatory Trading Official review. Proposed Rule 75(b) would also provide that if such a request has been made, the DMM will not facilitate the Closing Auction until a Regulatory Trading Official has completed his or her review. Finally, the proposed rule would provide, consistent with current rules, that the final determination to include or exclude verbal interest from the Closing Auction will be made by the DMM pursuant to Rule 104.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Section 6(b)(5) of the Act,[13] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and protect investors and the public interest.

In particular, the Exchange believes that creating a new category of trading official to review whether a bid or offer was verbalized in time to be included in the Closing Auction would promote just and equitable principles of trade and remove impediments to a free and open market by providing additional certainty to the Closing Auction when a dispute arises, thereby facilitating fair competition among brokers and dealers and among exchange markets. The Exchange's Closing Auction is a recognized industry reference point,[14] and the Exchange believes that having a regulatory employee review whether verbal interest was correctly and timely entered at the end of the trading day would promote the efficient execution of the Closing Auction, thereby contributing to fair and orderly markets and strengthening investor confidence in the market.

The Exchange believes that assigning responsibility for reviewing whether verbal interest was eligible for inclusion in the Closing Auction to a regulatory employee designated by the Chief Regulatory Officer will contribute to the protection of investors and the public interest. As noted above, the Exchange believes that regulatory employees are appropriately suited to the role of consultation regarding entry of verbal interest in time to participate in the Closing Auction. The Exchange also believes the proposed amendments further the goal of transparency and add clarity to the Exchange's rules, which would not be inconsistent with the public interest and the protection of investors because investors would not be harmed and in fact would benefit from the increased transparency and clarity in the Exchange's rules, thereby reducing potential confusion.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

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 that is not necessary or appropriate in furtherance of the purposes of the Act. The

NYSE Member Education Bulletin 19–01 (June 21, 2019).

[10] Floor broker buy and sell interest is eligible to participate in the Closing Auction if, by the end of Core Trading Hours, such interest is (1) entered into an Exchange system and recorded in accordance with Rule 123(e), and (2) either entered electronically or verbally represented at the point of sale. When verbally representing customer interest, Floor brokers must bid or offer by articulating the following elements: Symbol, side (buy or sell), size, and, if the order is a limit order, the price. *See* Member Education Bulletin 19–01 (June 21, 2019); *see generally* Rule 123(b) (record of orders must contain the required terms of the order, including the name and amount of the security, the terms of the order and the time when such order was received).

[11] *See* note 10, *supra.*

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] For example, the pricing and valuation of certain indices, funds, and derivative products require primary market prints.

proposed rule change is not designed to address and competitive issues, but rather assign responsibility for reviewing eligibility of verbal interest for inclusion in the Closing Auction to a regulatory employee. Since the proposal does not substantively modify the Closing Auction or system functionality, the proposed changes will not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register**, or such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be 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–NYSE–2020–03 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–NYSE–2020–03. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2020–03 and should be submitted on or before February 20, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–01646 Filed 1–29–20; 8:45 am]

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[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. SIPA–180A; File No. SIPC–2019–01]

Securities Investor Protection Corporation; Notice of Filing of Proposed Bylaw Change, as Revised by Amendment No. 1, Relating to SIPC Board Compensation; Correction

January 24, 2020.

Pursuant to Section 3(e)(1) of the Securities Investor Protection Act of 1970 (''SIPA''),[1] on October 8, 2019 the Securities Investor Protection Corporation (''SIPC'') filed with the Securities and Exchange Commission (''Commission'') a proposed bylaw change relating to the SIPC Board of Directors' (''Board'') compensation. On October 24, 2019, SIPC consented to a 90-day extension of time before the proposed bylaw change would take effect pursuant to section 3(e)(1) of SIPA.[2] On November 19, 2019, SIPC filed a revised version of the proposed bylaw change, which replaced and superseded the original proposed bylaw change in its entirety. On December 10, 2019, SIPC consented to a 90-day extension of time before the proposed bylaw change, as revised by Amendment No. 1, would take effect pursuant to section 3(e)(1) of SIPA.[3] Pursuant to section 3(e)(1)(B) of SIPA, the Commission finds that the proposed bylaw change, as revised by Amendment No. 1, involves a matter of such significant public interest that public comment should be obtained.[4] Therefore, pursuant to section 3(e)(2)(A) of SIPA,[5] the Commission is publishing this notice to solicit comment from interested persons on the proposed bylaw change, as revised by Amendment No. 1.[6]

In its filing with the Commission, SIPC included statements concerning the purpose of and statutory basis for the proposed bylaw change, as revised by Amendment No. 1, as described below, which description has been substantially prepared by SIPC.

I. SIPC's Statement of the Purpose of, and Statutory Basis for, Proposed SIPC Bylaw Change Relating to SIPC Board Compensation

On October 7, 2019, pursuant to Section 3(e)(1) of SIPA, 15 U.S.C. 78ccc(e)(1),[7] SIPC submitted for filing with the Commission a proposed amendment to Article 2, Section 6, of the SIPC Bylaws. On November 18, 2019, SIPC submitted a revised version of the proposed amendment to Article 2, Section 6, of the SIPC Bylaws. Article 2, Section 6, of the Bylaws relates to the honoraria paid to non-Governmental members of the Board.

As amended, Article 2, Section 6, would: (1) Change the Board Chairperson's yearly honorarium from

[1] 15 U.S.C. 78ccc(e)(1).

[2] *Id.*

[3] *Id.*

[4] 15 U.S.C. 78ccc(e)(1)(B).

[5] 15 U.S.C. 78ccc(e)(2)(A).

[6] This notice of SIPC's filing of a proposed bylaw change, as revised by Amendment No. 1, relating to SIPC Board compensation, supersedes the notice originally published in the **Federal Register** on January 23, 2020. *See* Securities Investor Protection Corporation; Notice of Filing of Proposed Bylaw Change, as Revised by Amendment No. 1, Relating to SIPC Board Compensation, Release No. SIPA–180 (Jan. 16, 2020), 85 FR 3960 (Jan. 23, 2020). The notice published on January 23, 2020 inadvertently referenced a provision from the original version of the proposed bylaw change that would have provided for a re-evaluation of Board honoraria every ten years. SIPC's proposed bylaw change, as revised by Amendment No. 1, does not propose a re-evaluation of Board honoraria every ten years.

[7] For convenience, reference hereinafter to provisions of SIPA shall be to the United States Code and shall omit ''15 U.S.C.''.

$15,000 to $28,000; (2) change the Directors' yearly honorarium from $6,250 to $12,000; (3) while the position of Chairperson remains vacant, authorize the Board Vice Chairperson who serves as acting Chairperson for a continuous twelve month period, to receive an honorarium of $28,000; and (4) while the positions of Chairperson and Vice Chairperson remain vacant, authorize any Director, to whom the SIPC Board delegates authority to perform certain functions of the Chairperson, to receive an honorarium of $28,000 provided that the Director performs those functions for a continuous twelve month period.

The revised version of the proposed bylaw amendment was approved by the SIPC Board on November 14, 2019. Under SIPA section 78ccc(e)(1), unless it is disapproved by the Commission or the Commission determines that the matter is of such significant public interest as to warrant public comment, the amendment will take effect thirty (30) days after a copy is filed with the Commission. The Board has provided that, if approved by the Commission, the proposed amendment would not be implemented until six (6) months from the date of Commission approval or non-disapproval. Section IV below provides the text of the proposed changes to Article 2, Section 6, of the Bylaws.

Background

The SIPC Board consists of seven members. Five of SIPC's Directors are appointed by the President of the United States and confirmed by the Senate. Of the five Directors, three are associated with, and representative of, the securities industry (''Securities Directors''), and two are from outside of the industry. The Directors from outside of the securities industry serve as Chairman and Vice Chairman of SIPC. In addition, one SIPC Director is an officer or employee of the Department of the Treasury and one Director is an officer or employee of the Federal Reserve Board. SIPA § 78ccc(c)(1)–(3).

Under SIPA Section 78ccc(c)(5), all matters relating to Director compensation are as provided in the SIPC Bylaws. Since 1994, when the position of Chairperson ceased to be a full-time position, the honoraria awarded to the Directors have been as follows:

Bylaw date	Bylaw	Chairman	Vice chairman	Industry directors
1994	Art. 2, § 6	$1,000/meeting $500/day for official business + expenses.	$500/meeting $500/day for official business + expenses.	Expenses only.
2006	Art. 2, § 6	$15,000 honorarium + expenses	$6,250 honorarium + expenses	$6,250 honorarium + expenses.

The amounts of the Director honoraria have been the same for more than 10 years. For the reasons discussed below, the Board has determined that it is appropriate that the proposed changes to Article 2, Section 6, of the Bylaws be made.

General Statement of Basis and Purpose of Proposed Changes

Enhanced Responsibilities and Risk

The SIPC Board sets the direction and policies for the Corporation. Since the 2008 financial crisis, SIPC's responsibilities have grown, and greater demands have been placed upon the time, commitment, and energy, of the Directors.

The Directors oversee a Fund which currently stands at more than $3.3 billion. The size of the Fund is modest compared to the amounts of customer assets at risk in SIPA liquidations over the last several years. These have included MF Global Inc., involving the largest commodities brokerage liquidation in history; Lehman Brothers Inc., with $106 billion owed to more than 111,000 customers; and Bernard L. Madoff Investment Securities LLC, with over $20 billion of customer assets owed. Each of these liquidations contained or contains complex and significant legal or operational hurdles for their resolution. Today, such large cases cannot be viewed as isolated events or SIPC's involvement in them as incidental. For example, in a too-big-to-fail situation, Congress has given SIPC an important role. Under the Dodd-Frank Wall Street Reform and Consumer Protection Act, SIPC serves as trustee in the orderly liquidation of a covered broker-dealer. *See* 12 U.S.C. 5385(a)(1).

Given the breadth of SIPC's mission, whether the Fund is sufficient to satisfy SIPA's goal of customer protection is one of the most important issues that Directors face. The potential exposure arising from the liquidation of large firms alone highlights the importance of the Board's decision-making.

The sizeable amounts at stake in recent cases also create more risk for the Directors including the risk that Directors may be sued for tactical reasons, however frivolous such suits may be. For example, in the Madoff case, the SIPC Board and its President were sued in a multi-million dollar complaint brought by Madoff investors. *Canavan* v. *Harbeck,* Case No. 2:10–cv–00954–FSH–PS (D.N.J.). Although the Directors are shielded from liability for their good faith actions or omissions under SIPA Section 78kkk(c), the burden of having to defend against a law suit, the uncertainty of the outcome of litigation, the demands on a Director's time, and the reputational risk to the Director, remain.

Today, more accountability is asked of corporate directors. At SIPC, the Directors not only oversee the administration of the quasi-public SIPC Fund, but also of the SIPC Employees' Savings Plan, and the SIPC Employees' Retirement Plan. As a result of their role in these and other matters, the Board must carefully oversee Management and the policies and procedures Management has put in place.

Time Commitment

SIPC Directors willingly devote their time to SIPC, often at the expense of other important commitments, and potential compensation, outside of their SIPC responsibilities. The time, even for some Directors to travel to SIPC, can be burdensome since under SIPA section 78ccc(c)(2)(C)(i), the Securities Directors cannot be from the same geographical area of the United States. SIPC Directors travel from their home base to Washington, DC, to attend regular Board, as well as Committee, Meetings. There are three committees at SIPC on which the Directors serve: One for investments, another for compensation, and a third, for audit and budget. *See* Article 3, Section 1, of the SIPC Bylaws. In addition to their attendance and participation at Meetings, the Directors regularly meet in Executive Session to discuss matters of importance to SIPC business.

Attracting and Retaining Qualified Directors

In order for the SIPC program to be successful, it must have a Board that is engaged, resourceful, and willing to devote the time and energy to the program and to be committed to it. While it is an honor to be appointed as a Director, there should be some recognition of the contributions made by these individuals. Measured against

the demands placed upon the Directors and the responsibilities and risks they are expected to assume, the changes proposed by the Board are modest.

Basis for the Amounts Proposed

In considering a possible Bylaw change, the Board, through its Government Directors, commissioned Korn/Ferry International (''Korn/Ferry''), a leading global management and executive consulting firm, to provide recommendations with respect to compensation for SIPC Board members, including the Chair and Vice Chair. In undertaking the engagement, Korn/Ferry constructed a peer group of 23 organizations comparable to SIPC and analyzed their Director compensation. The peer group included non-profit groups, regulatory advocacy organizations, as well as federally funded ones.

Based upon its analysis, Korn/Ferry concluded that entities similar to SIPC in purpose and responsibilities typically provide some compensation to their Directors. Specifically, with respect to SIPC, Korn/Ferry recommended that:

(1) Director compensation consist of an annual retainer paid quarterly and ranging between $30,000 and $50,000;

(2) The Vice Chair receive an additional amount of $3,000 to $5,000 per year; and

(3) The Chair receive an additional $10,000 to $15,000 per year. Korn/Ferry Director Compensation Analysis, dated May 31, 2019, at 10.

Independently, the Government Directors formulated a separate approach to the matter. Under their analysis, they reasoned that because the non-Government Directors are Presidential appointees confirmed by the Senate who render a public service, it would be appropriate to measure the amount of a Director honorarium against the pay of a Senior Executive Service (''SES'') Government employee. The maximum amount under the SES pay scale currently is $192,300. Based upon an average of 16 days of service per year comprised of six days of meetings, five days for preparation, and five days for ad hoc work, the Directors concluded that the non-Government Directors should receive an honorarium of $12,000 per year which would continue to be paid in quarterly installments. Applying the current ratio of Chair versus non-Chair honoraria, the non-Government Directors calculated the honorarium of the Chair at $28,000. The Board also calculated that an adjustment for inflation since the honoraria were last set in 2006 would have resulted in an honorarium of more than $19,000 for the Chair.

At its Meeting on November 14, 2019, the Board adopted the recommendations of the non-Government Directors, and agreed that the requested amendment, if approved, would take effect six months from the date of approval or non-disapproval by the Commission.

The Proposed Bylaw Amendment

Because the Government Directors are ineligible, the recipients of the honoraria are limited to the Directors from the private sector. The honoraria are paid from the SIPC Fund, SIPA § 78ddd(a)(1), and no taxpayer monies are used.

Having extensively considered the matter, the Board has determined that the Bylaw should be amended.

II. Need for Public Comment

Section 3(e)(1) of SIPA provides that the Board of Directors of SIPC must file a copy of any proposed bylaw change with the Commission, accompanied by a concise general statement of the basis and purpose of the proposed bylaw change.[8] The proposed bylaw change will become effective thirty days after the date of filing with the Commission or upon such later date as SIPC may designate or such earlier date as the Commission may determine unless: (1) The Commission, by notice to SIPC setting forth the reasons for such action, disapproves the proposed bylaw change as being contrary to the public interest or contrary to the purposes of SIPA; or (2) the Commission finds that the proposed bylaw change involves a matter of such significant public interest that public comment should be obtained, in which case it may, after notifying SIPC in writing of such finding, require that the procedures for SIPC proposed rule changes in section 3(e)(2) of SIPA be followed with respect to the proposed bylaw change.[9]

Compensation paid to members of the financial service industry and paid to officials serving the public interest has become a topic of public interest in recent years. Therefore, the Commission finds, pursuant to section 3(e)(1)(B) of SIPA,[10] that the proposed bylaw changes involve a matter of such significant public interest that public comment should be obtained and is requiring that the procedures applicable to SIPC proposed rule changes in section 3(e)(2) of SIPA [11] be followed. As required by section 3(e)(1)(B) of SIPA,[12] the Commission has notified SIPC of this finding in writing.

III. Date of Effectiveness of the Proposed Bylaw Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register,** or within such longer period (A) as the Commission may designate of not more than ninety days after such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (B) as to which SIPC consents, the Commission shall: (i) By order approve such proposed bylaw change; or (ii) institute proceedings to determine whether such proposed bylaw change should be disapproved.[13]

IV. Text of Proposed Bylaw Change

The text of the proposed bylaw change, as revised by Amendment No. 1, is provided below. Proposed new language is in italics; proposed deletions are in brackets.

Article 2

Board of Directors

Section 6. Honorarium and Reimbursement of Expenses

The Chairman of the Corporation shall receive a yearly honorarium of $[15,000]*28,000.* The Chairman also shall be reimbursed for expenses incurred in connection with official business of the Corporation. The Vice Chairman shall receive a yearly honorarium of $[6,250]*12,000, except that, if the position of Chairman is vacant and the Vice Chairman serves as acting Chairman for a continuous twelve-month period, then the Vice Chairman shall receive a yearly honorarium of $28,000 for such period, calculated on a ratable basis for any partial period of such service in excess of the first twelve-month period.* The Vice Chairman also shall be reimbursed for expenses incurred in connection with official business of the Corporation. The three Directors selected from the securities industry *(''Securities Directors'')* each shall receive a yearly honorarium of $[6,250]*12,000, except that, if the positions of Chairman and Vice Chairman are vacant and, during such vacancy and pursuant to a delegation of authority from the Board, one of the Securities Directors performs certain functions of the Chairman for a continuous twelve-month period, then that Securities Director shall receive a yearly honorarium of $28,000 for such*

[8] 15 U.S.C. 78ccc(e)(1).

[9] 15 U.S.C. 78ccc(e)(1).

[10] 15 U.S.C. 78ccc(e)(1)(B).

[11] 15 U.S.C. 78ccc(e)(2).

[12] 15 U.S.C. 78ccc(e)(1)(B).

[13] 15 U.S.C. 78ccc(e)(2)(B).

period, calculated on a ratable basis for any partial period of such service in excess of the first twelve-month period. The [three]*Securities* Directors [selected from the securities industry] also shall be reimbursed for expenses incurred in connection with official business of the Corporation. [The yearly honoraria shall be paid in quarterly installments as of November 21, 2006.]The remaining two Directors shall receive no honoraria from the Corporation and shall not be reimbursed by the Corporation for their official business expenses.

The honoraria described herein shall be paid in quarterly installments beginning on May 6, 2020.

V. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SIPC–2019–01 on the subject line.

Paper Comments

- Send paper comments to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All comments should refer to File Number SIPC–2019–01. 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/other.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed bylaw change that is filed with the Commission, and all written communications relating to the proposed bylaw 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 Commission. 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 SIPC–2019–01, and should be submitted on or before February 20, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–01611 Filed 1–29–20; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88037; File No. SR–FINRA–2020–002]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend FINRA Rule 11900 To Except Certain Transactions in Corporate Debt Securities

January 24, 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 17, 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 amend Rule 11900 (Clearance of Corporate Debt Securities) to except certain transactions in corporate debt securities.

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

Rule 11900 under FINRA's Uniform Practice Code (the ''Rule'') sets forth members' obligations with respect to the use of a registered clearing agency (a ''clearing agency'') to clear over-the-counter transactions in corporate debt securities.[4] Specifically, the Rule requires that a member or its agent that is a participant in a clearing agency must use the facilities of a clearing agency to clear eligible transactions between members in corporate debt securities executed over the counter.[5] The Rule is intended to reduce or eliminate the risks and inefficiencies associated with broker-to-broker clearing in transactions in corporate debt securities, including trade fails and potential financial exposure.[6] When FINRA (then NASD) adopted this requirement in 1995, NASD noted that there was a large percentage of corporate debt transactions cleared and settled broker-to-broker without using the facilities of a clearing agency, and that this process was error prone and time- and labor-intensive.[7] These inefficiencies increased systemic clearance risk for members.[8]

FINRA is proposing to amend the Rule to provide an exception for over-the-counter transactions between members (the ''parties'') where the same

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[14] 17 CFR 200.30–3(f)(2)(i); 17 CFR 200.30–3(f)(3).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] *See* Rule 11900, available at *https://www.finra.org/rules-guidance/rulebooks/finra-rules/11900.*

[5] Section 17A of the Exchange Act and Rule 17Ab2–1 thereunder require entities to register with the Commission prior to performing the functions of a clearing agency. *See* 15 U.S.C. 78q–1; *see also* 17 CFR 240.17Ab2–1.

[6] *See* Securities Exchange Act Release No. 35769 (May 25, 1995), 60 FR 28814 (June 2, 1995) (Order Approving File No. SR–NASD–95–11).

[7] *See* Securities Exchange Act Release No. 35642 (April 24, 1995), 60 FR 21226 (May 1, 1995) (Notice of Filing of File No. SR–NASD–95–11) (''Original Proposal'').

[8] *See supra* note 7.

member (the ''carrying member'') is clearing and settling both the purchase and the sale side of a transaction in a corporate debt security, and where such clearance and settlement occurs through book-keeping transfers between the parties' accounts at the carrying member. Where the same carrying member is the clearing firm for both sides of the transaction, the seller's delivery and the buyer's receipt of the corporate debt security can be effected exclusively through book-keeping transfers between the parties' accounts at the carrying member, resulting in no net settlement obligation to or from a clearing agency. Further, where there is no net settlement obligation, the risks and inefficiencies that the Rule is intended to protect against (*e.g.,* trade fails) are not present, and the use of a clearing agency to clear the transaction provides no additional benefit while nonetheless incurring costs for the carrying member.[9] FINRA is, therefore, proposing the instant exception and believes that it is appropriate because the intended benefits of the Rule—*i.e.,* to reduce or eliminate the risks and inefficiencies associated with broker-to-broker clearing—do not exist for transactions that do not result in a net settlement obligation on the clearing firm level.[10] The proposed exception is limited to transactions where a carrying member clears for both the buyer and the seller in a transaction (*i.e.,* where an obligation to deliver securities to, or receive securities from, a third party is not created with respect to the individual transaction).

FINRA has filed the proposed rule change for immediate effectiveness. The proposed rule change will become operative 30 days after the date of filing.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[11] 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 notes that the proposed exception would not alter counter-party clearing risks, such as financial exposure, because where a member or its agent utilizes the exception provided for under this proposal, it would serve as the central party on both the purchase and the sale side of the transaction and would clear and settle the transaction internally through book-keeping transfers. As such, no net settlement obligation would be created on the level of the clearing firm, and the risks and inefficiencies that the Rule is intended to protect against would not be present. Thus, FINRA believes the proposed rule change strikes an appropriate balance between providing relief uniformly to members where the Rule does not provide the intended benefits, while preserving the protections of the Rule for all other eligible transactions between members in corporate debt securities executed over the counter. Accordingly, FINRA believes the proposal promotes just and equitable principles of trade, and protects investors and the public interest.

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. The proposed exception would apply uniformly where the same carrying member clears and settles both the purchase and the sale side of a transaction in a corporate debt security through book-keeping transfers between the parties' accounts at the carrying member. FINRA discussed the proposed exception with its Uniform Practice Code and Fixed Income Committees, who supported the proposed amendment. FINRA also discussed the proposal with SIFMA's Clearing Firms Committee, which also supported the proposal.

Economic Impact Assessment

Regulatory Need

Under Rule 11900, each member or its agent that is a participant in a clearing agency is required to send eligible over-the-counter transactions between members in corporate debt securities to a clearing agency for clearing. For transactions where the same carrying member is clearing both the purchase and sale side of the transaction, the funds and the securities are reflected in each party's account at the carrying member. Thus, the clearing of such transactions can be done effectively through book-keeping transfers between the parties' accounts at the carrying member, without sending the transaction for central clearing. Specifically, because no net settlement obligation is created between the carrying member and the clearing agency for such transactions, clearing these transactions through a clearing agency does not provide the additional benefits of reducing or eliminating the risks and inefficiencies that central clearing usually provides.

However, while the current rule requiring carrying members to clear these transactions through a clearing agency does not provide the benefits that the rule was designed to provide (*e.g.,* mitigating counterparty risk), it nonetheless results in members incurring the costs associated with submitting these transactions for central clearing. Under the proposed amendment, carrying members would no longer be required to use the facilities of a clearing agency for clearing such transactions, and may choose to internalize the clearing and settlement of these transactions and avoid the fees that would be imposed by the clearing agency.

Economic Baseline

Currently, each member or its agent that is a participant in a clearing agency is required under Rule 11900 to send eligible over-the-counter transactions between members in corporate debt securities to a registered clearing agency for clearing and settlement. The National Securities Clearing Corporation (NSCC), a subsidiary of The Depository Trust & Clearing Corporation (DTCC), provides central clearing services for corporate debt securities, among other products. According to NSCC's website calculator, clearing fees consist of three parts: A tiered ''clearance fee'' based on the number of trades; a ''value into net fee'' based on the total value traded; and a ''value out of net fee'' based on the value that does not get netted.[12]

Economic Impacts

When internally clearing a transaction, the delivery of the corporate debt security and money by the respective parties to settle a transaction can be effected through book-keeping transfers between the buyer's and seller's accounts at the carrying member. Under the proposed exception,

[9] The exception would apply only where the carrying firm internalizes the clearance of the transaction. Thus, the proposed exception would not apply to a transaction in which a member is clearing only the purchase or the sale side of a transaction.

[10] While the current Rule provides FINRA with authority to exempt any transaction or class of transactions to accommodate special circumstances related to the clearance of such transactions or class of transactions, we do not believe that this authority is well suited to the proposed exception. *See* Rule 11900. Because FINRA is seeking to provide an exception for a broad class of transactions, FINRA believes it is appropriate to provide the proposed exception as an amendment to the Rule.

[11] 15 U.S.C. 78*o*–3(b)(6).

[12] *See* NSCC Clearing Activity Monthly Fee Calculators, available at: *http://www.dtcc.com/forms/clearing-fee-calculator-new.*

carrying members would be able to avoid the clearing costs imposed by the clearing agency while continuing to clear and settle the transaction on behalf of both counterparties. Potential savings from internalizing the clearance of these transactions may or may not be passed on to the customers of the carrying member. FINRA notes that these potential cost savings are not at the expense of losing the benefits offered by clearing agencies, namely mitigating counterparty risk and increasing efficiency. This is because, when the same carrying firm is clearing for both the buy and sell side of a transaction, counterparty risk is not inherently present as no net settlement obligation to or from the carrying member is created. Therefore, by permitting members to elect to clear these transactions internally, the buyers' and sellers' counterparty risk remains unchanged.

FINRA understands that internalizing the clearance of such transactions alone would not affect the clearing agency's margin calculation for a clearing firm availing itself of the exception. Based on a conversation with DTCC, margin is collected when there is a net debit after performing mark-to-market of the trades submitted. Therefore, when clearing firms choose to internalize the clearance of transactions that create no net settlement obligations, we understand that the margin required by the clearing agency is not changed.

When a carrying firm chooses to clear transactions internally, DTCC may lose revenues from the clearing fees collected from that firm (assuming the fee structure remains unchanged). NSCC generally charges lower clearing fees for transactions that can be netted out.[13] Based on the 2014 NSCC calculator, the value fee (dollar per million traded) for clearing such transactions is 12.3% of the fee for clearing transactions that cannot be netted out.[14]

Competition and Efficiency

FINRA expects that the proposed amendment will improve the efficiency of the clearing process by removing a step that does not provide the intended benefit and allowing over-the-counter transactions in corporate debt securities that create no net settlement obligation to be internally cleared by the carrying firm, as described above. Carrying firms will potentially save on clearing costs for such transactions in circumstances where central clearing would not provide the additional protections related to counterparty risks or improved efficiency over bilateral clearing that were envisioned at the time Rule 11900 was adopted.

Clearing firms that serve more customers engaging in eligible over-the-counter transactions in corporate debt securities likely may benefit more from the proposed exception. The percentage of such transactions that can be internalized may in turn be higher than that of smaller clearing firms. To the extent smaller firms have eligible transactions that may be internalized under the proposal, they also should benefit from the proposal should they choose to internalize clearing, where permitted, and avoid related central clearing costs.

Alternatives Considered

No alternatives were considered for this proposal.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

FINRA received an email from Pershing LLC (''Pershing'') relating to the need for the proposed rule change.[15] Pershing stated that, in submitting trades to NSCC where Pershing is clearing for both the buyer and the seller, there is no net risk mitigation because there is no net settlement obligation created. Further, Pershing stated that, by not submitting these specific transactions to NSCC, it would realize significant cost savings. As a result, Pershing requested that FINRA except from Rule 11900 the class of transactions for which a member is the clearing firm for both the buyer and the seller, to allow it to clear those transactions internally. Pershing specified that it was not requesting relief for any transaction in which a counterparty clears at an NSCC Participant other than Pershing. FINRA believes that the instant proposal provides the narrow relief that Pershing requested, and notes that the exception would be available to all members that meet the requirements of the exception. As discussed above, FINRA believes the proposed rule change strikes an appropriate balance between providing relief uniformly to members where the Rule does not provide the intended benefits, and preserving the protections of the Rule for all other eligible transactions between members in corporate debt securities executed over the counter.

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[16] and Rule 19b–4(f)(6) thereunder.[17]

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–2020–002 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–FINRA–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 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

[13] *See supra* note 12.

[14] *See supra* note 12.

[15] *See* Exhibit 2.

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f)(6).

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–2020–002 and should be submitted on or before February 20, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–01648 Filed 1–29–20; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. SIPA–179A; File No. SIPC–2019–02]

Securities Investor Protection Corporation; Notice of Filing of Proposed Bylaw Changes Relating to SIPC Member Assessments; Correction

January 24, 2020.

Pursuant to Section 3(e)(1) of the Securities Investor Protection Act of 1970 (''SIPA''),[1] on November 19, 2019 the Securities Investor Protection Corporation (''SIPC'') filed with the Securities and Exchange Commission (''Commission'') proposed bylaw changes relating to SIPC member assessments. On December 10, 2019, SIPC consented to a 90-day extension of time before the proposed bylaw changes would take effect pursuant to section 3(e)(1) of SIPA.[2] Pursuant to section 3(e)(1)(B) of SIPA, the Commission finds that these proposed bylaw changes involve a matter of such significant public interest that public comment should be obtained.[3] Therefore, pursuant to section 3(e)(2)(A) of SIPA,[4] the Commission is publishing this notice to solicit comment from interested persons on the proposed bylaw changes.[5]

In its filing with the Commission, SIPC included statements concerning the purpose of and statutory basis for the proposed bylaw changes as described below, which description has been substantially prepared by SIPC.

I. SIPC's Statement of the Purpose of, and Statutory Basis for, SIPC Proposed Bylaw Changes Relating to SIPC Member Assessments

Pursuant to Section 3(e)(1) of SIPA, 15 U.S.C. 78ccc(e)(1),[6] SIPC hereby submits for filing with the Commission proposed amendments to Article 6 of the SIPC Bylaws (''Bylaws''). Article 6 relates to the assessments that SIPC imposes upon its members.

As revised, Article 6 would maintain assessments at the current rate of 0.15 percent of a member's net operating revenue from the securities business until SIPC's unrestricted net assets reach $5 billion.[7] ''Unrestricted net assets'' are comprised primarily of the amount in the SIPC Fund at year end, minus the estimated cost to complete pending liquidation proceedings, as reflected in SIPC's most recent audited Statement of Financial Position. Once the aforementioned condition is met, SIPC would commission a study to consider the adequacy of the SIPC Fund, and would do so every four years thereafter. The study would analyze a variety of factors, as set forth in the proposed amended Bylaw. After consideration of the study and the report thereon, and after consultation with the Commission and self-regulatory organizations, SIPC could increase or decrease, within certain limits, the appropriate assessment rate in order to maintain the Fund and effect SIPA's purposes.

Pursuant to SIPA Section 78ddd(c)(2), SIPC has consulted with self-regulatory organizations with respect to the proposed amendments. SIPC has determined that the changes are necessary and appropriate to maintain the SIPC Fund.

Background

SIPC is a non-profit member organization created in 1970 under SIPA, for the protection of customers of member broker-dealers placed in liquidation under SIPA. With some exceptions set by statute, all registered securities brokers or dealers are members of SIPC. SIPC protects the customers of member firms in liquidation under SIPA. Among other things, SIPC advances funds to satisfy the claims of customers. Each customer is protected by SIPC up to $500,000 against the loss of missing cash and/or securities entrusted by the customer to the broker. The $500,000 includes a limit of up to $250,000 where the allowed claim is for cash only. The advances by SIPC come from a ''Fund'' that SIPC administers. The Fund largely is comprised of assessments paid to SIPC by its members. The Fund also is used to pay the administrative expenses of a liquidation proceeding where the debtor's general estate is insufficient, and to finance the day-to-day operations of SIPC.

The Assessment Bylaw

Article 6 of the Bylaws now imposes a yearly assessment rate of 0.15% of net operating revenues from the member's securities business (''NOR'') where the balance of the SIPC Fund is less than $2.5 billion and will remain at that amount for six months or more. If the SIPC Fund has reached $2.5 billion but SIPC's unrestricted net asset amount is less than $2.5 billion, then the yearly assessment rate is .15% of NOR. Once the unrestricted net assets total at least $2.5 billion, then the assessment rate is a minimum assessment of .02% of NOR.

Currently, SIPC's only sources of funding are its Fund and a possible Government loan. To ensure that SIPC has sufficient independent resources to carry out its purposes (thus obviating the need to borrow from the Federal Government), SIPC has determined to keep the assessment rate at 0.15% of NOR until SIPC's unrestricted net assets total $5 billion. This will accomplish a few things: (1) Provide a larger cushion for unknown contingencies; (2) reduce the potential volatility of member

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[18] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78ccc(e)(1).

[2] *Id.*

[3] 15 U.S.C. 78ccc(e)(1)(B).

[4] 15 U.S.C. 78ccc(e)(2)(A).

[5] This notice of SIPC's filing of proposed bylaw changes relating to SIPC member assessments supersedes the notice originally published in the **Federal Register** on January 23, 2020. *See* Securities Investor Protection Corporation; Notice of Filing of Proposed Bylaw Changes Relating to SIPC Member Assessments, Release No. SIPA–179 (Jan. 16, 2020), 85 FR 3986 (Jan. 23, 2020). The notice published on January 23, 2020 inadvertently omitted from the ''Text of the Proposed Bylaw Change'' section deleted text in paragraph (g) of Section 1 of Article 6 of the SIPC bylaws defining ''net operating revenues from the securities business.'' This notice reflects that the definition would remain the same but would move from paragraph (g) of Section 1 of Article 6 of the SIPC bylaws to paragraph (b)(ii) of Section 3 of Article 6 of the SIPC bylaws.

[6] For convenience, references hereinafter to provisions of SIPA shall be to the United States Code and shall omit ''15 U.S.C.''

[7] ''Net operating revenues from the securities business'' is ''gross revenues from the securities business less interest and dividend expenses, and includes those clarifications as are set forth in the SIPC assessment forms and instructions.'' SIPC Bylaw Article 6, Section 1(a)(3)(g) [*sic*].

assessments during periods of economic downturn or individual member crisis; and (3) promote sound financial management in light of SIPC's statutory mission.

Basis and Purpose of Proposed Changes

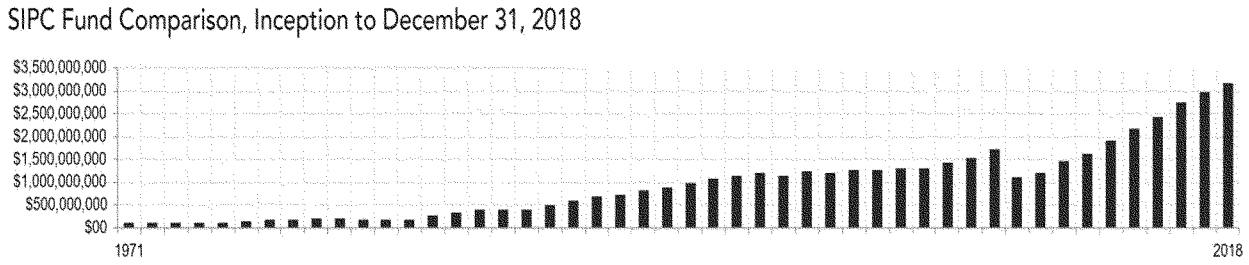
There is no scientific basis for determining the exact adequacy of the SIPC Fund. Nevertheless, SIPC's statutory obligation to protect customers of failed firms, and in certain cases, to pay the costs and expenses of administration of the liquidation proceeding, impose upon SIPC a duty to take a responsible approach to calculating both the size of the SIPC Fund, and the reasonableness of an assessment rate that maintains and promotes adequate funding.

As SIPC has witnessed over the past decade, risks abound—from a large firm failure with encumbered assets, to a Ponzi scheme with significant losses to customers, to risks presented by a cybersecurity attack or the use of digital assets. Assessing the adequacy of the Fund is especially challenging because the cost of a liquidation does not necessarily correlate with any traditional measure of financial exposure for broker-dealers. Instead, the Fund's adequacy depends largely on member firms' compliance with customer protection or net capital rules, the probability of which is challenging to quantify.

SIPC's resources must enhance investor confidence. Given the risks described above, and remaining vigilant regarding the uncertainties in an ever-changing marketplace, SIPC believes that in order for its mission of customer protection to succeed, SIPC must maintain a robust Fund.

Historical Perspective

The initial SIPC Fund totaled $77.6 million.[8] In 1992, SIPC's Board (''the Board'') raised the target balance of the SIPC Fund to $1 billion, and the SIPC Fund reached that amount in 1996. The Board last sought to augment the size of the Fund in 2009, when, following the commencement of the liquidation proceedings of Lehman Brothers Inc. (''LBI''), and Bernard L. Madoff Investment Securities LLC (''BLMIS''), the assessment rate was revised to cause the Fund to grow to $2.5 billion.



As the graph above reveals, before the liquidation of BLMIS in 2008, SIPC's Fund balance had doubled roughly every ten years. In addition, during those years and until 2010, SIPC had a substantial confirmed private line of credit.[9] Due to the high cost and/or unavailability, SIPC no longer has the private line of credit.

The Risk Landscape

The financial crisis of 2008, and the ensuing liquidation proceedings of LBI and BLMIS, revealed clearly the need for SIPC to increase the Fund balance. Although the LBI liquidation proceeding ultimately did not require SIPC to advance funds to satisfy claims, or pay for expenses of administration, any future failure of a global enterprise and its broker-dealer affiliate could have a very different outcome for SIPC. For example, had funds sought by LBI been encumbered overseas, or had LBI been reducing artificially its segregated customer reserve requirement through otherwise legal complex transactions, that may have imposed significant demands on the SIPC Fund.

The liquidation proceeding of BLMIS has required SIPC to make the largest aggregate advance in its history. In statistical terms, the amount is more than 100 standard deviations greater than the amounts advanced by SIPC in all of its previous cases.[10] Today, an event statistically comparable to BLMIS would require advances to customers amounting to between $4 billion and $5 billion.

SIPC faces risks beyond those posed by large Ponzi schemes or a credit crisis. These additional risks, many of which are hard to quantify, include, for example, technology-related failures, such as a cyberattack on a large SIPC member that restricts access by customers to their assets; or risks stemming from the delay in computing a broker-dealer's reserve requirement. For example, SEC Rule 15c3–3, 17 CFR 240.15c3–3, which governs the protection of customer assets, requires a broker-dealer to compute its cash reserve requirement on a weekly, not daily, basis. Although a number of SIPC members voluntarily rebalance their cash reserves on a daily basis, a large SIPC member that does not might not have enough cash in its Rule 15c3–3(e) reserve account due to an increase in its net cash obligations following its last required reserve computation.

Another factor underscoring SIPC concerns is the potential risk to the solvency of the SIPC Fund under the Orderly Liquidation provisions of the Dodd Frank Act, Title II. Dodd-Frank creates an important role for SIPC in the event of the failure of a covered, large complex securities broker-dealer that presents systemic risk. Under Dodd-Frank, SIPC is designated as trustee for the liquidation of the broker-dealer under SIPA. 12 U.S.C. 5385(A). As trustee, SIPC must determine and satisfy claims against the broker-dealer consistent with SIPA. 12 U.S.C. 5385(D). While the FDIC has expressed a preference to use Dodd-Frank to intervene at the holding company level,[11] the law nevertheless remains available to liquidate a systemically important broker-dealer.

Mechanism for Setting the Assessment Rate

Once the unrestricted net asset amount is $5 billion, SIPC would, as it

[8] Comprised of member assessments of $9.6 million, the transfer of $3 million from the American Stock Exchange, Inc. trust fund, and confirmed lines of credit totaling $65 million.

[9] SIPC's last credit agreement, a $500 million, 3-yr. revolving credit facility, expired March 1, 2010.

[10] In addition, the amounts advanced by SIPC in the BLMIS liquidation are more than 107 times greater than the average advance of the ten next largest SIPC cases.

[11] Resolution of Systemically Important Financial Institutions: The Single Point of Entry Strategy, 78 FR 76614 (Dec. 18, 2013).

often has in the past,[12] commission a study to review the adequacy of the SIPC Fund. In the ordinary course, SIPC would commission the study every four years. The study would entail consideration of such factors as the overall state of the SIPC Fund, current and projected financial market conditions and trends, historic and perceived risks and threats to the viability of the SIPC Fund, any undue burden on members, or members' customers, and other factors deemed appropriate by the SIPC Board.

Upon consideration of the results of the study and the report thereon that would issue, and after consultation with the Commission and one or more self-regulatory organizations, SIPC would set the appropriate assessment rate necessary to maintain the Fund and satisfy SIPA's purposes.

Other provisions of SIPC Bylaw Article 6 are unchanged such as the rate when the Fund is less than $150 million, or less than $100 million, or the circumstances under which the rate imposed can be more than ½ of 1% of gross revenues from the securities business but not more than 1% thereof.[13] These provisions largely track the requirements under SIPA Sections 78ddd(c)(3)(B) and 78ddd(d)(1)(A) and B.

Given not only the risks described above, but the risk to members that, by statute, a significant event could cause assessment rates immediately to jump to at least 0.50% of gross revenues from the securities business and possibly be as high as 1%, SIPC submits that growing the Fund at a consistent pace lessens any negative impact on members, with the attendant benefit of reaching $5 billion sooner. Barring unforeseen sizeable expenditures, SIPC estimates that at the current yearly assessment rate of .15% of NOR, SIPC's unrestricted net assets, as reflected in SIPC's audited Statement of Financial Position, would be $5 billion by no later than December 31, 2026. If SIPC did nothing to address the adequacy of the Fund or the assessment rate, then at a rate of 0.02% per annum, which would be the assessment under the current version of the Assessment Bylaw, the $5 billion balance would not be reached until the year 2040.

Impact on Members

Adopting the modifications proposed by SIPC should have a limited impact on member firms. As the chart below reveals, based on 2018 data, SIPC staff estimates that two-thirds of the total difference in annual assessments under the proposed assessment rate structure would be paid by only 30 members for which the difference in the assessment payment would amount, on average, only to .091% of their total revenue.

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[12] At various times, the size of SIPC's Fund has been independently reviewed. *See, e.g.,* GAO Report, *The Regulatory Framework Has Minimized SIPC's Losses,* September 1992; *Review of SIPC Risk Profile and Practices,* Fitch Risk Management, 2003; *Loss Modeling and Capital Reserve Adequacy Study,* Algorithmics Inc., 2008; *Task Force Recommendation Analysis: Methodology and Summary of Results,* Opera Solutions LLC, 2013.

[13] ''Gross revenues from the securities business'' is defined in SIPA Section 78*lll*(9).

ESTIMATED IMPACT OF APPLYING A NEW ASSESSMENT RATE OF 15BPS INSTEAD OF 2BPS (BASED ON FY 2018)

Difference in assessments 0.15%-0.02%	Number of BDs	% of BDs	Difference Assessments 0.15%-0.02% Amount	% Total	Average % Total Revenue
>$2,000,000	30	0.84%	$172,316,807	66.92%	0.091%
$2,000,000-$1,500,000	2	0.06%	$3,572,213	1.39%	0.059%
$1,499,000-$1,000,000	5	0.14%	$6,485,442	2.52%	0.069%
$999,999-$500,000	32	0.90%	$23,444,971	9.10%	0.092%
$499,999-$100,000	123	3.46%	$26,752,835	10.39%	0.092%
$2,000,000-$100,000	162	4.56%	$60,255,460	23.40%	
$99,999-$50,000	113	3.18%	$7,808,062	3.03%	0.093%
$49,999-$25,000	181	5.09%	$6,441,463	2.50%	0.105%
$24,999-$10,000	363	10.21%	$5,650,161	2.19%	0.106%
$9,999-$5,000	360	10.12%	$2,536,530	0.99%	0.108%
$4,999-$2,500	385	10.83%	$1,399,645	0.54%	0.106%
$99,999-$2,500	1,402	39.43%	$23,835,861	9.26%	
$2,499-$2,000	110	3.09%	$245,514	0.10%	0.108%
$1,999-$1,000	343	9.65%	$495,237	0.19%	0.104%
$999-$500	313	8.80%	$228,636	0.09%	0.085%
$499-$100	432	12.15%	$116,247	0.05%	0.101%
$99-$1	330	9.28%	$11,807	0.00%	0.078%
<$1	434	12.20%	$4	0.00%	
<$2,500	1,962	55.17%	$1,097,445	0.43%	
	3,556	100.00%	$257,505,573	100.00%	

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In the above chart, column 1 refers to the difference in amount that a broker-dealer would pay as a result of being assessed at a rate of .15% instead of .02%. Column 2 is the number of broker-dealers impacted at that amount. Column 3 is the percentage that the broker-dealers at a certain level represent relative to the total number of broker-dealers. Column 4 is the total additional amount paid by all broker-dealers at a given level. Column 5 is the percentage that the payments reflect relative to all payments. Column 6 is the percentage that the payments represent, on average, relative to the broker-dealers' revenue.

Thus, an assessment rate of .15%, as opposed to .02%, would cause the largest 30 SIPC members to pay approximately $172 million more out of their approximately $213 billion in revenue. This increase amounts to approximately 8/100 of 1% of such members' revenue, and represents ⅔ of the total impact on all members. More than half of SIPC members would see an increase of less than $2,500 in the amount of their annual assessment, with more than 20% of members paying a difference of less than $100. In other words, the impact of modifying the assessment structure on both the total assessment burden, and the distribution of the assessment burden, among individual broker-dealers, would be comparatively limited.

Proposed Technical Changes

Clarification of Role of Collection Agent

In addition to the above, SIPC proposes to amend that portion of the Assessment Bylaw relating to Collection of General Assessments (SIPC Bylaw Article 6, Section 1(c)).

Under SIPA Section 78iii(a), each self-regulatory organization (''SRO'') may act as the collection agent for SIPC to collect assessments payable by members for which the SRO is the examining authority. However, SIPA does not mandate that SIPC use a collection agent to collect assessments, and SIPA does not restrict collection exclusively to collection agents. *See, e.g.,* SIPA Section 78ddd(c)(1) (''Each member of SIPC shall pay to SIPC, *or* the collection agent for SIPC . . . .[emphasis added]''). Furthermore, under SIPA Section 78ccc(b)(8), since SIPC has the power to ''do any and all other acts and things as may be necessary or incidental to the conduct of its business and the exercise of all other rights and powers granted to SIPC,'' SIPC has the general authority

directly to collect assessments. Indeed, for more than 20 years—since the mid-1990s—members have paid assessments directly to SIPC. Where members have failed to pay their assessments, SIPC has referred the delinquency to Commission staff and currently brings the matter to the attention of FINRA for collection.

In keeping with current practice, and in light of technological developments and capabilities that have continued to improve considerably, the proposed bylaw removes the provision that requires members to pay assessments to collection agents. The proposed Bylaw amendment re-letters the provisions that follow current Bylaw Article 6, Section 1(c). The re-lettered provisions include current Section 1(d) of Bylaw Article 6 (Report by Collection Agents). Section 1(d) requires the SROs to report in writing to SIPC as to any member from which the SRO has or has not been successful in collecting payment. In this manner, SIPC can stay informed as to any member that continues to be delinquent and refer the member, as needed, to the Commission for further action under SIPA Section 78jjj(a).

Elimination of Interest Payment Period on Past-Due Payments

Currently, the SIPC Bylaw provides that if a member's assessment payment has not been received within 15 days of the due date, the stated interest rate for late payments applies to unpaid amounts. In January, 2019, SIPC developed an internet payment portal, whereby members can pay SIPC directly online. SIPC is also presently working on the development of a portal through which, among other things, members can file assessment forms. The creation by SIPC of the means by which members can make immediate payment obviates the need for a grace period.

Conclusion

Given the many risks that have arisen in the past two decades, and the potential risks SIPC continues to face, SIPC must be prudent in determining what constitutes a sufficient level of funding. Indeed, maintaining the adequacy of the SIPC Fund is in everyone's interest—it enhances investor protection. While SIPC could raise the assessment on an ad hoc basis as the situation warrants, it believes that the approach set forth herein is the better course of action, as it promotes greater stability and predictability for both investors and member firms.

II. Need for Public Comment

Section 3(e)(1) of SIPA provides that the SIPC Board must file a copy of any proposed bylaw change with the Commission, accompanied by a concise general statement of the basis and purpose of the proposed bylaw change.[14] The proposed bylaw change will become effective thirty days after the date of filing with the Commission or upon such later date as SIPC may designate or such earlier date as the Commission may determine unless: (A) The Commission, by notice to SIPC setting forth the reasons for such action, disapproves the proposed bylaw change as being contrary to the public interest or contrary to the purposes of SIPA; or (B) the Commission finds that the proposed bylaw change involves a matter of such significant public interest that public comment should be obtained, in which case it may, after notifying SIPC in writing of such finding, require that the procedures for SIPC proposed rule changes in section 3(e)(2) of SIPA be followed with respect to the proposed bylaw change.[15]

The SIPC Fund, which is built from assessments on its members and the interest earned on the Fund, is used for the protection of customers of members liquidated under SIPA to maintain investor confidence in the securities markets. In light of this fact and that the bylaw change provides for a modified calculation of the assessment rate and a change to collection practices, the Commission finds, pursuant to section 3(e)(1)(B) of SIPA,[16] that the proposed bylaw change involves a matter of such significant public interest that public comment should be obtained and is requiring that the procedures applicable to SIPC proposed rule changes in section 3(e)(2) of SIPA [17] be followed. As required by section 3(e)(1)(B) of SIPA,[18] the Commission has notified SIPC of this finding in writing.

III. Date of Effectiveness of the Proposed Bylaw Changes and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register**, or within such longer period (A) as the Commission may designate of not more than ninety days after such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (B) as to which SIPC consents, the Commission shall: (i) By order approve such proposed bylaw changes; or (ii) institute proceedings to determine whether such proposed bylaw changes should be disapproved.[19]

[14] 15 U.S.C. 78ccc(e)(1).

[15] 15 U.S.C. 78ccc(e)(1).

[16] 15 U.S.C. 78ccc(e)(1)(B).

[17] 15 U.S.C. 78ccc(e)(2).

[18] 15 U.S.C. 78ccc(e)(1)(B).

[19] 15 U.S.C. 78ccc(e)(2)(B).

IV. Text of Proposed Bylaw Change

The text of the proposed bylaw changes is provided below. Proposed new language is in italics; proposed deletions are in brackets.

Article 6

Assessments

Section 1. General

(a) Amount of Assessment

(1) The amount of each member's assessment for the member's fiscal year shall be the product of the assessment rate established by SIPC for that fiscal year and either the member's gross [or net]revenues *or net operating revenues* from the securities business, as follows:

(A) [The assessment rate shall be one-fourth (¼) of one (1) percent per annum of net operating revenues from the member's securities business for each calendar year or part thereof unless SIPC determines that the balance of the SIPC Fund, as defined in Section 4(a)(2) of the Act, exclusive of confirmed lines of credit,] *If at any time SIPC determines that SIPC's unrestricted net assets are:*

(i) *Less than $5.0 billion but not less than $2.5 billion, and are reasonably likely to remain less than $5.0 billion but not less than $2.5 billion, the amount of each member's assessment shall be 0.15 percent per annum of net operating revenues from the member's securities business for each calendar year or part thereof.* [has aggregated a balance of $2.5 billion, and]

(ii) *less than $2.5 billon, the amount of each member's assessment shall be one-fourth (¼) of one (1) percent per annum of net operating revenues from the member's securities business for each calendar year or part thereof.* [will remain at or above $2.5 billion for six months or more.]

(B) *Notwithstanding anything herein to the contrary, if at any time SIPC determines that the balance of the SIPC Fund aggregates or is reasonably likely to aggregate:*

(i) Less than $150,000,000—the amount of each member's assessment shall be at an amount to be determined by SIPC, but in no case shall the amount of each member's assessment be less than an assessment rate of one-fourth (¼) of one (1) percent per annum of such member's gross revenues from the securities business.

(ii) less than $100,000,000—the amount of each member's assessment shall be at an amount to be determined by SIPC, but in no case shall the amount of each member's assessment be less than an assessment rate of one-half (½) of one (1) percent per annum of such

member's gross revenues from the securities business.

(iii) The amount of each member's assessment shall not exceed one-half (½) of one (1) percent per annum of such member's gross revenues from the securities business, unless SIPC determines that a rate in excess of one-half (½) of one (1) percent during any twelve (12) month period will not have a material adverse effect on the financial condition of its members or their customers. No assessment made pursuant to this section 1(a)(1) shall require payments during any such period that exceed in the aggregate one (1) percent of any member's gross revenues from the securities business for such period.

[Notwithstanding the provisions of Section 1(a)(1)(A) herein, if SIPC determines that the balance of the SIPC Fund, as defined in Section 4(a)(2) of the Act, exclusive of confirmed lines of credit, (i) has aggregated $2.5 billion, and (ii) will remain at or above $2.5 billion for six months or more, but SIPC's unrestricted net assets, as reflected in SIPC's most recent audited Statement of Financial Position, are less than $2.5 billion, the assessment rate shall be 0.15 percent per annum of net operating revenues from the member's securities business for each calendar year or part thereof.]

(C) *SIPC shall commission a study (''Study'') every four years to examine the adequacy of the balance of SIPC's unrestricted net assets and the SIPC Fund and the appropriate assessment rate that is necessary to fulfill the purposes of the Act. The Study will examine the overall state of SIPC's unrestricted net assets and Fund balances, current and projected financial market conditions and trends, historic and perceived risks and threats to the viability of SIPC's unrestricted net assets and Fund, any undue burden on members or members' customers, and such other factors as the Board determines. The Study shall result in a report (''Report'') to be furnished to SIPC. The first Study shall be commissioned when SIPC reasonably anticipates that SIPC's unrestricted net assets have reached a total of $5.0 billion.* [If SIPC determines that the balance of the SIPC Fund, as defined in Section 4(a)(2) of the Act, exclusive of confirmed lines of credit, has aggregated $2.5 billion or more, and will remain at or above $2.5 billion for six months or more, and SIPC's unrestricted net assets, as reflected in SIPC's most recent audited Statement of Financial Position, are at or above $2.5 billion, members shall pay a minimum assessment, which shall be 0.02 percent of the net operating revenues from the securities business for each calendar year or part thereof.]

(D) *Without limitation of SIPC's authority under 15 U.S.C. 78ccc and 78ddd to set assessments, if SIPC determines that SIPC's unrestricted net assets are $5.0 billion or more and are reasonably likely to remain above $5.0 billion, and after review of the information contained in the last Report at such time, and after consultation with the Securities and Exchange Commission and self-regulatory organizations, SIPC may not more than once in any four-year period, increase or decrease the assessment rate by up to, but not more than, twenty-five percent (25%) of the rate in effect at that time.* [Anything to the contrary herein notwithstanding, if at any time SIPC determines that the balance of the SIPC Fund, as defined in Section 4(a)(2) of the Act, exclusive of confirmed lines of credit, aggregates or is reasonably likely to aggregate:

(i) Less than $2.5 billion and will likely remain less than $2.5 billion for a period of six (6) months or more—the amount of each member's assessment shall be at an assessment rate of one-fourth (¼) of one (1) percent per annum of net operating revenue.

(ii) less than $150,000,000—the amount of each member's assessment shall be at an amount to be determined by SIPC, but in no case shall the amount of each member's assessment be less than an assessment rate of one-fourth (¼) of one (1) percent per annum of such member's gross revenues from the securities business.

(iii) less than $100,000,000—the amount of each member's assessment shall be at an amount to be determined by SIPC, but in no case shall the amount of each member's assessment be less than an assessment rate of one-half (½) of one (1) percent per annum of such member's gross revenues from the securities business.

(iv) The amount of each member's assessment shall not exceed one-half (½) of one (1) percent per annum of such member's gross revenues from the securities business, unless SIPC determines that a rate in excess of one-half (½) of one (1) percent during any twelve (12) month period will not have a material adverse effect on the financial condition of its members or their customers. No assessment made pursuant to this section 1(a)(1) shall require payments during any such period that exceed in the aggregate one (1) percent of any member's gross revenues from the securities business for such period.]

(E) *Any minimum assessment imposed upon each member of SIPC shall be 0.02 percent of the net operating revenues from the securities business of such member for each calendar year or part thereof.*

(2) Any change in assessments made in accordance with Section 1(a)(1) herein shall commence on the first day of the year following the date on which SIPC announces its determination, or on such other date if the exigency of the circumstances so warrants in SIPC's determination, and continue until such time as SIPC provides otherwise.

(3) Commencing on the first day of the month following the date on which SIPC borrows moneys pursuant to Section 4(f) or Section 4(g) of the Act, and continuing while any such borrowing is outstanding and until such further time as SIPC provides otherwise, the amount of each member's assessment shall be at an assessment rate of not less than one-half (½) of one (1) percent per annum of such member's gross revenues from the securities business.

(b) Payments. Assessments shall be payable at such times and in such manner as may be determined by SIPC's Vice President—Finance with the approval of the Chairman.

[(c) Collection of General Assessments. Each member of the Corporation who is a member of a self-regulatory organization shall pay assessments to its collection agent. In the case of members who are not members of any self-regulatory organization, assessments shall be paid directly to the Corporation.]

[(d)]*(c)* Report by Collection Agents. Within 45 days after each due date, each self-regulatory organization *that acts* as[which is the] collection agent *for SIPC* shall submit a written report to *SIPC* [the Corporation] as to any entity [for whom it acts as collection agent] whose filing or assessment payment has not been received.

[(e)]*(d)* Interest on Assessments. If all or any part of an assessment payable under Section 4 of the Act has not been *timely* received [by the collection agent within 15 days after the due date thereof], the member shall pay, in addition to the amount of the assessment, interest at the rate of 20% per annum on the unpaid portion of the assessment for each day it has been overdue. If any broker or dealer has incorrectly filed a claim for exclusion from membership in the Corporation, such broker or dealer shall pay, in addition to assessments due, interest at the rate of 20% per annum on the unpaid assessment for each day it has

not been paid since the date on which it should have been paid.

[(f) Gross Revenues. The term ''gross revenues from the securities business'' includes the revenues in the definition of gross revenues from the securities business set forth in the applicable sections of the Act.

(g) Net Operating Revenues. The term ''net operating revenues from the securities business'' means gross revenues from the securities business less interest and dividend expenses, and includes those clarifications as are set forth in the SIPC assessment forms and instructions.]

Section 2. Overpayments

If the final annual reconciliation filed by a terminated member reflects an assessment overpayment carried forward that exceeds $150.00, SIPC may refund such excess to the member upon receipt of the member's written request therefor and after [the member's] SIPC [collection agent] has confirmed [to SIPC]that all of the member's SIPC assessment form filings and payments and reports required by SEC Rule 17a–5 covering periods through the termination date have been reviewed and accepted.

Section 3. Interpretation of Terms

(a) For purposes of *calculating assessments* [this article]:

[(a)]*(i)* The term ''securities in trading accounts'' shall mean securities held for sale in the ordinary course of business and not identified as having been held for investment.

[(b)]*(ii)* The term ''securities in investment accounts'' shall mean securities that are clearly identified as having been acquired for investment in accordance with provisions of the Internal Revenue Code applicable to dealers in securities.

[(c)]*(iii)* The term ''fees and other income from such other categories of the securities business'' shall mean all revenue related either directly or indirectly to the securities business except revenue included in Section 16(9)(A)–(K) and revenue specifically excepted in Section 4(c)(3)(C).

(b) *For purposes of this Article:*

(i) Gross Revenues. The term ''gross revenues from the securities business'' includes the revenues in the definition of gross revenues from the securities business set forth in the applicable sections of the Act.

(ii) Net Operating Revenues. The term ''net operating revenues from the securities business'' means gross revenues from the securities business less interest and dividend expenses, and includes those clarifications as are set forth in the SIPC assessment forms and instructions.

(iii) SIPC Fund or Fund. The term ''SIPC Fund'' or ''Fund'' is as defined in Section 4(a)(2) of the Act, exclusive of confirmed lines of credit.

(iv) SIPC's unrestricted net assets. The term ''SIPC's unrestricted net assets'' means the lesser of SIPC's unrestricted net assets as reflected in SIPC's most recent audited Statement of Financial Position or reasonably expected by SIPC to be reflected in its next audited Statement of Financial Position.

V. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SIPC–2019–02 on the subject line.

Paper Comments

- Send paper comments to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All comments should refer to File Number SIPC–2019–02. 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/other.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed bylaw changes that are filed with the Commission, and all written communications relating to the proposed bylaw changes 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 Commission. 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 SIPC–2019–02, and should be submitted on orbefore February 20, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–01610 Filed 1–29–20; 8:45 am]

BILLING CODE 8011–01–P

[20] 17 CFR 200.30–3(f)(2)(i); 17 CFR 200.30–3(f)(3).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88036; File No. SR–Phlx–2020–02]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Phlx's Pricing Schedule

January 24, 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 14, 2020, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''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

The Exchange proposes to amend Phlx's Pricing Schedule. Specifically, the Exchange proposes to amend Options 7, Section 4, titled ''Multiply Listed Options Fees (Includes options overlying equities, ETFs, ETNs and indexes which are Multiply Listed).''

The Exchange originally filed the proposed pricing changes on January 2, 2020 (SR-Phlx-2020–01). On January 14, 2020, the Exchange withdrew that filing and submitted this filing.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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

Phlx proposes to amend its Pricing Schedule at Options 7, Section 4, titled ''Multiply Listed Options Fees (Includes options overlying equities, ETFs, ETNs and indexes which are Multiply Listed).'' The Exchange proposes to amend pricing for certain strategy caps. The Exchange believes the proposed amendments will incentivize market participants to transact various options strategies on Phlx to take advantage of the opportunity to cap floor option transaction charges and lower their costs.

Today, to qualify for a strategy cap, the buy and sell side of a transaction must originate from the Exchange floor.[3] Today, the Exchange offers the following strategy caps:

Floor Options Transactions—Multiply Listed Options	Strategy	Qualification	Cap
Specialist, Market Maker, Professional, Firm and Broker-Dealer.	dividend, merger and short stock interest strategies.	executed on the same trading day in the same options class when such members are trading in their own proprietary accounts..	$1,500
Specialist, Market Maker, Professional, Firm and Broker-Dealer.	reversal and conversion strategies	executed on the same trading day in the same options class.	700
Specialist, Market Maker, Professional, Firm and Broker-Dealer.	jelly rolls	executed on the same trading day in the same options class.	700
Specialist, Market Maker, Professional, Firm and Broker-Dealer.	box spreads	executed on the same trading day in the same options class.	700
Per member organization	dividend, merger, short stock interest, reversal and conversion, jelly roll and box spread strategies (''Monthly Strategy Cap'').	combined executions in a month when trading in own proprietary accounts.	65,000

NDX and NDXP Options Transactions are excluded from Strategy Cap pricing.[4]

The Exchange proposes to amend the strategy caps applicable to Specialists,[5] Market Makers,[6] Professionals,[7] Firms[8] and Broker-Dealers[9] with respect to dividend,[10] merger[11] and short stock interest[12] strategies.

Dividend Strategy

Today, to qualify for a dividend cap, a Specialist, Market Maker, Professional, Firm or Broker-Dealer must execute on the same trading day in the same options class when such members are trading in their own proprietary accounts. If the qualification is met, Specialists, Market Makers, Professionals, Firms and Broker-Dealers floor option transaction charges are capped at $1,500. The Exchange proposes to amend the qualification for Specialists, Market Makers, Professionals, Firms and Broker-Dealers dividend strategies by lowering the cap from $1,500 to $1,100 and also amending the qualification for dividend strategies. The proposed qualification would be expanded to allow Specialists, Market Makers, Professionals, Firms and Broker-Dealers to qualify for the cap by executing on the same trading in the same options class when (1) such members are trading in their own proprietary account, as is the case today, or (2) when transacted on an agency basis. If transacted on an agency basis, the daily cap will apply per beneficial account. For example, if Firm A transacted $600 of qualifying dividend strategies for customer A, $1,500 qualifying dividend strategies for customer B and $2,000 qualifying dividend strategies for customer C, then customer A would not qualify for a

[3] *See* Phlx's Pricing Schedule at Options 7, Section 4.

[4] Today, reversal and conversion, jelly roll and box spread strategy executions are not included in the Monthly Strategy Cap for a Firm. Also, all dividend, merger, short stock interest, reversal and conversion, jelly roll and box spread strategy executions are excluded from the Monthly Market Maker Cap. Specialists and Market Makers are subject to a ''Monthly Market Maker Cap'' of $500,000 which is explained in greater detail within Options 7, Section 4.

[5] The term ''Specialist'' applies to transactions for the account of a Specialist (as defined in Exchange Rule 1020(a)). A Specialist is an Exchange member who is registered as an options specialist pursuant to Rule 1020(a). An options Specialist includes a Remote Specialist which is defined as an options specialist in one or more classes that does not have a physical presence on an Exchange floor and is approved by the Exchange pursuant to Rule 501.

[6] The term ''Market Maker'' will be utilized to describe fees and rebates applicable to Registered Options Traders, Streaming Quote Traders (''SQTs'') and Remote Streaming Quote Traders (''RSQTs''). RSQTs may also be referred to as Remote Market Markers (''RMMs''). The term ''Registered Option Trader'' or ''ROT'' is defined in Exchange Rule 1000(b)(57). A ROT includes SQTs and RSQTs as well as on and off-floor ROTS. The term ''Streaming Quote Trader'' is defined in Exchange Rule 1000(b)(59). The term ''Remote Streaming Quote Trader'' is defined in Exchange Rule in 1000(b)(60). A Remote Streaming Quote Trader Organization or ''RSQTO,'' which may also be referred to as a Remote Market Making Organization (''RMO''), is a member organization in good standing that satisfies the RSQTO readiness requirements in Rule 507(a).

[7] The term ''Professional'' applies to transactions for the accounts of Professionals, as defined in Exchange Rule 1000(b)(14) means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s).

[8] The term ''Firm'' applies to any transaction that is identified by a member or member organization for clearing in the Firm range at The Options Clearing Corporation. *See* Options 7, Section 1.

[9] The term ''Broker-Dealer'' applies to any transaction which is not subject to any of the other transaction fees applicable within a particular category. *See* Options 7, Section 1.

[10] A dividend strategy is defined as transactions done to achieve a dividend arbitrage involving the purchase, sale and exercise of in-the-money options of the same class, executed the first business day prior to the date on which the underlying stock goes ex-dividend. *See* Options 7, Section 4.

[11] A merger strategy is defined as transactions done to achieve a merger arbitrage involving the purchase, sale and exercise of options of the same class and expiration date, executed the first business day prior to the date on which shareholders of record are required to elect their respective form of consideration, *i.e.,* cash or stock. *See* Options 7, Section 4.

[12] A short stock interest strategy is defined as transactions done to achieve a short stock interest arbitrage involving the purchase, sale and exercise of in-the-money options of the same class. *See* Options 7, Section 4.

dividend strategy cap and customers B and C would each separately cap at $1,100 for qualifying dividend strategies pursuant to this proposal. The Exchange believes that its proposal will incentivize members to transact a greater number of dividend strategies because the cap is being lowered from $1,500 to $1,100 and the Exchange is permitting members to qualify for the cap by transacting dividend strategies either in their proprietary account or on an agency basis.

Merger and Short Stock Interest Strategies

The Exchange proposes to amend the current merger and short stock interest strategy cap which require the strategies to be executed on the same trading day in the same options class when such members are trading in their own proprietary accounts, to qualify for a $1,500 cap. The Exchange proposes to instead require Specialists, Market Makers, Professionals, Firms and Broker-Dealers that transact merger and short stock interest strategies, along with reversal, conversion, jelly roll and box spread strategies, to execute these strategies on the same trading day for all options classes in the aggregate when such members are trading (1) in their own proprietary accounts, as is the case today, or (2) on an agency basis. If transacted on an agency basis, the daily cap will apply per beneficial account. The Exchange would offer a cap of $1,100 to Specialists, Market Makers, Professionals, Firms and Broker-Dealers who qualify for the merger, short stock interest, reversal, conversion, jelly roll and box spread strategies, collectively. The Exchange believes that its proposal will incentivize members to transact a greater number of merger and short stock interest strategies because the cap for merger and short stock interest strategies is being lowered from $1,500 to $1,100 and the Exchange is permitting members to aggregate all options classes to qualify for the cap and also permitting members to transact merger, short stock interest, reversal, conversion, jelly roll and box spread strategies either in their proprietary account or on an agency basis.

Reversal and Conversion, Jelly Roll and Box Spread Strategies

The Exchange proposes to eliminate the current reversal and conversion,[13] jelly roll [14] and box spread[15] strategy caps for Specialists, Market Makers, Professionals, Firms and Broker-Dealers which require the strategies to be executed on the same trading day in the same options class for a cap of $700, respectively, for each strategy and adopt strategy caps similar to those proposed for the merger and short stock interest strategies. Specifically, Phlx proposes to adopt a new strategy cap for Specialists, Market Makers, Professionals, Firms and Broker-Dealers for merger, short stock interest, reversal and conversion, jelly roll and box spread strategies, collectively, which requires that these strategies be executed on the same trading day for all options classes in the aggregate. Today, members are not limited as to the manner in which they may transact reversal and conversion, jelly roll or box spread strategies. For clarity, the Exchange proposes to state within the rule text that members may transact these strategies in their own proprietary accounts or on an agency basis to qualify for the merger, short stock interest, reversal and conversion, jelly roll and box spread strategy cap. The Exchange proposes to limit members who transact merger, short stock interest, reversal and conversion, jelly roll or box spread strategies on an agency basis by applying the cap per beneficial account similar to the dividend strategy cap. The Exchange would offer a cap of $1,100 for qualifying merger, short stock interest, reversal and conversion, jelly roll or box spread strategies. The Exchange believes that its proposal will incentivize members to transact a greater number of reversal and conversion, jelly roll and box spread strategies despite the increase in the cap from $700 to $1,100 because members may aggregate all options classes and collectively aggregate merger, short stock interest, reversal and conversion, jelly roll or box spread strategies to qualify for the cap.

For purposes of the Exhibit 5 rule text, the dividend strategy cap will have its own qualification and cap and the remainder of the strategies, merger, short stock interest, reversal and conversion, jelly roll and box spread, will be grouped into a second category with a collective qualification and cap applicable to those strategies. The Exchange proposes the below rule text:

Floor Options Transactions—Multiply Listed Options	Strategy	Qualification	Cap
Specialist, Market Maker, Professional, Firm and Broker-Dealer.	dividend	executed on the same trading day in the same options class when such members are trading: (1) In their own proprietary accounts; or (2) on an agency basis. If transacted on an agency basis, the daily cap will apply per beneficial account.	$1,100
Specialist, Market Maker, Professional, Firm and Broker-Dealer.	reversal and conversion, merger, short stock interest, jelly roll, and box spread strategies.	executed on the same trading day for all options classes in the aggregate when such members are trading. (1) In their own proprietary accounts; or (2) on an agency basis. If transacted on an agency basis, the daily cap will apply per beneficial account.	1,100

[13] Reversal and conversion strategies are transactions that employ calls and puts of the same strike price and the underlying stock. Reversals are established by combining a short stock position with a short put and a long call position that shares the same strike and expiration. Conversions employ long positions in the underlying stock that accompany long puts and short calls sharing the same strike and expiration. *See* Options 7, Section 4.

[14] A jelly roll strategy is defined as transactions created by entering into two separate positions simultaneously. One position involves buying a put and selling a call with the same strike price and expiration. The second position involves selling a put and buying a call, with the same strike price, but with a different expiration from the first position. *See* Options 7, Section 4.

[15] A box spread strategy is a strategy that synthesizes long and short stock positions to create a profit. Specifically, a long call and short put at one strike is combined with a short call and long put at a different strike to create synthetic long and synthetic short stock positions, respectively. *See* Options 7, Section 4.

Floor Options Transactions—Multiply Listed Options	Strategy	Qualification	Cap
Per member organization	dividend, merger, short stock interest, reversal and conversion, jelly roll and box spread strategies ("Monthly Strategy Cap").	combined executions in a month when trading in its own proprietary accounts.	65,000

The Exchange is not proposing to amend the $65,000 cap per member organization which is currently offered.[16] The Exchange is proposing a technical amendment to add the word ''its'' for the qualifying language for a member organization. The amended phrase would state ''combined executions in a month when trading in its own proprietary account.''

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[17] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[18] 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.

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.''[19]

Likewise, in *NetCoalition* v. *Securities and Exchange Commission*[20] (''NetCoalition'') the D.C. Circuit upheld the Commission's use of a market-based approach in evaluating the fairness of market data fees against a challenge claiming that Congress mandated a cost-based approach.[21] As the court emphasized, the Commission ''intended in Regulation NMS that 'market forces, rather than regulatory requirements' play a role in determining the market data . . . to be made available to investors and at what cost.''[22]

Further, ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .''[23] Although the court and the SEC were discussing the cash equities markets, the Exchange believes that these views apply with equal force to the options markets.

Dividend Strategy

The Exchange's proposal to amend the Specialist, Market Maker, Professional, Firm and Broker-Dealer qualification and cap for dividend strategies cap is reasonable. The Exchange is lowering the cap from $1,500 to $1,100. Also, the proposed qualification would be expanded to allow Specialists, Market Makers, Professionals, Firms and Broker-Dealers to qualify for the cap by executing on the same trading in the same options class when such members are trading: (1) In their own proprietary account, as is the case today; or (2) on an agency basis.[24] This expanded qualification would allow additional options transactions to qualify for the dividend strategy cap. The combination of the expansion of the qualification and lowering of the dividend cap should encourage members to transact additional dividend strategies on Phlx. Finally, the proposal to permit the dividend strategy cap to apply to each beneficial account is reasonable. As explained herein, members would be permitted to transact dividend strategies in their own proprietary account or on an agency basis. To the extent that a member is transacting a dividend strategy on an agency basis, the benefit of the dividend cap would apply separately to each beneficial account on whose behalf the member is executing the dividend strategy. The Exchange believes that it is reasonable to apply the cap to each beneficial account when the dividend strategy was transacted on an agency basis, as compared to the member that transacts a dividend strategy for his own proprietary account and therefore may capture the benefit of the dividend strategy for all qualifying transactions in their proprietary account. When the member transacts the dividend strategy on an agency basis, it is for the benefit of a customer. The Exchange believes that applying the dividend cap to each of those customer accounts separately is reasonable as the dividend cap is intended to encourage each member to execute a greater amount of dividend strategies. The Exchange believes applying the dividend cap per beneficial account when transacted on an agency basis would allow the Exchange to incentivize dividend strategies in accordance with the order flow that each member executes on the Exchange.

The Exchange's proposal to amend the qualification for Specialists, Market Makers, Professionals, Firms and Broker-Dealers dividend strategies by lowering the cap from $1,500 to $1,100 and also amending the qualification for dividend strategies is equitable and not unfairly discriminatory because all members may qualify for the dividend strategy cap provided they transact the requisite amount of dividend strategies wherein the buy and sell side of a transaction originated from the Exchange floor. The Exchange also believes that it is equitable and not unfairly discriminatory to permit a dividend strategy cap to apply to each beneficial account when transacted on an agency basis. To the extent that a member is transacting a dividend strategy on an agency basis, the Exchange would uniformly apply the benefit of the dividend cap separately to each beneficial account on whose behalf the member is executing the dividend strategy because the transaction is for

[16] Member organization that qualify for a Monthly Strategy Cap for a dividend, merger, short stock interest, reversal and conversion, jelly roll and box spread strategy by combining executions in a month when trading in their own proprietary accounts are capped at $65,000 for the month.

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(4) and (5).

[19] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[20] *NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010).

[21] *See NetCoalition,* at 534–535.

[22] *Id.* at 537.

[23] *Id.* at 539 (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[24] If transacted on an agency basis, the daily cap will apply per beneficial account.

the benefit of a customer and not the member.

Merger and Short Stock Strategies

The Exchange's proposal to amend the current merger and short stock interest strategy cap, which requires that the strategies be executed on the same trading day in the same options class when such members are trading in their own proprietary accounts, to qualify for a $1,500 cap is reasonable. The Exchange proposes to expand the current requirement to permit Specialists, Market Makers, Professionals, Firms and Broker-Dealers that transact merger and short stock interest strategies, along with reversal, conversion, jelly roll and box spread strategies, to execute these strategies on the same trading day for all options classes in the aggregate when such members are trading in their own proprietary accounts or on an agency basis to qualify. Today, members may transact merger and short stock interest strategies in their own proprietary account. Adding the ability to transact merger and short stock interest on an agency basis to qualify for the cap is proposed herein. To the extent that a member is transacting merger or short stock interest strategies on an agency basis, or a reversal, conversion, jelly roll and box spread strategy, the benefit of the cap would apply separately to each beneficial account on whose behalf the member is executing the merger, short stock interest, reversal, conversion, jelly roll and box spread strategy. The Exchange believes that it is reasonable to apply the cap to each beneficial account when the merger or short stock interest strategy, along with the reversal, conversion, jelly roll and box spread strategy, was transacted on an agency basis, as compared to the member that transacts a merger or short stock interest strategy, or reversal, conversion, jelly roll and box spread strategy, for his own proprietary account and therefore may capture the benefit of the merger or short stock interest strategy, or reversal, conversion, jelly roll and box spread strategy, for all qualifying transactions in their proprietary account. When the member transacts the merger or short stock interest strategy on an agency basis, or reversal, conversion, jelly roll and box spread strategy, it is for the benefit of a customer. The Exchange believes that applying the merger, short stock interest, reversal, conversion, jelly roll and box spread strategy cap to each of those customer accounts separately is reasonable as the merger, short stock interest, reversal, conversion, jelly roll and box spread strategy cap is intended to encourage each member to execute a greater amount of these strategies. The Exchange believes applying the merger, short stock interest, reversal, conversion, jelly roll and box spread strategy cap per beneficial account when transacted on an agency basis would allow the Exchange to incentivize merger and short stock interest strategies in accordance with the order flow that each member executes on the Exchange.

The Exchange would also lower the current merger and short stock interest cap from $1,500 to $1,100. The Exchange believes that the combination of expanding the qualifications to permit members to aggregate all options classes and transact on an agency basis, in addition to also continuing to trade in their own proprietary account, as well as lowering the cap will encourage members to transact a greater number of merger and short stock interest strategies.

The Exchange's proposal to amend the qualification for Specialists, Market Makers, Professionals, Firms and Broker-Dealers merger and short stock interest strategies by lowering the cap from $1,500 to $1,100 and also amending the qualification for these strategies is equitable and not unfairly discriminatory because all members may qualify for the merger, short stock interest, reversal, conversion, jelly roll and box spread strategy cap provided they transact the requisite amount of merger, short stock interest, reversal, conversion, jelly roll and box spread strategies wherein the buy and sell side of a transaction originated from the Exchange floor. The Exchange also believes that it is equitable and not unfairly discriminatory to permit a merger, short stock interest, reversal, conversion, jelly roll and box spread strategy cap to apply to each beneficial account when transacted on an agency basis. To the extent that a member is transacting a merger, short stock interest, reversal, conversion, jelly roll and box spread strategy on an agency basis, the benefit of the merger or short stock interest cap would apply separately to each beneficial account on whose behalf the member is executing the merger, short stock interest, reversal, conversion, jelly roll and box spread strategy because the transaction is for the benefit of a customer and not the member.

Reversal and Conversion, Jelly Roll and Box Spread Strategies

The Exchange's proposal to eliminate the current reversal and conversion, jelly roll and box spread strategy caps for Specialists, Market Makers, Professionals, Firms and Broker-Dealers and adopt a new strategy cap for these strategies, along with the merger and short stock interest strategies, which requires that these strategies be executed on the same trading day for all options classes in the aggregate when such members are trading in their own proprietary accounts or transacted on an agency basis to qualify is reasonable. Unlike the current qualification for reversal and conversion, jelly roll and box spread strategies which requires that these strategies be executed on the same trading day in the same options class, the proposed qualification would permit the strategies to be executed on the same trading day for all options classes in the aggregate, along with the merger and short stock interest strategies. Further, the Exchange will continue to not limit the manner in which the transactions may be executed, either in a member's proprietary account or on an agency basis, for the reversal and conversion, jelly roll and box spread strategies. Today, there is no limitation as to whether reversal and conversion, jelly roll and box spread strategy caps must be executed on a proprietary or agency basis. For clarity, the Exchange is noting within the rule text that members may transact reversal and conversion, jelly roll and box spread strategy caps either in their own proprietary accounts or on an agency basis, in conjunction with merger and short stock interest strategies. To the extent that a member is transacting merger, short stock interest, reversal and conversion, jelly roll and box spread strategies on an agency basis, the benefit of the cap would apply separately to each beneficial account on whose behalf the member is executing the merger, short stock interest, reversal and conversion, jelly roll and box spread strategy. The Exchange believes that it is reasonable to apply the cap to each beneficial account when the merger, short stock interest, reversal and conversion, jelly roll and box spread strategies were transacted on an agency basis, as compared to the member that transacts a merger, short stock interest, reversal and conversion, jelly roll and box spread strategy for his own proprietary account and therefore may capture the benefit of these strategies for all qualifying transactions in their proprietary account. When the member transacts a merger, short stock interest, reversal and conversion, jelly roll and box spread strategy on an agency basis, it is for the benefit of a customer. The Exchange believes that applying the merger, short stock interest, reversal and conversion, jelly roll and box spread strategy cap to each of those customer

accounts separately is reasonable as the merger, short stock interest, reversal and conversion, jelly roll and box spread strategy cap is intended to encourage each member to execute a greater amount of these strategies. The Exchange believes applying the merger, short stock interest, reversal and conversion, jelly roll and box spread strategy cap per beneficial account when transacted on an agency basis would allow the Exchange to incentivize reversal and conversion, jelly roll and box spread strategies in accordance with the order flow that each member executes on the Exchange. Despite the increase in the cap from $700 to $1,100 for the reversal and conversion, jelly roll and box spread strategies, the Exchange believes that members will be able to meet the new qualification because members will be able to aggregate all options classes to qualify for the increased cap.

The Exchange's proposal to eliminate the current reversal and conversion, jelly roll and box spread strategy caps for Specialists, Market Makers, Professionals, Firms and Broker-Dealers and adopt a new strategy cap for these strategies which requires that these strategies be executed on the same trading day for all options classes in the aggregate, when such members are trading in their own proprietary accounts or on an agency basis, in conjunction with the merger and short stock interest strategies, is equitable and not unfairly discriminatory. All members may qualify for the merger, short stock interest, reversal and conversion, jelly roll and box spread strategy caps provided they transact the requisite amount of merger, short stock interest, reversal and conversion, jelly roll and box spread strategies wherein the buy and sell side of a transaction originated from the Exchange floor. The Exchange also believes that it is equitable and not unfairly discriminatory to permit a merger, short stock interest, reversal and conversion, jelly roll and box spread strategy cap to apply to each beneficial account when transacted on an agency basis. To the extent that a member is transacting a merger, short stock interest, reversal and conversion, jelly roll and box spread strategy on an agency basis, the benefit of the merger, short stock interest, reversal and conversion, jelly roll and box spread cap would apply separately to each beneficial account on whose behalf the member is executing these strategies because the transaction is for the benefit of a customer and not the member.

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 amendments do not impose an undue burden on intra-market competition. The Exchange's proposal to amend the qualification for Specialists, Market Makers, Professionals, Firms and Broker-Dealers dividend strategies by lowering the cap from $1,500 to $1,100 and also amending the qualification for dividend strategies does not impose an undue burden on intra-market competition because all members may qualify for the dividend strategy cap provided they transact the requisite amount of dividend strategies wherein the buy and sell side of a transaction originated from the Exchange floor. The Exchange also believes that it does not impose an undue burden on competition to permit a dividend cap to apply to each beneficial account when transacted on an agency basis. To the extent that a member is transacting a dividend strategy on an agency basis, the benefit of the dividend cap would apply separately to each beneficial account on whose behalf the member is executing the dividend strategy because the transaction is for the benefit of a customer and not the member.

The Exchange's proposal to amend the qualification for Specialists, Market Makers, Professionals, Firms and Broker-Dealers merger and short stock interest strategies by lowering the cap from $1,500 to $1,100 and also amending the qualification for these strategies to allow these strategies to be in the aggregate for all options classes and on an agency basis, along with reversal and conversion, jelly roll and box spread strategies, while continuing to permit members to trade in their own proprietary accounts, in conjunction with the reversal and conversion, jelly roll and box spread strategies, does not impose an undue burden on competition because all members may qualify for the merger and short stock interest strategy caps provided they transact the requisite amount of merger, short stock interest, reversal and conversion, jelly roll and box spread strategies wherein the buy and sell side of a transaction originated from the Exchange floor. The Exchange also believes that it does not impose an undue burden on competition to permit a merger, short stock interest, reversal and conversion, jelly roll and box spread cap to apply to each beneficial account when transacted on an agency basis. To the extent that a member is transacting a merger, short stock interest, reversal and conversion, jelly roll and box spread strategy on an agency basis, the benefit of the merger, short stock interest, reversal and conversion, jelly roll and box spread would apply separately to each beneficial account on whose behalf the member is executing these strategies because the transaction is for the benefit of a customer and not the member.

The Exchange's proposal to eliminate the current reversal and conversion, jelly roll and box spread strategy caps for Specialists, Market Makers, Professionals, Firms and Broker-Dealers and adopt a new strategy increased cap of $1,100 for these strategies which requires that these strategies be executed on the same trading day for all options classes in the aggregate, when such members are trading in their own proprietary accounts or on an agency basis, in conjunction with merger and short stock interest strategies, does not impose an undue burden on competition. All members may qualify for the merger, short stock interest, reversal and conversion, jelly roll and box spread strategy caps provided they transact the requisite amount of merger, short stock interest, reversal and conversion, jelly roll and box spread strategies wherein the buy and sell side

of a transaction originated from the Exchange floor. Further, increasing the cap from $700 to $1,100 for the reversal and conversion, jelly roll and box spread strategies does not impose an undue burden on competition because all members may qualify for the new qualification by aggregating all options classes to qualify for the increased cap in the merger and short stock interest, reversal and conversion, jelly roll and box spread strategies

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.[25]

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–Phlx–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–Phlx–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 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–Phlx–2020–02 and should be submitted on or before February 20, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–01647 Filed 1–29–20; 8:45 am]

BILLING CODE 8011–01–P

[25] 15 U.S.C. 78s(b)(3)(A)(ii).

[26] 17 CFR 200.30–3(a)(12).

TENNESSEE VALLEY AUTHORITY

North Alabama Utility-Scale Solar Environmental Impact Statement

AGENCY: Tennessee Valley Authority.

ACTION: Notice of Intent.

SUMMARY: The Tennessee Valley Authority (TVA) intends to prepare an Environmental Impact Statement (EIS) for the proposed TVA-developed solar facility in Lawrence County, Alabama. The purpose of this EIS is to address the potential environmental effects associated with building, operating, and maintaining the solar facility, North Alabama Utility-Scale Solar Project, in Lawrence County, Alabama. The proposed facility would encompass approximately 3,000 acres. Public comments are invited concerning both the scope of the EIS and environmental issues that should be addressed as part of this EIS.

DATES: Comments must be received or postmarked by March 2, 2020.

ADDRESSES: Written comments should be sent to Elizabeth Smith, NEPA Specialist, Tennessee Valley Authority, 400 W Summit Hill Drive #WT11B, Knoxville, Tennessee 37902. Comments may be sent electronically to *esmith14@tva.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Elizabeth Smith by email at *esmith14@tva.gov,* by phone at (865) 632–3053, or by mail at the address above.

SUPPLEMENTARY INFORMATION: This notice is provided in accordance with the Council on Environmental Quality's regulations (40 CFR parts 1500 to 1508), TVA's procedures for implementing the National Environmental Policy Act (NEPA), and Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations (36 CFR part 800).

The proposed North Alabama Utility-Scale Solar facility, hereafter referred to as the project, would occupy two sites: Wheeler North and Wheeler South. The sites together encompass approximately 3,000 acres, and are located entirely in Lawrence County, Alabama. The Wheeler North site is within the city limits of Wheeler, Alabama, and is located approximately 3.6 miles southeast of Courtland, Alabama. The southern edge of the Wheeler North site is paralleled by US Highway 72. The Wheeler North site is mostly cultivated crop fields with portions of forested areas. The Wheeler South site is the larger of the two sites and runs along the eastern portion of State Highway 33 with County Road 85 running west in the southwest portion of the site. The Wheeler South site is located 0.21 miles southwest of Wheeler, Alabama and 2.25 miles southeast of Courtland, Alabama. The Wheeler South site is mostly forested with portions of cultivated crop fields and wooded private residences. Two power line easements run through the Wheeler South site.

Background

TVA is a federal agency and instrumentality of the United States of America, created in 1933 by an act of Congress to foster the social and economic well-being of the residents of the Tennessee Valley region. As part of its diversified energy strategy, TVA produces or obtains electricity from a diverse portfolio of energy sources, including solar, hydroelectric, wind,

biomass, fossil fuel, and nuclear. In June 2019, TVA released the final 2019 Integrated Resource Plan (IRP) and associated Environmental Impact Statement, which updated the 2015 IRP. The 2019 IRP is a comprehensive study of how TVA will meet the demand for electricity in its service territory over the next 20 years. The target supply mix adopted by TVA in the 2019 IRP envisions the addition of up to 14 GW of solar by 2038.

Alternatives

In addition to a No Action Alternative, this EIS will address alternatives that meet the purpose and need for the project. In evaluating alternatives, TVA will also consider the availability of other potential sites where the project could be located. For the proposed site, TVA plans to consider the establishment of a reduced footprint so that impacts to cultural and/or biological resources could be avoided. The EIS will also evaluate ways to mitigate impacts that cannot be avoided. The description and analysis of these alternatives in the EIS will inform decision makers, other agencies, and the public about the potential for environmental impacts associated with the proposed solar facility. TVA solicits comment on whether there are other alternatives that should be assessed in the EIS.

Proposed Resources and Issues To Be Considered

Public scoping is integral to the process for implementing NEPA and ensures that (1) issues are identified early and properly studied, (2) issues of little significance do not consume substantial time and effort, and (3) the analysis of identified issues is thorough and balanced. This EIS will identify the purpose and need of the project and will contain descriptions of the existing environmental and socioeconomic resources within the area that could be affected by the proposed solar facility, including the documented historical, cultural, and environmental resources. Evaluation of potential environmental impacts to these resources will include, but not be limited to, water quality, air quality, soil erosion, floodplains, aquatic and terrestrial ecology, threatened and endangered species, botany, wetlands, visual resources, transportation, safety, land use, historic and archaeological resources, recreation, geology, solid and hazardous waste, and socioeconomic and environmental justice issues. The final range of issues to be addressed in the environmental review will be determined, in part, from scoping comments received. TVA is particularly interested in public input on other reasonable alternatives that should be considered in the EIS. The preliminary identification of reasonable alternatives and environmental issues in this notice is not meant to be exhaustive or final.

Public Participation

The public is invited to submit comments on the scope of this EIS no later than the date identified in the **DATES** section of this notice. Federal, state and local agencies and Native American Tribes are also invited to provide comments. After consideration of comments received during the scoping period, TVA will develop and distribute a scoping document that will summarize public and agency comments that were received and identify the schedule for completing the EIS process. Following analysis of the issues, TVA will prepare a draft EIS for public review and comment; the draft EIS is scheduled for completion in 2021. In finalizing the EIS and in making its final decision, TVA will consider the comments that it receives on the Draft EIS.

Authority: 40 CFR 1501.7.

M. Susan Smelley,

Director, Environmental Compliance and Operations.

[FR Doc. 2020–01604 Filed 1–29–20; 8:45 am]

BILLING CODE 8120–08–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0071]

Hours of Service of Drivers: McKee Foods Transportation, LLC, Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for renewal of exemption; request for comments.

SUMMARY: FMCSA announces that it has received an application from McKee Foods Transportation, LLC (MFT) for a renewal of its exemption from the hours-of-service (HOS) regulation pertaining to the use of a sleeper berth. The exemption renewal would allow MFT team drivers to take the equivalent of 10 consecutive hours off duty by splitting sleeper berth time into two periods totaling 10 hours, provided neither of the two periods is less than 3 hours. MFT currently holds an exemption for the period March 27, 2015, through March 27, 2020. FMCSA requests public comment on MFT's application for exemption. The application for a renewal is available for review in the docket referenced at the beginning of this notice.

DATES: Comments must be received on or before March 2, 2020.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Number FMCSA–2014–0071 by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 1–202–493–2251.
- Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the *Privacy Act* heading below.

Docket: For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line Federal Docket Management System is available 24 hours each day, 365 days each year.

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.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: (202) 366–4225. Email: *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2014–0071), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comments online, go to *www.regulations.gov* and put the docket number, ''FMCSA–2014–0071'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. An option to upload a file is provided. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may grant or not grant this application based on your comments.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. MFT's Request for a Renewal

MFT requested a renewal of its exemption from 49 CFR 395.1(g)(1)(ii)(A)(1–2) pertaining to the use of a sleeper berth. The exemption renewal would allow MFT team drivers to continue to take the equivalent of 10 consecutive hours off duty by splitting sleeper berth time into two periods totaling 10 hours, provided neither of the two periods is less than 3 hours. The application for a renewal is available for review in the docket referenced at the beginning of this notice.

FMCSA granted MFT a one-year exemption on March 27, 2015 (80 FR 16503). On April 20, 2016 (81 FR 23349) the Agency extended its expiration date to March 27, 2020, in response to Section 5206(b)(2)(A) of the ''Fixing America's Surface Transportation Act'' (FAST Act). The statute extended the expiration date of hours-of-service (HOS) exemptions in effect on the date of enactment of the FAST Act to 5 years from the date of issuance of the exemptions.

IV. Request for Comments

In accordance with 49 U.S.C. 31315(b)(6), FMCSA requests public comment from all interested persons on MFT's application for an exemption. All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable.

Issued on: January 27, 2020.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2020–01762 Filed 1–29–20; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0383; FMCSA–2014–0387; FMCSA–2015–0325]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for four individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on November 15, 2019. The exemptions expire on November 15, 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 *http://www.regulations.gov/docket?D=FMCSA-2014-0383* or *http://www.regulations.gov/docket?D=FMCSA-2014-0387* or *http://www.regulations.gov/docket?D=FMCSA-2015-0325* 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

On December 4, 2019, FMCSA published a notice announcing its decision to renew exemptions for four individuals from the hearing standard in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (84 FR 66451). The public comment period ended on January 3, 2020, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(11).

The physical qualification standard for drivers regarding hearing found in § 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5–1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based upon its evaluation of the four renewal exemption applications, FMCSA announces its decision to exempt the following drivers from the hearing requirement in § 391.41 (b)(11).

As of November 15, 2019, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following four individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers (84 FR 66451):

Daniel T. Harnish (UT)
Tami S. Richardson-Nelson (NE)
Anthony J. Saive (OH)
Jennifer L. Valentine (TX)

The drivers were included in docket number FMCSA–2014–0383 or FMCSA–2014–0387 or FMCSA–2015–0325. Jennifer Valentine was previously published under the name Jennifer Campbell. Their exemptions are applicable as of November 15, 2019, and will expire on November 15, 2021.

In accordance with 49 U.S.C. 31315(b), each 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 17, 2020.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2020–01758 Filed 1–29–20; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2019–0286]

Parts and Accessories Necessary for Safe Operation; Application for an Exemption From Robert Bosch LLC and Mekra Lang North America LLC

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: The Federal Motor Carrier Safety Administration (FMCSA) requests public comment on an application for exemption from Robert Bosch LLC and Mekra Lang North America LLC to allow motor carriers to operate commercial motor vehicles (CMVs) equipped with the company's CV [Commercial Vehicle] Digital Mirror System installed as an alternative to the two rear-vision mirrors required by the Federal Motor Carrier Safety Regulations (FMCSR).

DATES: Comments must be received on or before March 2, 2020.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2019–0286 using any of the following methods:

- *Website: http://www.regulations.gov.* Follow the instructions for submitting comments on the Federal electronic docket site.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.
- *Hand Delivery:* Ground Floor, Room W12–140, DOT Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday–Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number for this notice. For detailed instructions on submitting comments and additional information on the exemption process, see the ''Public Participation'' heading below. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the ''Privacy Act'' heading for further information.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or to Room W12–140, DOT Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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.dot.gov/privacy.*

Public participation: The *http://www.regulations.gov* website is generally available 24 hours each day, 365 days each year. You may find electronic submission and retrieval help and guidelines under the ''help'' section of the *http://www.regulations.gov* website as well as the DOT's *http://docketsinfo.dot.gov* website. If you would like notification that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgment page that appears after submitting comments online.

FOR FURTHER INFORMATION CONTACT: Mr. Luke Loy, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, MC–PSV, (202) 366–0676, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

Background

I. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA is required to publish notice of exemption requests in the **Federal Register** (49 U.S.C. 31315(b)(6)(A)). This notice seeks public comment on the request posted to the docket referenced above; the Agency takes no position on its merits. FMCSA will review the request and all comments submitted to the docket before deciding whether to grant or deny the exemption.

II. Robert Bosch LLC and Mekra Lang North America LLC Application for Exemption

Section 393.80(a) of the FMCSRs requires that each bus, truck, and truck-tractor be equipped with two rear-vision mirrors, one at each side. The mirrors must be positioned to reflect to the driver a view of the highway to the rear and the area along both sides of the CMV. Section 393.80(a) cross-references the National Highway Traffic Safety Administration's standard for mirrors on motor vehicles (49 CFR 571.111, Federal Motor Vehicle Safety Standard [FMVSS] No. 111). Paragraph S7.1 of FMVSS No. 111 provides requirements for mirrors on multipurpose passenger vehicles and trucks with a gross vehicle weight rating (GVWR) greater than 4,536 kg and less than 11,340 kg and each bus, other than a school bus, with a GVWR of more than 4,536 kg. Paragraph S8.1 provides requirements for mirrors on multipurpose passenger vehicles and trucks with a GVWR of 11,340 kg or more. Robert Bosch LLC and Mekra Lang North America LLC have applied for an exemption from 393.80(a) to allow motor carriers to operate CMVs equipped with the company's CV Digital Mirror System installed as an alternative to the two rear-vision mirrors required by the FMCSRs. A copy of the application is included in the docket referenced at the beginning of this notice.

III. Request for Comments

In accordance with 49 U.S.C. 31315(b)(6), FMCSA requests public comment from all interested persons on the application for an exemption from 49 CFR 393.80(a). All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments.

FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Issued on: January 27, 2020.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2020–01763 Filed 1–29–20; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2020–0009]

Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this provides the public notice that on January 13, 2020, the Metropolitan Council's Metro Transit Division (Metro Transit), petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR parts 214, 219, 220, 229, 235, and 236. FRA assigned the petition Docket Number FRA–2020–0009.

Metro Transit operates two rail fixed guideway transit systems in Minnesota—the METRO Blue and Green light rail transit (LRT) Lines. Currently, the Green Line is 11 miles in length with 18 stations between Target Field Station in downtown Minneapolis, and Union Depot Station in downtown St. Paul, sharing 5 stations in downtown Minneapolis with the Blue Line. The Green Line LRT Extension Project, also known as Southwest Light Rail Transit Line (SWLRT), will add approximately 14.5 miles of standard-gage light rail double-track with 16 new passenger stations within Hennepin County, Minnesota, to the existing Green Line LRT operations. The SWLRT project will extend the existing Green Line from the Target Field/Interchange Station near the central business district of downtown Minneapolis through the communities of St. Louis Park, Hopkins, Minnetonka, and Eden Prairie, passing near Edina. The SWLRT line will terminate at the Southwest Station in Eden Prairie. Construction of the SWLRT Project began in 2019 with the projected opening for revenue service operations in 2023.

SWLRT will be constructed adjacent to freight rail service operated by Twin Cities & Western Railroad (TCWR) in the Kenilworth Corridor and a portion of the Bass Lake Spur, and adjacent to freight rail service operated by BNSF Railway (BNSF) in the Wayzata Subdivision. Typical track center spacing averages 25 feet or more throughout this shared corridor. SWLRT and TCWR will share use of five highway-rail grade crossings (HRGC) on the Kenilworth Corridor and Bass Lake Spur located at 21st Street South in Minneapolis, Beltline Boulevard and Wooddale Avenue in St. Louis Park, and 5th Avenue South and Blake Road North in Hopkins. There are no shared HRGCs on the BNSF Wayzata Subdivision. An intrusion detection system will be installed wherever typical spacing for track centers between SWLRT and freight tracks is less than 50 feet.

On the Bass Lake Spur (Milepost (MP) 16.3/428.38 to MP 435.06), the Metropolitan Council has, on Hennepin County Regional Railroad Authority's behalf, contracted with third parties to perform freight rail operations maintenance, dispatching, and flagging services. The SWLRT track and signal system is wholly separate and distinct from any adjacent freight tracks and related equipment. Metro Transit will maintain its own track and signals in the SWLRT, and only Metro Transit Signal and Train Control employees will be working on signal and train control equipment at the five shared HRGCs.

Specifically, Metro Transit seeks a waiver of compliance from certain provisions of FRA regulations applicable to the limited connections of the SWLRT to the general railroad system at five shared HRGCs, stating it has alternative procedures in place on its existing Green Line operations which are comparable from a substantive perspective to FRA safety regulations. Moreover, Metro Transit states the waivers would promote consistency in the standard operating procedures followed by Metro Transit in its Green Line LRT operations and provide an equivalent level of safety to the corresponding FRA regulations.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Ave. SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received by March 16, 2020 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. 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 *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov.*

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2020–01670 Filed 1–29–20; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2019–0099]

Program Approval: Norfolk Southern Railway Company

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of approval.

SUMMARY: FRA is issuing this notice to explain its rationale for approving a Norfolk Southern Railway Company (NS) petition for a Test Program designed to test track inspection technologies (*i.e.,* an autonomous locomotive-mounted geometry measurement system and an automated optical system) and new operational approaches to track inspections and its rationale for granting a limited, temporary suspension of a substantive FRA rule that is necessary to facilitate the conduct of the Test Program.

FOR FURTHER INFORMATION CONTACT: Yu-Jiang Zhang, Staff Director, Track Division, Office of Railroad Safety, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590, telephone (202) 493–6460 or email *yujiang.zhang@dot.gov;* Aaron Moore, Attorney, Office of Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590, telephone (202) 493–7009 or email *aaron.moore@dot.gov.*

SUPPLEMENTARY INFORMATION: On November 1, 2019, NS petitioned FRA under Title 49 Code of Federal Regulations (CFR) Section 211.51 to suspend certain requirements of FRA's track safety regulations to conduct a program to test new track inspection technologies (*i.e.,* an autonomous locomotive-mounted geometry measurement system and an automated optical system) and new operational approaches to track inspections. NS also submitted a written Test Program providing a description of the proposed tests and the geographic scope of the testing territory.

The Test Program specifies that the tests will be conducted on approximately 1,042 miles of main and siding tracks of the former Norfolk & Western route from Norfolk, Virginia to Portsmouth, Ohio on NS's Pocahontas Division.

The Test Program is designed to test autonomous locomotive-mounted geometry measurement systems and gradually decreased manual visual inspections as an alternative to FRA's inspection frequency requirements. NS indicates that it will continue to use other inspection technologies during the Test Program, including (1) Sperry rail flaw and joint bar inspections, and (2) Vehicle/Track Interaction, a locomotive-based ride quality inspection system. The Test Program will be carried out in three separate phases over the course of one year as detailed in Exhibit C of the Test Program (available for review at *www.regulations.gov* (docket number FRA–2019–0099)).

After review and analysis of NS's petition for a Test Program, subject to certain conditions designed to ensure safety, FRA approved NS's Test Program and suspended the requirements of 49 CFR 213.233(b)(3)[1] and (c) as necessary to carry out the Test Program. A copy of FRA's letter approving NS's Test Program and granting the requested limited temporary suspension of 49 CFR 213.233(b)(3) and (c), as well as a complete copy of the Test Program, is available in docket number FRA–2019–0099 at *www.regulations.gov.* FRA's letter approving NS's Test Program and granting the requested limited temporary suspension of certain regulations specifically details the conditions NS will need to undertake during the Test Program. As required by 49 CFR 211.51(c), FRA is providing this explanatory statement describing the Test Program.

As explained more fully in its approval letter, FRA finds that the temporary, limited suspension of 49 CFR 213.233(b)(3) and (c) is necessary to the conduct of the approved Test Program, which is specifically designed to evaluate the effectiveness of new automated track inspection technologies and operational methods. Furthermore, FRA also finds that the scope and application of the granted suspension of 49 CFR 213.233(b)(3) and (c) as applied to the Test Program are limited to that necessary to conduct the Test Program. Finally, FRA's approval letter outlines the conditions of the Test Program that will ensure standards sufficient to assure safety.

Issued in Washington, DC, on January 27, 2020.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2020–01667 Filed 1–29–20; 8:45 am]

BILLING CODE 4910–06–P

[1] The suspension of 49 CFR 213.233(b)(3) only applies to Phase 3 of the Test Program.

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2020–0008]

Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this provides the public notice that on January 10, 2020, CSX Transportation, Inc. (CSXT) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 232, *Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices.* FRA assigned the petition Docket Number FRA–2020–0008.

Specifically, CSXT proposes to use proprietary software technology to implement a virtual three-dimensional simulation as an alternative to satisfy the ''hands-on'' portion of periodic refresher training required by 49 CFR 232.203(b)(8). Refresher training is required at intervals not to exceed 3 years, and must consist of classroom and hands-on training, as well as testing. CSXT states that the simulation will improve the employee's knowledge of air brake components and functions and increases proficiency when performing the Class I freight air brake test.

The simulation is based on performance of a Class I freight air brake test and is designed to place the user in a virtual realistic scenario. The user is required to perform a variety of inspection and remediation tasks relating to preprogrammed defects including, but not limited to, closed cut-out cocks, uncoupled air hoses, closed angle cocks, improperly positioned retainer valves, and fouled brake rigging. Users are required to successfully complete all tasks in the scenario. CSXT proposes to apply this waiver system-wide to all CSXT conductors and supervisors responsible for performing Class I freight air brakes tests.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Ave. SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by March 16, 2020 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. 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 *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov.*

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety Chief Safety Officer.

[FR Doc. 2020–01671 Filed 1–29–20; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2007–27287]

Petition for Waiver of Compliance

Under part 211 of title 49 of the Code of Federal Regulations (CFR), this provides the public notice that by letter received January 18, 2020, BNSF Railway (BNSF) petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance contained in Docket Number FRA–2007–27287.

Specifically, BNSF seeks a second extension of relief from the 2-year periodic testing requirements in §§ 236.377, *Approach locking;* 236.378, *Time locking;* 236.379, *Route locking;* 236.380, *Indication locking;* and 236.381, *Traffic locking.*

BNSF states that since the original waiver approval, 95.2% of all eligible locations across BNSF's network have been enrolled in this waiver program and received waiver-based locking tests on the extended schedule with no issues. BNSF is confident that by using this method, it has reduced the amount of disruption to signal circuits and operations while spending less time foul of track. Leveraging the benefits of technology and reducing the opportunity for human failure yields additional safety benefits, making this BNSF's desired method for performing these tests.

BNSF requests to extend the waiver indefinitely. BNSF states it will maintain the testing procedures and testing interval as outlined in the waiver. BNSF further asks to eliminate the requirement to submit to FRA an annual updated listing of the eligible locations, because BNSF has already enrolled the substantial majority of eligible locations.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the Department of Transportation's Docket Operations Facility, 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they

should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Ave. SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by March 16, 2020 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. 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.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of regulations.gov.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety Chief Safety Officer.

[FR Doc. 2020–01672 Filed 1–29–20; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Fiscal Year 2020 Competitive Funding Opportunity; Grants for Buses and Bus Facilities Program

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of funding opportunity (NOFO).

SUMMARY: The Federal Transit Administration (FTA) announces the opportunity to apply for approximately $454.6 million in fiscal year (FY) 2020 funds under the Grants for Buses and Bus Facilities Program (CFDA#20.526). As required by federal public transportation law and subject to funding availability, funds will be awarded competitively to assist in the financing of capital projects to replace, rehabilitate, purchase or lease buses and related equipment, and to rehabilitate, purchase, construct or lease bus-related facilities. Projects may include costs incidental to the acquisition of buses or to the construction of facilities, such as the costs of related workforce development and training activities, and project administration expenses. FTA may award additional funds if they are made available to the program prior to the announcement of project selections.

DATES: Complete proposals must be submitted electronically through the *GRANTS.GOV* ''APPLY'' function by 11:59 p.m. Eastern Time on March 30, 2020. Prospective applicants should initiate the process by promptly registering on the *GRANTS.GOV* website to ensure completion of the application process before the submission deadline. Instructions for applying can be found on FTA's website at *http://transit.dot.gov/howtoapply* and in the ''FIND'' module of *GRANTS.GOV.*

The *GRANTS.GOV* funding opportunity ID is FTA–2020–006–BUS. Mail and fax submissions will not be accepted.

FOR FURTHER INFORMATION CONTACT: Mark Bathrick, FTA Office of Program Management, 202–366–9955, or *mark.bathrick@dot.gov.*

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A. Program Description

Federal public transportation law (49 U.S.C 5339(b)) authorizes FTA to award funds for the Grants for Buses and Bus Facilities Program through a competitive process, as described in this notice, for capital projects to replace, rehabilitate, purchase or lease buses and related equipment and to rehabilitate, purchase, construct or lease bus-related facilities.

The purpose of the Grants for Buses and Bus Facilities Program is to assist in the financing of capital projects for buses and bus facilities, including replacing, rehabilitating, purchasing, or leasing buses or related equipment, and rehabilitating, purchasing, constructing, or leasing bus-related facilities.

The Grants for Buses and Bus Facilities Program provides funds to eligible applicants including designated recipients that allocate funds to fixed route bus operators, states or local governmental entities that operate fixed route bus service, and Indian tribes. FTA also may award grants to eligible recipients for projects to be undertaken by subrecipients. Eligible subrecipients include all otherwise eligible applicants and also private nonprofit organizations engaged in public transportation. In accordance with Federal public transportation law (49 U.S.C. 5339(b)(2)), FTA will ''consider the age and condition of buses, bus fleets, related equipment, and bus-related facilities'' in selecting projects for funding. FTA may prioritize projects that demonstrate how they will address significant repair and maintenance needs, improve the safety of transit systems and deploy connective projects that include advanced technologies to connect bus systems with other networks.

In FY 2020, FTA is encouraging applicants to propose projects that introduce innovative technologies or practices in support of FTA's Accelerating Innovative Mobility (AIM) initiative. FTA is focused on the introduction of new technology not commonly found within U.S. transit systems such as integrated fare payment systems permitting complete trips or advancements to propulsion systems. Innovation can also include practices such as new public transportation operational models, financial or procurement arrangements, or value capture.

B. Federal Award Information

Federal public transportation law (49 U.S.C. 5338(a)(2)(M)) authorizes $289,044,179 in FY 2020 funds for the Grants for Buses and Bus Facilities Program. The Further Consolidated Appropriations Act, 2020 appropriated an additional $170,000,000 for the Grants for Buses and Bus Facilities Program. After the mandatory oversight takedown of $4,417,831 FTA is announcing the availability of $454,626,348 for the Grants for Buses and Bus Facilities Program through this notice.

As required by Federal public transportation law (49 U.S.C. 5339(b)(5)

and 49 U.S.C. 5339(b)(8)), a minimum of 10 percent of the amount awarded under the Grants for Buses and Bus Facilities Program will be awarded to projects located in rural areas and no single grantee will be awarded more than 10 percent of the amounts made available. FTA may further cap the amount a single recipient or State may receive as part of the selection process.

FTA will grant pre-award authority to incur costs for selected projects beginning on the date that project selections are announced. Funds are only available for projects that have not incurred costs prior to the selection of projects, and will remain available for obligation for three Federal fiscal years, not including the year in which the funds are allocated to projects.

C. Eligibility Information

1. Eligible Applicants

Eligible applicants include designated recipients that allocate funds to fixed route bus operators, states or local governmental entities that operate fixed route bus service, and Indian tribes. Eligible subrecipients include all otherwise eligible applicants and also private nonprofit organizations engaged in public transportation.

States may submit a statewide application on behalf of public agencies or private nonprofit organizations engaged in public transportation in rural areas or for other areas for which a State allocates funds. Except for projects proposed by Indian tribes, all proposals for projects in rural (non-urbanized) areas must be submitted by a State, either individually or as a part of a statewide application. States and other eligible applicants may also submit consolidated proposals for projects in urbanized areas. The submission of a statewide or consolidated urbanized area application shall not preclude the submission and consideration of any application from other eligible recipients in an urbanized area in a State. Proposals may contain projects to be implemented by the recipient or its subrecipients.

To be considered eligible, applicants must be able to demonstrate the requisite legal, financial, and technical capabilities to receive and administer Federal funds under this program.

2. Cost Sharing or Matching

The maximum federal share for projects selected under the Grants for Buses and Bus Facilities Program is 80 percent of the net project cost (*i.e.,* the local amount should be at least 20 percent of the net project cost, not 20 percent of the requested grant amount), unless noted below by one of the exceptions.

a. The maximum Federal share is 85 percent of the net project cost of acquiring vehicles (including clean-fuel or alternative fuel vehicles) for purposes of complying with or maintaining compliance with the Clean Air Act (CAA) and/or the Americans with Disabilities Act (ADA) of 1990.

b. The maximum Federal share is 90 percent of the net project cost of acquiring, installing or constructing vehicle-related equipment or facilities (including clean fuel or alternative-fuel vehicle-related equipment or facilities) for purposes of complying with or maintaining compliance with the ADA or CAA. The award recipient must itemize the cost of specific, discrete, vehicle-related equipment associated with compliance with ADA or CAA to be eligible for the maximum 90 percent Federal share for these costs.

Eligible sources of local match include the following: Cash from non-Government sources other than revenues from providing public transportation services; revenues derived from the sale of advertising and concessions; amounts received under a service agreement with a State or local social service agency or private social service organization; revenues generated from value capture financing mechanisms; or funds from an undistributed cash surplus; replacement or depreciation cash fund or reserve; or new capital. In addition, transportation development credits or documentation of in-kind match may substitute for local match if identified in the application.

If an applicant proposes a Federal share greater than 80 percent, the application must clearly explain why the project is eligible for the proposed Federal share.

3. Eligible Projects

Under the Grants for Buses and Bus Facilities Program (49 U.S.C. 5339(b)(1)), eligible projects are capital projects to replace, rehabilitate purchase, or lease buses, vans, and related equipment, and capital projects to rehabilitate, purchase, construct, or lease bus-related facilities.

Recipients are permitted to use up to 0.5 percent of their requested grant award for workforce development activities eligible under Federal public transportation law (49 U.S.C. 5314(b)) and an additional 0.5 percent for costs associated with training at the National Transit Institute, to pay not more than 80 percent of the cost of eligible activities (see 49 U.S.C. 5314(b)(4) and 49 U.S.C. 5314(c)(4)(A)). Applicants must identify the proposed use of funds for these activities in the project proposal and identify them separately in the project budget.

D. Application and Submission Information

1. Address

Applications must be submitted electronically through *GRANTS.GOV.* General information for submitting applications through *GRANTS.GOV* can be found at *https://www.transit.dot.gov/funding/grants/applying/applying-fta-funding* along with specific instructions for the forms and attachments required for submission. Mail and fax submissions will not be accepted. A complete proposal submission consists of two forms: The SF–424 Application for Federal Assistance (downloaded from *GRANTS.GOV*) and the supplemental form for the FY 2020 Grants for Buses and Bus Facilities Program (downloaded from *GRANTS.GOV* or the FTA website at *www.transit.dot.gov/busprogram*). Applicants may also attach additional supporting information. Failure to submit the information as required can delay or prevent review of the application.

2. Content and Form of Application Submission

A strong transportation network is critical to the functioning and growth of the American economy. The nation's industry depends on the transportation network to move the goods that it produces, and facilitate the movements of the workers who are responsible for that production. When the nation's highways, railways, and ports function well, that infrastructure connects people to jobs, increases the efficiency of delivering goods and thereby cuts the costs of doing business, reduces the burden of commuting, and improves overall well-being.

Rural transportation networks play a vital role in supporting our national economic vitality. Addressing the deteriorating conditions and disproportionately high fatality rates on our rural transportation infrastructure is of critical interest to the Department, as rural transportation networks face unique challenges in safety, infrastructure condition, and passenger and freight usage. Consistent with the R.O.U.T.E.S. Initiative, the Department encourages applicants to consider how the project will address the challenges faced by rural areas.

A complete proposal submission consists of two forms: The SF–424 Application for Federal Assistance and

the FY 2020 Grants for Buses and Bus Facilities Program supplemental form. The supplemental form and any supporting documents must be attached to the ''Attachments'' section of the SF–424. A complete application must include responses to all sections of the SF–424 Application for Federal Assistance and the supplemental form, unless indicated as optional. The information on the supplemental form will be used to determine applicant and project eligibility for the program, and to evaluate the proposal against the selection criteria described in part E of this notice.

FTA will accept only one supplemental form per SF–424 submission. FTA encourages States and other applicants to consider submitting a single supplemental form that includes multiple activities to be evaluated as a consolidated proposal. If a State or other applicant chooses to submit separate proposals for individual consideration by FTA, each proposal must be submitted using a separate SF–424 and supplemental form.

Applicants may attach additional supporting information to the SF–424 submission, including but not limited to letters of support, project budgets, fleet status reports or excerpts from relevant planning documents. Supporting documentation must be described and referenced by file name in the appropriate response section of the supplemental form, or it may not be reviewed.

Information such as applicant name, Federal amount requested, local match amount, description of areas served, etc. may be requested in varying degrees of detail on both the SF–424 and Supplemental Form. Applicants must fill in all fields unless stated otherwise on the forms. Applicants should not place N/A or ''refer to attachment'' in lieu of typing in responses in the field sections. If information is copied into the supplemental form from another source, applicants should verify that pasted text is fully captured on the supplemental form and has not been truncated by the character limits built into the form. Applicants should use both the ''Check Package for Errors'' and the ''Validate Form'' validation buttons on both forms to check all required fields on the forms, and ensure that the federal and local amounts specified are consistent.

The SF–424 Mandatory Form and the Supplemental Form will prompt applicants for the required information, including:

a. Applicant name
b. Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number
c. Key contact information (including contact name, address, email address, and phone)
d. Congressional district(s) where project will take place
e. Project information (including title, an executive summary, and type)
f. A detailed description of the need for the project
g. A detailed description on how the project will support the Buses and Bus Facilities Program's objectives
h. Evidence that the project is consistent with local and regional planning objectives
i. Evidence that the applicant can provide the local cost share
j. A description of the technical, legal and financial capacity of the applicant
k. A detailed project budget
l. An explanation of the scalability of the project
m. Details on the local matching funds
n. A detailed project timeline
o. Whether the project impacts an Opportunity Zone

3. Unique Entity Identifier and System for Award Management (SAM)

Each applicant is required to: (1) Be registered in SAM before submitting an application; (2) provide a valid unique entity identifier in its application; and (3) continue to maintain an active SAM registration with current information at all times during which the applicant has an active Federal award or an application or plan under consideration by FTA. These requirements do not apply if the applicant has an exemption approved by FTA under Federal grants and agreements law (2 CFR 25.110(d)). FTA may not make an award until the applicant has complied with all applicable unique entity identifier and SAM requirements. If an applicant has not fully complied with the requirements by the time FTA is ready to make an award, FTA may determine that the applicant is not qualified to receive an award and use that determination as a basis for making a Federal award to another applicant. All applicants must provide a unique entity identifier provided by SAM. SAM registration takes approximately 3–5 business days, but FTA recommends allowing ample time, up to several weeks, for completion of all steps. For additional information on obtaining a unique entity identifier, please visit *www.sam.gov.*

4. Submission Dates and Times

Project proposals must be submitted electronically through *GRANTS.GOV* by 11:59 p.m. Eastern on March 30, 2020. Mail and fax submissions will not be accepted.

FTA urges applicants to submit applications at least 72 hours prior to the due date to allow time to correct any problems that may have caused either *Grants.gov* or FTA systems to reject the submission. Proposals submitted after the deadline will only be considered under extraordinary circumstances not under the applicant's control. Deadlines will not be extended due to scheduled website maintenance. *GRANTS.GOV* scheduled maintenance and outage times are announced on the *GRANTS.GOV* website.

Within 48 hours after submitting an electronic application, the applicant should receive an email message from *GRANTS.GOV* with confirmation of successful transmission to *GRANTS.GOV.* If a notice of failed validation or incomplete materials is received, the applicant must address the reason for the failed validation, as described in the email notice, and resubmit before the submission deadline. If making a resubmission for any reason, applicants must include all original attachments regardless of which attachments were updated and check the box on the supplemental form indicating this is a resubmission.

Applicants are encouraged to begin the process of registration on the *GRANTS.GOV* site well in advance of the submission deadline. Registration is a multi-step process, which may take several weeks to complete before an application can be submitted. Registered applicants may still be required to take steps to keep their registration up to date before submissions can be made successfully: (1) Registration in the System for Award Management (SAM) is renewed annually; and, (2) persons making submissions on behalf of the Authorized Organization Representative (AOR) must be authorized in *GRANTS.GOV* by the AOR to make submissions.

5. Funding Restrictions

Funds under this NOFO cannot be used to reimburse applicants for otherwise eligible expenses incurred prior to FTA award of a grant agreement until FTA has issued pre-award authority for selected projects.

6. Other Submission Requirements

Applicants are encouraged to identify scaled funding options in case insufficient funding is available to fund a project at the full requested amount. If an applicant indicates that a project is scalable, the applicant must provide an appropriate minimum funding

amount that will fund an eligible project that achieves the objectives of the program and meets all relevant program requirements. The applicant must provide a clear explanation of how the project budget would be affected by a reduced award. FTA may award a lesser amount whether or not a scalable option is provided.

E. Application Review Information

FTA will evaluate project proposals for the Grants for Buses and Bus Facilities Program based on the criteria described in this notice. Projects will be evaluated primarily on the responses provided in the supplemental form. Additional information may be provided to support the responses; however, any additional documentation must be directly referenced on the supplemental form, including the file name where the additional information can be found.

Consistent with the Department's R.O.U.T.E.S. Initiative (*https://www.transportation.gov/rural*), the Department recognizes that rural transportation networks face unique challenges. To the extent that those challenges are reflected in the merit criteria listed in this section, the Department will consider how the activities proposed in the application will address those challenges, regardless of the geographic location of those activities.

1. Demonstration of Need

Applications will be evaluated based on the quality and extent to which they demonstrate how the proposed project will address an unmet need for capital investment in bus vehicles and/or supporting facilities. For example, an applicant may demonstrate an excessive reliance on vehicles that are beyond their intended service life, insufficient maintenance facilities due to size or condition, a vehicle fleet that is insufficient to meet current ridership demands or passenger facilities that are insufficient for their current use. Applicants should address whether the project represents a one-time or periodic need that cannot reasonably be funded from FTA formula program allocations and State or local resources. As a part of the response for demonstration of need, applicants should provide the following information:

a. For bus projects (replacement, rehabilitation or expansion): Applicants must provide information on the age, condition and performance of the asset(s) to be replaced or rehabilitated by the proposed project. For service expansion requests, applicants must provide information on the proposed service expansion and the benefits for transit riders and the community from the new service. For all vehicle projects, the proposal must address how the project conforms to FTA's spare ratio guidelines.

b. For bus facility and equipment projects (replacement, rehabilitation and/or expansion): Applicants must provide information on the age and condition of the asset to be rehabilitated or replaced relative to its minimum useful life.

2. Demonstration of Benefits

Applications will be evaluated based on how well they describe how the proposed project will improve the condition of the transit system, improve the reliability of transit service for its riders, enhance access and mobility within the service area, or accelerate innovation.

System Condition: FTA will evaluate the potential for the project to improve the condition of the transit system by repairing and/or replacing assets that are in poor condition or have surpassed their minimum or intended useful life benchmarks, lowering the average age of vehicles in the fleet and/or reducing the cost of maintaining outdated vehicles, facilities and equipment.

Service Reliability: FTA will evaluate the potential for the project to reduce the frequency of breakdowns or other service interruptions caused by the age and condition of the agency's bus fleet. Applicants should document their current service reliability metrics and benchmark goals, including their strategy for improving reliability with or without the award of Bus and Bus Facilities Program funds.

Enhanced Access and Mobility: FTA will evaluate the potential for the project to improve access and mobility for the transit riding public, such as through increased reliability, improved headways, creation of new transportation choices or eliminating gaps in the current route network. Proposed benefits should be based on documented ridership demand and be well-described or documented through a study or route planning proposal.

Accelerating Innovation: FTA will evaluate the potential for the project to accelerate the introduction of innovative technologies or practices such as integrated fare payment systems permitting complete trips or advancements to propulsion systems. Innovation can also include practices such as new public transportation operational models, financial or procurement arrangements, or value capture.

3. Planning and Local/Regional Prioritization

Applicants must demonstrate how the proposed project will be consistent with local and regional long-range planning documents and local government priorities. This will involve assessing whether the project is consistent with the transit priorities identified in the long range plan; and/or contingency/illustrative projects included in that plan; or the locally developed human services public transportation coordinated plan. Applicants are not required to submit copies of such plans, but should describe how the project will support regional goals. Additional consideration will be given to applications including support letters from local and regional planning organizations, local government officials, public agencies and/or non-profit or private sector partners attesting to the consistency of the proposed project with these plans. Applicants may also address how the proposed project will impact overall system performance, asset management performance or specific performance measures tracked and monitored by the applying entity to demonstrate how the proposed project will address local and regional planning priorities.

Evidence of additional local or regional prioritization (*i.e.,* Statewide Transportation Improvement Plan and Long Range Transportation Plan) should include letters of support for the project from local government officials, public agencies (*i.e.,* Metropolitan Planning Organizations) and non-profit or private sector partners.

4. Local Financial Commitment

Applicants must identify the source of the local cost share and describe whether such funds are currently available for the project or will need to be secured if the project is selected for funding. FTA will consider the availability of the local cost share as evidence of local financial commitment to the project. Additional consideration will be given to those projects for which local funds have already been made available or reserved. Applicants should submit evidence of the availability of funds for the project, for example by including a board resolution, letter of support from the State or other documentation of the source of local funds such as a budget document highlighting the line item or section committing funds to the proposed project. In addition, as evidence of local financial commitment, an applicant may propose a local cost share that is greater than the minimum requirement.

Additional consideration will be given to those projects that propose a larger percentage of local cost share.

5. Project Implementation Strategy

Projects will be evaluated based on the extent to which the project is ready to implement within a reasonable period of time and whether the applicant's proposed implementation plans are reasonable and complete.

In assessing whether the project is ready to implement within a reasonable period of time, FTA will consider whether the project qualifies for a Categorical Exclusion, or whether the required environmental work has been initiated or completed for projects that require an Environmental Assessment or Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA), as amended. As such, applicants should submit information describing the project's anticipated path and timeline through the environmental review process. The proposal must also state whether grant funds can be obligated within 12 months from time of award, if selected, and indicate the timeframe under which the Metropolitan Transportation Improvement Program and/or Statewide Transportation Improvement Program can be amended to include the proposed project. Additional consideration will be given to projects for which grant funds can be obligated within 12 months from time of award.

In assessing whether the proposed implementation plans are reasonable and complete, FTA will review the proposed project implementation plan, including all necessary project milestones and the overall project timeline. For projects that will require formal coordination, approvals or permits from other agencies or project partners, the applicant must demonstrate coordination with these organizations and their support for the project, such as through letters of support.

6. Technical, Legal and Financial Capacity

Applicants must demonstrate that they have the technical, legal and financial capacity to undertake the project. FTA will review relevant oversight assessments and records to determine whether there are any outstanding legal, technical or financial issues with the applicant that would affect the outcome of the proposed project. Applicants with outstanding legal, technical or financial compliance issues from an FTA compliance review or Federal Transit grant-related Single Audit finding must explain how corrective actions taken will mitigate negative impacts on the proposed project.

F. Review and Selection Process Information

In addition to other FTA staff that may review the proposals, a technical evaluation committee will evaluate proposals based on the published evaluation criteria. After applying the above criteria, the FTA Administrator will consider the following key Departmental objectives:

(A) Supporting economic vitality at the national and regional level;

(B) Utilizing alternative funding sources and innovative financing models to attract non-Federal sources of infrastructure investment;

(C) Accounting for the life-cycle costs of the project to promote the state of good repair;

(D) Using innovative approaches to improve safety and expedite project delivery; and

(E) Holding grant recipients accountable for their performance and achieving specific, measurable outcomes identified by grant applicants.

Prior to making an award, FTA is required to review and consider any information about the applicant that is in the Federal Awardee Performance and Integrity Information Systems (FAPIIS) accessible through SAM. An applicant, may review and comment on information about itself that a Federal awarding agency previously entered.

The FTA Administrator will determine the final selection of projects for program funding. In determining the allocation of program funds, FTA may consider geographic diversity, diversity in the size of the transit systems receiving funding, the applicant's receipt of other competitive awards, projects located in or that support public transportation service in a qualified opportunity zone designated pursuant to 26 U.S.C. 1400Z–1, the percentage of local share provided, and whether the project includes an innovative technology or practice. Not less than 10 percent of the Buses and Bus Facilities Program funds will be distributed to projects in rural areas. In addition, FTA will not award more than 10 percent of the funds to a single grantee.

G. Federal Award Administration Information

1. Federal Award Notice

Final project selections will be posted on the FTA website. FTA will also publish a list of the selected projects, a summary of final ratings for selected projects, Federal award amounts and recipients in the **Federal Register**. Selected recipients should contact their FTA regional offices for additional information regarding allocations for projects under the Grants for Buses and Bus Facilities Program.

At the time the project selections are announced, FTA will extend pre-award authority for the selected projects. There is no blanket pre-award authority for these projects before announcement.

2. Award Administration

Funds under the Grants for Buses and Bus Facilities Program are available to designated recipients that allocate funds to fixed route bus operators, state or local governmental entities that operate fixed route bus service, and Indian tribes. There is no minimum or maximum grant award amount apart from the restriction that FTA will not award more than ten percent of the funds to a single grantee; however, FTA intends to fund as many meritorious projects as possible. Only proposals from eligible recipients for eligible activities will be considered for funding. Due to funding limitations, proposals that are selected for funding may receive less than the amount originally requested. In those cases, applicants must be able to demonstrate that the proposed projects are still viable stand-alone projects that can be completed with the amount awarded.

3. Administrative and National Policy Requirements

a. Pre-Award Authority

The FTA will issue specific guidance to recipients regarding pre-award authority at the time of selection. The FTA does not provide pre-award authority for competitive funds until projects are selected and even then there are Federal requirements that must be met before costs are incurred. For more information about FTA's policy on pre-award authority, please see the FY 2019 Apportionment Notice published on July 3, 2019 which can be accessed at *https://www.govinfo.gov/content/pkg/FR-2019-07-03/pdf/2019-14248.pdf.*

b. Grant Requirements

If selected, awardees will apply for a grant through FTA's Transit Award Management System (TrAMS). Recipients of Grants for Buses and Bus Facilities Program funding in urban areas are subject to the grant requirements of the Urbanized Area Formula Grant program (49 U.S.C. 5307), including those of FTA Circular ''Urbanized Area Formula Program: Program Guidance and Application

Instructions'' (FTA.C.9030.1E). Recipients of funding in rural areas are subject to the grant requirements of the Formula Grants for Rural Areas Program (49 U.S.C. 5311), including those of FTA Circular ''Formula Grants for Rural Areas: Program Guidance and Application Instructions'' (FTA.C.9040.1G). All recipients must follow the Award Management Requirements (FTA.C.5010.1E), and the labor protections required by Federal public transportation law (49 U.S.C. 5333(b)). Technical assistance regarding these requirements is available from each FTA regional office.

c. Buy America and Strengthening Buy-American Preferences for Infrastructure Projects

The FTA requires that all capital procurements meet FTA's Buy America requirements (49 U.S.C. 5323(j)), which require that all iron, steel, or manufactured products be produced in the United States, to help create and protect manufacturing jobs in the United States. The Grants for Buses and Bus Facilities Program will have a significant economic impact toward meeting the objectives of the Buy America law. Federal public transportation law provides for a phased increase in the domestic content for rolling stock. For FY 2020 and beyond, the cost of components and subcomponents produced in the United States must be more than 70 percent of the cost of all components. There is no change to the requirement that final assembly of rolling stock must occur in the United States. FTA issued guidance on the implementation of the phased increase in domestic content on September 1, 2016 (81 FR 60278). Any proposal that will require a waiver must identify in the application the items for which a waiver will be sought. Applicants should not proceed with the expectation that waivers will be granted, nor should applicants assume that selection of a project under the Grants for Buses and Bus Facilities Program that includes a partnership with a manufacturer, vendor, consultant, or other third party constitutes a waiver of the Buy America requirements applicable at the time the project is undertaken.

Consistent with Executive Order 13858 *Strengthening Buy-American Preferences for Infrastructure Projects,* signed by President Trump on January 31, 2019, applicants should maximize the use of goods, products, and materials produced in the United States, in Federal procurements and through the terms and conditions of Federal financial assistance awards.

d. Disadvantaged Business Enterprise

FTA requires that its recipients receiving planning, capital and/or operating assistance that will award prime contracts exceeding $250,000 in FTA funds comply with the Disadvantaged Business Enterprise (DBE) program regulations (49 CFR part 26). The rule requires that, prior to bidding on any FTA-assisted vehicle procurement, entities that manufacture vehicles or perform post-production alterations or retrofitting must submit a DBE Program plan and annual goal methodology to FTA. Further, to the extent that a vehicle remanufacturer is responding to a solicitation for new or remanufactured vehicles with a vehicle to which the remanufacturer has provided post-production alterations or retro-fitting (*e.g.,* replacing major components such as engine to provide a ''like new'' vehicle), the vehicle remanufacturer is considered a transit vehicle manufacturer and must also comply with the DBE regulations.

FTA will then issue a transit vehicle manufacturer (TVM) concurrence/certification letter. Grant recipients must verify each entity's compliance with these requirements before accepting its bid. A list of compliant, certified TVMs is posted on FTA's website at *www.transit.dot.gov/TVM.* Please note that this list is nonexclusive and recipients must contact FTA before accepting bids from entities not listed on this Web posting. Recipients may also establish project-specific DBE goals for vehicle procurements. FTA will provide additional guidance as grants are awarded. For more information on DBE requirements, please contact Scheryl Portee, the Office of the Chief Counsel, at 202–366–0840, email: *scheryl.portee@dot.gov.*

e. Planning

FTA encourages applicants to notify the appropriate State Departments of Transportation and MPOs in areas likely to be served by the project funds made available under this program. Selected projects must be incorporated into the long-range plans and transportation improvement programs of States and metropolitan areas before they are eligible for FTA funding.

f. Standard Assurances

By submitting a grant application, the applicant assures that it will comply with all applicable federal statutes, regulations, executive orders, directives, FTA circulars and other federal administrative requirements in carrying out any project supported by the FTA grant. Further, the applicant acknowledges that it is under a continuing obligation to comply with the terms and conditions of the grant agreement issued for its project with FTA. The applicant understands that Federal laws, regulations, policies and administrative practices might be modified from time to time and may affect the implementation of the project. The applicant agrees that the most recent Federal requirements will apply to the project, unless FTA issues a written determination otherwise. The applicant must submit the Certifications and Assurances before receiving a grant, if it does not have current certifications on file.

g. Reporting

Post-award reporting requirements include the electronic submission of Federal Financial Reports and Milestone Progress Reports in FTA's electronic grants management system. Recipients of funds made available through this NOFO are also required to regularly submit data to the National Transit Database.

H. Technical Assistance and Other Program Information

This program is not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.'' FTA will consider applications for funding only from eligible recipients for eligible projects listed in Section C. Complete applications must be submitted through *GRANTS.GOV* by 11:59 p.m. Eastern time on March 30, 2020. For assistance with *GRANTS.GOV* please contact *GRANTS.GOV* by phone at 1–800–518–4726 or by email at *support@grants.gov.* Contact information for FTA's regional offices can be found on FTA's website at *https://www.transit.dot.gov/about/regional-offices/regional-offices.*

I. Federal Awarding Agency Contacts

For further information concerning this notice, please contact the Grants for Buses and Bus Facilities Program manager, Mark Bathrick, via email at *mark.bathrick@dot.gov* or by phone at 202–366–9955. A TDD is available for individuals who are deaf or hard of hearing at 800–877–8339. In addition, FTA will post answers to questions and requests for clarifications on FTA's website at *http://transit.dot.gov/busprogram.* FTA staff will also conduct a webinar for potential applicants to learn more about the program and submittal process.

To ensure the receipt of accurate information about eligibility or the program, applicants with questions are encouraged to contact FTA directly,

rather than through intermediaries or third parties.

K. Jane Williams,

Acting Administrator.

[FR Doc. 2020–01614 Filed 1–29–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

FY 2020 Competitive Funding Opportunity: Passenger Ferry Grant Program

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of funding opportunity (NOFO).

SUMMARY: The Federal Transit Administration (FTA) announces the opportunity to apply for $30 million in competitive grants under the Fiscal Year (FY) 2020 Passenger Ferry Grant Program (Ferry Program) (Catalog of Federal Domestic Assistance #20.507). As required by Federal public transportation law, funds will be awarded competitively to designated recipients or eligible direct recipients of Urbanized Area Formula funds to assist in the financing of capital projects to support existing passenger ferry service, establish new ferry service, and to repair and modernize ferry boats, terminals, and related facilities and equipment. FTA may award additional funding made available to the program prior to the announcement of project selections.

DATES: Complete proposals must be submitted electronically through the *GRANTS.GOV* ''APPLY'' function by 11:59 p.m. Eastern time March 30, 2020. Prospective applicants should initiate the process by promptly registering on the *GRANTS.GOV* website to ensure completion of the application process before the submission deadline. Instructions for applying can be found on FTA's website at *https://www.transit.dot.gov/funding/grants/applying/applying-fta-funding* and in the ''FIND'' module of *GRANTS.GOV*. The funding opportunity ID is FTA–2020–008–Ferry. Mail and fax submissions will not be accepted.

FOR FURTHER INFORMATION CONTACT: Vanessa Williams, FTA Office of Program Management, (202) 366–4818, or *vanessa.williams@dot.gov.*

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A. Program Description

Federal public transportation law (49 U.S.C. 5307(h)) authorizes FTA to award grants for passenger ferries through a competitive process, as described in this notice. The Ferry Program provides funding to designated recipients and direct recipients under FTA's Urbanized Area Formula Program, as well as public entities engaged in providing public transportation passenger ferry service in urban areas that are eligible to be direct recipients. Projects under the program are for capital to improve the condition and quality of existing passenger ferry services, support the establishment of new passenger ferry services, and to repair and modernize ferry boats, terminals, and related facilities and equipment. FTA recognizes that passenger ferries provide critical and cost-effective transportation links in urban areas throughout the United States, but face a critical backlog of state of good repair and safety investments.

In FY 2020, FTA is encouraging applicants to propose projects that introduce innovative technologies or practices in support of FTA's Accelerating Innovative Mobility (AIM) initiative. FTA is focused on the introduction of new technology not commonly found within U.S. transit systems such as integrated fare payment systems permitting complete trips or advancements to propulsion systems. Innovation can also include practices such as new public transportation operational models, financial or procurement arrangements, or value capture.

B. Federal Award Information

Federal public transportation law (49 U.S.C. 5338(h)(1)) authorizes $30 million in FY 2020 funds for grants under the Ferry Program. The Further Consolidated Appropriations Act, 2020 appropriated $30 million for the FY 2020 Ferry Program. FTA may award additional funding made available to the program prior to the announcement of project selections. In FY 2019, the program received applications for 20 projects requesting approximately $99.3 million from 9 states. Nine projects were funded at a total of $32.8 million, using a combination of funding from FY 2019 and funding remaining from prior year appropriations.

FTA will grant pre-award authority to incur costs for selected projects beginning on the date that project selections are announced. Funds are only available for projects that have not already incurred costs and will be available for obligation five years after the fiscal year in which funding is allocated under this competition.

C. Eligibility Information

1. Eligible Applicants

Eligible applicants include designated recipients and direct recipients as defined in FTA Circular ''Urbanized Area Formula Program: Program Guidance and Application Instructions'' (FTA.C.9030.1E), as well as public entities engaged in providing public transportation passenger ferry service in urban areas that are eligible to be direct recipients.

If an applicant does not currently have an active Urbanized Area Formula Program grant with FTA, the applicant is encouraged to contact the Ferry Program manager for assistance with determining if it is eligible to receive funds under the Ferry Program. Eligible applicants that do not currently have an active grant with FTA will, upon selection, be required to work with the FTA regional office to establish its organization as an active grantee. This process may require additional documentation to support the organization's technical, financial, and legal capacity to receive and administer Federal funds under this program.

2. Cost Sharing or Matching

a. The maximum Federal share for projects selected under the Ferry Program is 80 percent of the net project cost, with the following exceptions.

b. The maximum Federal share is 85 percent of the net project cost of acquiring vehicles (including clean-fuel or alternative fuel vehicles) for purposes of complying with or maintaining compliance with the Clean Air Act (CAA) and/or the Americans with Disabilities Act (ADA) of 1990.

c. The maximum Federal share is 90 percent of the net project cost of acquiring, installing or constructing vehicle-related equipment or facilities (including clean fuel or alternative-fuel vehicle-related equipment or facilities) for purposes of complying with or maintaining compliance with the ADA and/or r CAA. The award recipient must itemize the cost of specific, discrete, vehicle-related equipment associated with compliance with ADA or CAA to be eligible for the maximum 90 percent Federal share for these costs.

Eligible sources of local match include:

Cash from non-governmental sources other than revenues from providing public transportation Public Transportation services;

i. Non-farebox revenues from the operation of public transportation Public Transportation service, such as the sale of advertising and concession revenues;

ii. Monies received under a service agreement with a State or local social service agency or private social service organization;

iii. Undistributed cash surpluses, replacement or depreciation cash funds, reserves available in cash, or new capital;

iv. Amounts appropriated or otherwise made available to a department or agency of the Government (other than the U.S. Department of Transportation), that are eligible to be expended for public transportation;

v. In-kind contributions integral to the project;

vi. Revenue bond proceeds for a capital project, with prior FTA approval; and

vii. Transportation Development Credits (TDC) (formerly referred to as Toll Revenue Credits).

If an applicant proposes a Federal share greater than 80 percent, the applicant must clearly explain why the project is eligible for the proposed Federal share.

NOTE: Please refer to FTA Circular 9030 for more information regarding the use of TDCs. FTA will not retroactively approve TDCs as match if they are not included in the proposal submitted under this competition.

3. Eligible Projects

Eligible projects are capital projects for the purchase, replacement, or rehabilitation of ferries, terminals, related infrastructure, related equipment (including fare equipment and communication devices) and expansion. Projects are required to support a passenger ferry service that operates within an urbanized area, as defined under Federal public transportation law, but may include services that operate between an urbanized area and non-urbanized areas. Ferry systems that accommodate cars must also accommodate walk-on passengers in order to be eligible for funding.

Recipients are permitted to use up to 0.5 percent of their requested grant award for workforce development activities eligible under Federal public transportation law (49 U.S.C. 5314(b)) and an additional 0.5 percent for costs associated with training at the National Transit Institute. Applicants must identify the proposed use of funds for these activities in the project proposal and identify them separately in the project budget.

D. Application and Submission Information

1. Address

Applications must be submitted electronically through *GRANTS.GOV*. General information for submitting applications through *GRANTS.GOV* can be found at *https://www.transit.dot.gov/funding/grants/applying/applying-fta-funding* along with specific instructions for the forms and attachments required for submission. Mail and fax submissions will not be accepted. A complete proposal submission consists of two forms: The SF–424 Application for Federal Assistance (downloaded from *GRANTS.GOV*) and the supplemental form for the FY 2020 Passenger Ferry Grant Program (downloaded from *GRANTS.GOV* or the FTA website at: *https://www.transit.dot.gov/funding/grants/passenger-ferry-grant-program-section-5307*). Applicants may also attach additional supporting information. Failure to submit the information as requested can delay or prevent review of the application.

2. Content and Form of Application Submission

A strong transportation network is critical to the functioning and growth of the American economy. The nation's industry depends on the transportation network to move the goods that it produces, and facilitate the movements of the workers who are responsible for that production. When the nation's highways, railways, and ports function well, that infrastructure connects people to jobs, increases the efficiency of delivering goods and thereby cuts the costs of doing business, reduces the burden of commuting, and improves overall well-being.

Rural transportation networks play a vital role in supporting our national economic vitality. Addressing the deteriorating conditions and disproportionately high fatality rates on our rural transportation infrastructure is of critical interest to the Department, as rural transportation networks face unique challenges in safety, infrastructure condition, and passenger and freight usage. Consistent with the R.O.U.T.E.S. Initiative, the Department encourages applicants to consider how the project will address the challenges faced by rural areas.

i. Proposal Submission A complete proposal submission consists of two forms: (1) The SF–424 Application for Federal Assistance; and (2) the FY 2020 Passenger Ferry Grant Program supplemental form. The supplemental form and any supporting documents must be attached to the ''Attachments'' section of the SF–424. The application must include responses to all sections of the SF–424 Application for Federal Assistance and the supplemental form, unless indicated as optional. The information on the supplemental form will be used to determine applicant and project eligibility for the program, and to evaluate the proposal against the selection criteria described in part E of this notice.

FTA will only accept one supplemental form per SF–424 submission. FTA encourages States and other applicants to consider submitting a single supplemental form that includes multiple activities to be evaluated as a consolidated proposal. If a State or other applicant chooses to submit separate proposals for individual consideration by FTA, each proposal must be submitted using a separate SF–424 and supplemental form.

Applicants may attach additional supporting information to the SF–424 submission, including but not limited to letters of support, project budgets, fleet status reports, or excerpts from relevant planning documents. Supporting documentation must be described and referenced by file name in the appropriate response section of the supplemental form, or it may not be reviewed.

Information such as applicant name, Federal amount requested, local match amount, description of areas served, etc. may be requested in varying degrees of detail on both the SF–424 and Supplemental Form. Applicants must fill in all fields unless stated otherwise on the forms. Applicants should not place N/A or ''refer to attachment'' in lieu of typing in responses in the field sections. If information is copied into the supplemental form from another source, applicants should verify that pasted text is fully captured on the supplemental form and has not been truncated by the character limits built into the form. Applicants should use both the ''Check Package for Errors'' and the ''Validate Form'' validation buttons on both forms to check all required fields on the forms, and ensure that the Federal and local amounts specified are consistent.

ii. Application Content

The SF–424 Application for Federal Assistance and the supplemental form will prompt applicants for the required information, including:

a. Applicant name
b. Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number
c. Key contact information (including contact name, address, email address, and phone)
d. Congressional district(s) where project will take place
e. Project information (including title, executive summary, and type)
f. A detailed description of the need for the project
g. A detailed description on how the project will support the Ferry Program objectives
h. Evidence that the project is consistent with local and regional planning objectives
i. Evidence that the applicant can provide the local cost share
j. A description of the technical, legal, and financial capacity of the applicant
k. A detailed project budget
l. An explanation of the scalability of the project
m. Details on the local matching funds
n. A detailed project timeline
o. Whether the project impacts an Opportunity Zone

3. Unique Entity Identifier and System for Award Management (SAM)

Each applicant is required to: (1) Be registered in SAM before submitting an application; (2) provide a valid unique entity identifier in its application; and (3) continue to maintain an active SAM registration with current information at all times during which the applicant has an active Federal award or an application or plan under consideration by FTA. These requirements do not apply if the applicant has an exemption approved by FTA under Federal grants and agreements law (2 CFR 25.110(d)). FTA may not make an award until the applicant has complied with all applicable unique entity identifier and SAM requirements. If an applicant has not fully complied with the requirements by the time FTA is ready to make an award, FTA may determine that the applicant is not qualified to receive an award and use that determination as a basis for making a Federal award to another applicant. SAM registration takes approximately 3–5 business days, but FTA recommends allowing ample time, up to several weeks, for completion of all steps. For additional information on obtaining a unique entity identifier, please visit *www.sam.gov.*

4. Submission Dates and Times

Project proposals must be submitted electronically through *GRANTS.GOV* by 11:59 p.m. Eastern Time on March 30, 2020. *GRANTS.GOV* attaches a time stamp to each application at the time of submission. Mail and fax submissions will not be accepted.

FTA urges applicants to submit applications at least 72 hours prior to the due date to allow time to correct any problems that may have caused either *GRANTS.GOV* or FTA systems to reject the submission. Proposals submitted after the deadline will only be considered under extraordinary circumstances not under the applicant's control. Deadlines will not be extended due to scheduled website maintenance. *GRANTS.GOV* scheduled maintenance and outage times are announced on the *GRANTS.GOV* website.

Within 48 hours after submitting an electronic application, the applicant should receive an email message from *GRANTS.GOV* with confirmation of successful transmission to *GRANTS.GOV*. If a notice of failed validation or incomplete materials is received, the applicant must address the reason for the failed validation, as described in the email notice, and resubmit before the submission deadline. If making a resubmission for any reason, include all original attachments regardless of which attachments were updated and check the box on the supplemental form indicating this is a resubmission.

Applicants are encouraged to begin the process of registration on the *GRANTS.GOV* site well in advance of the submission deadline. Registration is a multi-step process, which may take several weeks to complete before an application can be submitted. Registered applicants may still be required to take steps to keep their registration up to date before submissions can be made successfully: (1) Registration in SAM is renewed annually; and (2) persons making submissions on behalf of the Authorized Organization Representative (AOR) must be authorized in *GRANTS.GOV* by the AOR to make submissions.

5. Funding Restrictions

Funds made available under the Ferry Program may not be used to fund operating expenses, planning, or preventive maintenance. Any project that does not include the purchase, replacement, or rehabilitation of ferries, terminals, related infrastructure, or related equipment is not eligible. Funds made available under this NOFO cannot be used to reimburse applicants for otherwise eligible expenses incurred prior to FTA award of a grant agreement until FTA has issued pre-award authority for selected projects.

6. Other Submission Requirements

Applicants are encouraged to identify scaled funding options in case insufficient funding is available to fund a project at the full requested amount. If an applicant indicates that a project is scalable, the applicant must provide an appropriate minimum funding amount that will fund an eligible project that achieves the objectives of the program and meets all relevant program requirements. The applicant must provide a clear explanation of how the project budget would be affected by a reduced award. FTA may award a lesser amount whether or not a scalable option is provided.

E. Application Review Information

1. Evaluation Criteria

Projects will be evaluated primarily on the responses provided in the supplemental form. Additional information may be provided to support the responses; however, any additional documentation must be directly referenced on the supplemental form, including the file name where the additional information can be found. FTA will evaluate project proposals for competitive passenger ferry grants based on the criteria described in this notice.

Consistent with the Department's R.O.U.T.E.S. Initiative (*https://www.transportation.gov/rural*), the Department recognizes that rural transportation networks face unique challenges. To the extent that those challenges are reflected in the merit criteria listed in this section, the Department will consider how the activities proposed in the application will address those challenges, regardless of the geographic location of those activities.

a. Demonstration of Need

Applications will be evaluated based on the quality and extent to which they demonstrate how the proposed project will address an unmet need for capital investment in passenger ferry vehicles, equipment, and/or facilities. FTA will also evaluate the project's impact on service delivery and whether the project represents a one-time or periodic need that cannot reasonably be funded from FTA formula program allocations or State and/or local resources. In evaluating applications, FTA will consider, among other factors, certain project-specific criteria as outlined below:

i. For vessel replacement or rehabilitation projects:

- The age of the asset to be replaced or rehabilitated by the proposed project, relative to its useful life.

• Condition and performance of the asset to be replaced by the proposed project, as ascertained through inspections or otherwise, if available.

ii. For facility infrastructure improvements or related-equipment acquisitions:

• The age of the facility or equipment to be rehabilitated or replaced relative to its useful life.

• The degree to which the proposed project will enable the agency to improve the maintenance and condition of the agency's fleet and/or other related ferry assets.

iii. For vessel or facility-related expansion or new service requests:

• The degree to which the proposed project addresses a current capacity constraint that is limiting the ability of the agency to provide reliable service, meet ridership demands, or maintain vessels and related equipment.

• The degree the proposed new service is supported by ridership demand.

b. Demonstration of Benefits

Applications will be evaluated based on how the ferry project will improve the safety and state of good repair of the system, provide additional transportation options to potential riders within the service area, or accelerating innovation. FTA will consider potential benefits such as increased reliability of service, improved operations or maintenance capabilities, or expanded mobility options, intermodal connections, and economic benefits to the community.

Applicants should address how the ferry service to be supported by the proposed project is integrated with other regional modes of transportation, including but not limited to: Rail, bus, intercity bus, and private transportation providers. Supporting documentation should include data that demonstrates the number of trips (passengers and vehicles), the number of walk-on passengers, and the frequency of transfers to other modes if applicable.

FTA will evaluate the potential for the project to accelerate the introduction of innovative technologies or practices such as integrated fare payment systems permitting complete trips or advancements to propulsion systems. Innovation can also include practices such as new public transportation operational models, financial or procurement arrangements, or value capture.

c. Planning and Local/Regional Prioritization

Applicants must demonstrate how the proposed project is consistent with local and regional planning documents and identified priorities. This will involve assessing whether the project is consistent with the transit priorities identified in the long-range transportation plan and/or the State and Metropolitan Transportation Improvement Program (STIP/TIP). Applicants should note if the project could not be included in the financially constrained STIP or TIP due to lack of funding, and if selected that the project can be added to the federally approved STIP before grant award.

FTA encourages applicants to demonstrate local support by including letters of support from State Departments of Transportation, local transit agencies, local government officials and public agencies, local non-profit or private sector organizations, and other relevant stakeholders. In an area with both ferry and other public transit operators, FTA will evaluate whether project proposals demonstrate coordination with and support of other related projects within the applicant's Metropolitan Planning Organization (MPO) or the geographic region within which the proposed project will operate.

d. Local Financial Commitment

Applicants must identify the source of the local cost share and describe whether such funds are currently available for the project or will need to be secured if the project is selected for funding. FTA will consider the availability of the local cost share as evidence of local financial commitment to the project. Additional consideration will be given to those projects for which local funds have already been made available or reserved. Applicants should submit evidence of the availability of funds for the project, for example by including a board resolution, letter of support from the State, or other documentation of the source of local funds such as a budget document highlighting the line item or section committing funds to the proposed project.

An applicant may propose a local cost share that is greater than the minimum requirement or provide documentation of previous local investments in the project, which cannot be used to satisfy local matching requirements, as evidence of local financial commitment. Additional consideration will be given to those projects that propose a larger local cost share.

Applicants that request a Federal share greater than 80 percent must clearly explain why the project is eligible for the propose Federal share.

e. Project Implementation Strategy

Projects will be evaluated based on the extent to which the project is ready to implement within a reasonable period of time and whether the applicant's proposed implementation plans are reasonable and complete.

In assessing whether the project is ready to implement within a reasonable period of time, FTA will consider whether the project qualifies for a Categorical Exclusion, or whether the required environmental work has been initiated or completed for projects that require an Environmental Assessment or Environmental Impact Statement under the National Environmental Policy Act of 1969, as amended. As such, applicants should submit information describing the project's anticipated path and timeline through the environmental review process. The proposal must also state whether grant funds can be obligated within 12 months from time of award, if selected, and indicate the timeframe under which the Metropolitan TIP and/or STIP can be amended to include the proposed project. Additional consideration will be given to projects for which grant funds can be obligated within 12 months from time of award.

In assessing whether the proposed implementation plans are reasonable and complete, FTA will review the proposed project implementation plan, including all necessary project milestones and the overall project timeline. For projects that will require formal coordination, approvals, or permits from other agencies or project partners, the applicant must demonstrate coordination with these organizations and their support for the project, such as through letters of support.

f. Technical, Legal, and Financial Capacity

Applicants must demonstrate that they have the technical, legal, and financial capacity to undertake the project. FTA will review relevant oversight assessments and records to determine whether there are any outstanding legal, technical, or financial issues with the applicant that would affect the outcome of the proposed project. Applicants with outstanding legal, technical, or financial compliance issues from a FTA compliance review or FTA grant-related Single Audit finding must explain how corrective actions taken will mitigate negative impacts on the project.

F. Review and Selection Process Information

In addition to other FTA staff that may review the proposals, a technical evaluation committee will evaluate proposals based on the published evaluation criteria. Members of the technical evaluation committee and other FTA staff may request additional information from applicants, if necessary. Based on the findings of the technical evaluation committee, the FTA Administrator will determine the final selection of projects for program funding. In determining the allocation of program funds, FTA may consider geographic diversity, diversity in the size of the transit systems receiving funding, projects located or that support public transportation service in a qualified opportunity zone designated pursuant to 26 U.S.C. 1400Z–1, the applicant's receipt of other competitive awards, the percentage of the local share provided, and whether the project includes an innovative technology or practice. FTA may consider capping the amount a single applicant may receive and prioritizing projects that serve small urban or both urban and rural areas. Projects that have a higher local financial commitment may also be prioritized.

After applying the above preferences, the FTA Administrator will consider the following key Departmental objectives:

- Using innovative approaches to improve safety and expedite project delivery;
- Supporting economic vitality at the national and regional level;
- Utilizing alternative funding sources and innovative financing models to attract non-Federal sources of infrastructure investment;
- Accounting for the life-cycle costs of the project to promote the state of good repair; and
- Holding grant recipients accountable for their performance and achieving specific, measurable outcomes identified by grant applicants.

Prior to making an award, FTA is required to review and consider any information about the applicant that is in the Federal Awardee Performance and Integrity Information Systems accessible through SAM. An applicant may review and comment on information about itself that a Federal awarding agency previously entered. FTA may consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in the Office of Management and Budget's Uniform Requirements for Federal Awards (2 CFR 200.205).

G. Federal Award Administration Information

1. Federal Award Notices

Final project selections will be posted on the FTA website. Only proposals from eligible recipients for eligible activities will be considered for funding.

There is no minimum or maximum grant award amount; however, FTA intends to fund as many meritorious projects as possible. Due to funding limitations, projects that are selected for funding may receive less than the amount originally requested. In those cases, applicants must be able to demonstrate that the proposed projects are still viable and can be completed with the amount awarded.

Recipients should contact their FTA Regional Offices for additional information regarding allocations for projects under the Ferry Program.

2. Administrative and National Policy Requirements

i. Pre-Award Authority

At the time the project selections are announced, FTA will extend pre-award authority for the selected projects. There is no blanket pre-award authority for these projects before announcement. FTA does not provide pre-award authority for competitive funds until projects are selected and even then, there are Federal requirements that must be met before costs are incurred. For more information about FTA's policy on pre-award authority, please see the FY 2019 Apportionment Notice published on July 3, 2019. *https://www.govinfo.gov/content/pkg/FR-2019-07-03/pdf/2019-14248.pdf.*

ii. Grant Requirements

If selected, awardees will apply for a grant through FTA's Transit Award Management System (TrAMS). All Ferry Program recipients are subject to the grant requirements of the Urbanized Area Formula Grant program (49 U.S.C. 5307), including those of FTA Circular ''Urbanized Area Formula Program: Program Guidance and Application Instructions'' (FTA.C.9030.1E). All recipients must also follow the Award Management Requirements (FTA.C.5010.1) and the labor protections required by Federal public transportation law (49 U.S.C. 5333(b)). Technical assistance regarding these requirements is available from each FTA regional office.

iii. Buy America and Strengthening Buy-American Preferences for Infrastructure Projects

FTA requires that all capital procurements meet FTA's Buy America requirements (49 U.S.C. 5323(j)) which require all iron, steel, or manufactured products be produced in the United States. Federal public transportation law provides for a phased increase in the domestic content for rolling stock between FY 2016 and FY 2020. For FY 2020 and beyond, the cost of components and subcomponents produced in the United States must be more than 70 percent of the cost of all components. There is no change to the requirement that final assembly of rolling stock must occur in the United States. FTA issued guidance on the implementation of the phased increase in domestic content on September 1, 2016 (81 FR 60278). Applicants should read the policy guidance carefully to determine the applicable domestic content requirement for their projects. Any proposal that will require a waiver must identify the items for which a waiver will be sought in the application. Applicants should not proceed with the expectation that waivers will be granted.

Consistent with Executive Order 13858 *Strengthening Buy-American Preferences for Infrastructure Projects,* signed by President Trump on January 31, 2019, applicants should maximize the use of goods, products, and materials produced in the United States, in Federal procurements and through the terms and conditions of Federal financial assistance awards.

iv. Disadvantaged Business Enterprise

Projects that include ferry acquisitions are subject to the Disadvantaged Business Enterprise (DBE) program regulations (49 CFR part 26) and ferry manufacturers must be certified Transit Vehicle Manufacturers (TVMs) to be eligible to bid on an FTA-assisted ferry procurement. The rule requires that, prior to bidding on any FTA-assisted vehicle procurement, entities that manufacture ferries must submit a DBE Program plan and annual goal methodology to FTA. The FTA will then issue a TVM concurrence/certification letter. Grant recipients must verify each entity's compliance before accepting its bid. A list of certified TVMs is posted on FTA's web page at *www.transit.dot.gov/TVM.* Recipients should contact FTA before accepting bids from entities not listed on this web-posting. In lieu of using a certified TVM, recipients may also establish project specific DBE goals for ferry purchases. The FTA will provide

additional guidance as grants are awarded. For more information on DBE requirements, please contact Scheryl Portee, Office of the Chief Counsel, 202–366–0840, email: *scheryl.portee@dot.gov.*

v. Planning

FTA encourages applicants to notify the appropriate State Departments of Transportation and MPOs in areas likely to be served by the project funds made available under these initiatives and programs. Selected projects must be incorporated into the long-range plans and transportation improvement programs of States and metropolitan areas before they are eligible for FTA funding. As described under the evaluation criteria, FTA may consider whether a project is consistent with or already included in these plans when evaluating a project.

vi. Standard Assurances

The applicant assures that it will comply with all applicable Federal statutes, regulations, executive orders, directives, FTA circulars, and other Federal administrative requirements in carrying out any project supported by the FTA grant. The applicant acknowledges that it is under a continuing obligation to comply with the terms and conditions of the grant agreement issued for its project with FTA. The applicant understands that Federal laws, regulations, policies, and administrative practices might be modified from time to time and may affect the implementation of the project. The applicant agrees that the most recent Federal requirements will apply to the project, unless FTA issues a written determination otherwise. The applicant must submit the Certifications and Assurances before receiving a grant if it does not have current certifications on file.

3. Reporting

Post-award reporting requirements include the electronic submission of Federal Financial Reports and Milestone Progress Reports. Recipients of funds made available through this NOFO are also required to regularly submit data to the National Transit Database.

H. Federal Awarding Agency Contact(s)

For further information concerning this notice, please contact the Ferry Program manager, Vanessa Williams, by phone at 202–366–4818, or by email at *vanessa.williams@dot.gov.* A TDD is available for individuals who are deaf or hard of hearing at 800–877–8339. In addition, FTA will post answers to questions and requests for clarifications on FTA's website at: *https://www.transit.dot.gov/funding/grants/passenger-ferry-grant-program-section-5307.* To ensure receipt of accurate information about eligibility or the program, the applicant is encouraged to contact FTA directly, rather than through intermediaries or third parties.

I. Technical Assistance and Other Program Information

This program is not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.'' FTA will consider applications for funding only from eligible recipients for eligible projects listed in Section C. Complete applications must be submitted through *GRANTS.GOV* by 11:59 p.m. EST on March 30, 2020. For issues with *GRANTS.GOV*, please contact *GRANTS.GOV* by phone at 1–800–518–4726 or by email at *support@grants.gov.* Contact information for FTA's regional offices can be found on FTA's website at *http://www.transit.dot.gov/.*

K. Jane Williams,

Acting Administrator.

[FR Doc. 2020–01615 Filed 1–29–20; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2019–0223]

Pipeline Safety: Pipeline Research and Development Forum

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

ACTION: Notice of public forum.

SUMMARY: PHMSA is publishing this notice to announce a public meeting for the Pipeline Research and Development (R&D) Forum. PHMSA periodically holds this forum to generate a national research agenda that identifies technical challenges and fosters solutions to improve pipeline safety and protect the environment.

DATES: The forum will be held on February 19–20, 2020, from 8:00 a.m. to 4:30 p.m. ET. On-site registration will begin at 7:00 a.m. on both days. Online pre-registration for the forum is available until February 5, 2020. Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, should notify Robert Smith, Engineering and Research Division, at 919–238–4759 or *robert.w.smith@dot.gov* by February 1, 2020. For additional information, see the **ADDRESSES** section of this notice.

ADDRESSES: The forum will be held at the Westin Arlington Gateway, 801 North Glebe Road, Arlington, Virginia 22203, USA, Phone: 703–717–6200, website: *http://www.westinarlingtongateway.com.* The agenda and any additional information for the forum will be published on the following meeting page at *https://primis.phmsa.dot.gov/meetings/MtgHome.mtg?mtg=145.*

Registration: To help ensure adequate space is provided, attendees should register in advance on the PHMSA public forum website at *https://primis.phmsa.dot.gov/meetings/MtgHome.mtg?mtg=145.* Onsite registration will also be available. Attendees are responsible for their own hotel accommodations. A block of hotel rooms is available on a first come, first served basis at the current government rate. Contact the hotel directly and mention ''DOT R&D Forum'' to receive the reserved hotel room rate.

The forum will not be webcast; however, presentations will be available on the forum website and in the public docket at *https://www.regulations.gov/,* under docket number PHMSA–2019–0223 within 30 days following the meeting.

Public Participation: The Pipeline R&D Forum will be open to the public. Attendees can participate during the question and answer portions of the agenda during the forum. The U.S. Department of Transportation is committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, such as sign language, interpretation, or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Written comments: Persons who wish to submit written comments on the forum may submit them to the docket in the following ways:

E-Gov Website: https://www.regulations.gov. This website allows the public to enter comments on any **Federal Register** notice 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 9:00 a.m. and 5:00 p.m., Monday through Friday, except on Federal holidays.

Instructions: Identify the docket number PHMSA–2019–0223 at the beginning of your comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. Anyone can search the electronic form of all comments received into any of the 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, consider reviewing DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000, (65 FR 19477), or view the Privacy Notice at *https://www.regulations.gov* before submitting comments.

Docket: For docket access or to read background documents or comments, go to *https://www.regulations.gov* at any time or to Room W12–140 on the ground level of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9:00 a.m. and 5:00 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–2019–0223.'' The docket clerk will date stamp the postcard prior to returning it to you via the U.S. Mail.

FOR FURTHER INFORMATION CONTACT: Robert Smith, Office of Pipeline Safety, Engineering and Research Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, at 919–238–4759 or *robert.w.smith@dot.gov.*

SUPPLEMENTARY INFORMATION:

Privacy Act Statement

In accordance with 5 U.S.C. 553(c), DOT solicits 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.*

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 notice 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 notice, 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 Freedom of Information Act, and they will not be placed in the public docket of this notice. Submissions containing CBI should be sent to Robert Smith at DOT, PHMSA, PHP–80, 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.

The Pipeline R&D Forum allows the public, government, and industry pipeline stakeholders to develop recommendations on the technical gaps and challenges for future pipeline safety research. It also reduces duplication of research programs, shares ongoing research efforts, leverages resources, and broadens synergies. The national research agenda that will be developed through this forum will help PHMSA align its research program with the needs of its pipeline safety mission and make use of the best available knowledge and expertise, as well as consider stakeholder perspectives. The Pipeline R&D Forum will also provide an opportunity to discuss the potential need for establishing an integrated safety research, development, and testing facility at the Transportation Technology Center located in Pueblo, Colorado. This would create a world-class national pipeline safety research facility used to accelerate innovation and bring new safety technologies to market more quickly than is currently possible.

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

Drue Pearce,

Deputy Administrator.

[FR Doc. 2020–01631 Filed 1–29–20; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple Fiscal Service Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before March 2, 2020 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) 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 Spencer W. Clark by emailing *PRA@treasury.gov,* calling (202) 927–5331, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Bureau of the Fiscal Service (BFS)

1. Title: Release

OMB Control Number: 1530–0053.

Type of Review: Extension without change of a currently approved collection.

Description: It may be necessary for a registered owner/co-owner of savings bonds or a TreasuryDirect account holder to waive a claim as the result of an unauthorized payment to person(s) not entitled and then release the Government of any liability.

Form: FS Form 2001.

Affected Public: Individuals and households.

Estimated Number of Respondents: 25.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 25.

Estimated Time per Response: 6 minutes.

Estimated Total Annual Burden Hours: 3.

2. Title: CMIA Annual Report and Interest Calculation Cost Claims

OMB Control Number: 1530–0066.

Type of Review: Revision of a currently approved collection.

Description: Public Law 101–453 requires that States and Territories must report interest liabilities for major Federal assistance programs annually. States and Territories may report interest calculation cost claims for compensation of administrative costs.

Form: None.

Affected Public: State, local and tribal governments.

Estimated Number of Respondents: 56.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 56.

Estimated Time per Response: 393 hours and 30 minutes.

Estimated Total Annual Burden Hours: 22,036.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: January 27, 2020.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2020–01731 Filed 1–29–20; 8:45 am]

BILLING CODE 4810–AS–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple Tax and Trade Bureau Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before March 2, 2020 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) 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 Spencer W. Clark by emailing *PRA@treasury.gov,* calling (202) 927–5331, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Alcohol and Tobacco Tax and Trade Bureau (TTB)

1. Title: Drawback on Wines Exported.

OMB Control Number: 1513–0016.

Type of Review: Extension without change of a currently approved collection.

Description: In general, the Internal Revenue Code (IRC) at 26 U.S.C. 5041 imposes Federal excise tax on wine produced or imported into the United States, while section 5362(c) allows domestic wine to be exported, transferred to a foreign trade zone, or used on certain vessels and aircraft without payment of that tax. In the case of taxpaid domestic wine that is subsequently exported, the IRC at 26 U.S.C. 5062(b) provides that exporters of such wine may claim ''drawback'' (refund) of the Federal excise tax paid or determined on the exported wine. Under the Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations in 27 CFR part 28, Exportation of Alcohol, exporters of taxpaid domestic wine use form TTB F 5120.24 to document the wine's exportation and to submit drawback claims for the Federal excise taxes paid on the exported wine. TTB uses the provided information to determine if the exported wine is eligible for drawback and to verify the amount of drawback claimed by the exporter. This information collection is necessary to protect the revenue.

Form: TTB F 5120.25.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 40.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 160.

Estimated Time per Response: 67 minutes.

Estimated Total Annual Burden Hours: 179 hours.

2. Title: Specific and Continuing Transportation Bonds—Distilled Spirits or Wines Withdrawn for Transportation to Manufacturing Bonded Warehouse, Class Six.

OMB Control Number: 1513–0031.

Type of Review: Extension without change of a currently approved collection.

Description: The Internal Revenue Code (IRC) at 26 U.S.C. 5214(a)(6) and 5362(c)(4) authorizes the transfer without payment of Federal excise tax of, respectively, distilled spirits and wine from a bonded premises to certain customs bonded warehouses for subsequent exportation. However, to protect the revenue, the customs laws at 19 U.S.C. 1311 requires bonds for such transfers of non-taxpaid goods. To provide proprietors of manufacturing bonded warehouses with operational flexibility based on individual need, the Alcohol and Tobacco Tax and Trade Bureau (TTB) alcohol export regulations in 27 CFR part 28 allow the filing of either a specific transportation bond using form TTB F 5100.12 to cover a single shipment from a bonded premises to a manufacturing bonded warehouse, or a continuing transportation bond using form TTB F 5110.67 to cover multiple shipments.

Form: TTB F 5100.12, TTB F 5110.67.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 50.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 50.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 50.

3. Title: Letterhead Applications and Notices Relating to Denatured Spirits.

OMB Control Number: 1513–0061.

Type of Review: Revision of a currently approved collection.

Description: Under the Internal Revenue Code (IRC) at 26 U.S.C. 5214, denatured spirits (alcohol to which denaturants have been added to render it unfit for beverage purposes) may be withdrawn from distilled spirits plants free of tax for nonbeverage industrial purposes in the manufacture of certain personal and household products. Since it is possible to recover potable alcohol from denatured spirits and articles made with denatured spirits, the IRC at 26 U.S.C. 5271–5275 sets forth provisions relating to denatured spirits and articles made with denatured spirits. Under those IRC authorities, the Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations in 27 CFR part 20 require specially denatured spirits (SDS) dealers and manufacturers of nonbeverage products made with denatured alcohol to apply for and obtain a permit. In addition, the part 20 regulations that

concern this information collection require such permit holders to submit letterhead applications and notices to TTB regarding certain changes to permit information, use of alternate methods and emergency variations from requirements, adoption or use of certain formulas, discontinuance of business, losses in transit, and requests to waive certain sample shipment and invoice requirements. The information collected implements the IRC's statutory provisions regarding denatured spirits.

Form: None.

Affected Public: Businesses or other for-profits; State, local and tribal governments.

Estimated Number of Respondents: 3,800.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 3,800.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 1,900.

4. Title: COLAs Online Access Request.

OMB Control Number: 1513–0111.

Type of Review: Extension without change of a currently approved collection.

Description: To provide consumers with adequate information as to the identity of alcohol beverages and prohibit consumer deception, the Federal Alcohol Administration Act (FAA Act) at 26 U.S.C. 205, and the Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations in 27 CFR parts 4, 5, and 7 that implement that section, require alcohol beverage bottlers and importers to apply for Certificates of Label Approval (COLAs) for such products introduced into interstate commerce or released from customs custody. Domestic bottlers also must apply for COLA exemptions for certain alcohol beverage products that will not be introduced into interstate or foreign commerce. Respondents may complete and submit COLA and COLA exemption applications electronically using TTB's COLAs Online system. To protect TTB computer systems from cyber threats and misuse, persons desiring to use the COLAs Online system must first submit receive TTB approval of a COLAs Online Access Request. The collected information identifies the applicant and confirms their authority to act on behalf of a specific alcohol beverage industry member. Applicants submit COLAs Online Access Requests electronically using the COLAs Online User Registration function or its paper equivalent, TTB F 5013.2, COLAs Online Access Request.

Form: TTB F 5013.2.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 3,000.

Frequency of Response: Once, On occasion.

Estimated Total Number of Annual Responses: 3,000.

Estimated Time per Response: 18 minutes.

Estimated Total Annual Burden Hours: 900.

5. Title: Customer Satisfaction Surveys for Permit Applications, Permits Online (PONL), Formulas Online (FONL), and COLAs Online.

OMB Control Number: 1513–0124.

Type of Review: Extension without change of a currently approved collection.

Description: As part of the Alcohol and Tobacco Tax and Trade Bureau's (TTB's) efforts to improve customer service, we survey customers who submit applications for original or amended alcohol or tobacco permits, or for approval of alcohol beverage formulas or certificates of label approval (COLAs). These surveys assist TTB in identifying potential customer needs and problems, along with opportunities for improvement in our applications processes, with particular focus on customer experiences with TTB's various electronic application systems, Permits Online (PONL), Formulas Online (FONL), and COLAs Online.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 20,000.

Frequency of Response: Once.

Estimated Total Number of Annual Responses: 20,000.

Estimated Time per Response: 12 minutes.

Estimated Total Annual Burden Hours: 4,000.

Authority: *44 U.S.C. 3501 et seq.*

Dated: January 27, 2020.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2020–01716 Filed 1–29–20; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Treasury International Capital (TIC) Forms BC, BL–1, BL–2, BQ–1, BQ–2, and BQ–3

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before March 2, 2020 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) 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 Spencer W. Clark by emailing *PRA@treasury.gov,* calling (202) 927–5331, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Departmental Offices (DO)

Title: Treasury International Capital (TIC) Forms BC, BL–1, BL–2, BQ–1, BQ–2, and BQ–3.

OMB Control Number: 1505–0016.

Type of Review: Revision of a currently approved collection.

Description: These Treasury International Capital (TIC) B forms are required by law and are designed to collect timely and readily available information on cross-border claims and liabilities of U.S. banks, other financial institutions, and their domestic customers. These reports are required by E.O. Number 10033 of February 8, 1949 and implementing Treasury Regulations (31 CFR 128), the International Investment and Trade in Services Survey Act (22. U.S.C. 3103), and the Bretton Woods Agreements Act (Sec. 8(a) 59 Stat. 515; 22 U.S.C. 286f).

The TIC B forms comprise the following six forms:

(1) Form BC (monthly), ''Report of U.S. Dollar Claims of Financial Institutions on Foreign Residents'', is filed by banks, other depository institutions, bank holding companies, financial holding companies, securities

brokers and dealers, and all other financial institutions in the United States to report their own portfolio claims (exclusive of long-term securities) on foreign residents.

(2) Form BL–1 (monthly), ''Report of U.S. Dollar Liabilities of Financial Institutions to Foreign Residents'', is filed by banks, other depository institutions, bank holding companies, financial holding companies, securities brokers and dealers, and all other financial institutions in the United States to report their own portfolio liabilities (exclusive of long-term securities) to foreign residents.

(3) Form BL–2 (monthly), ''Report of Customers' U.S. Dollar Liabilities to Foreign Residents'', is filed by banks, other depository institutions, bank holding companies, financial holding companies, securities brokers and dealers, and all other financial institutions in the United States to report the U.S. dollar liabilities (exclusive of long-term securities) of their domestic customers.

(4) Form BQ–1 (quarterly), ''Report of Customers' U.S. Dollar Claims on Foreign Residents'', is filed by banks, other depository institutions, bank holding companies, financial holding companies, securities brokers and dealers, and all other financial institutions in the United States to report their own and their domestic customers' portfolio claims (exclusive of long-term securities) on foreign residents.

(5) BQ–2 (quarterly), ''Part 1—Report of Foreign Currency Liabilities and Claims of Financial Institutions and of their Domestic Customers' Foreign Currency Claims with Foreign Residents; Part 2—Report of Customers' Foreign Currency Liabilities to Foreign Residents'', is filed by banks, other depository institutions, bank holding companies, financial holding companies, securities brokers and dealers, and all other financial institutions in the United States to report their own liabilities and claims (exclusive of long-term securities), and liabilities and claims (exclusive of long-term securities) of their domestic customers, denominated in foreign currencies.

(6) Form BQ–3 (quarterly), ''Report of Maturities of Selected Liabilities and Claims of Financial Institutions with Foreign Residents'', is filed by banks, other depository institutions, bank holding companies, financial holding companies, brokers and dealers, and all other financial institutions in the United States to report the maturities of selected liabilities and claims with foreign residents denominated in U.S. dollars or in foreign currencies.

These forms have previously been cleared individually under OMB Control Numbers 1505–0017, 1505–0018, 1505–0019, 1505–0020 and 1505–0189. With this submission, all TIC B forms will now be consolidated under OMB Control Number 1505–0016.

Form: BC, BL–1, BL–2, BQ–1, BQ–2, and BQ–3.

Affected Public: Businesses or other for-profits.

ESTIMATED BURDEN

Form	Number respondents	Number responses per respondent	Total annual responses	Hours per response	Total burden (hours)
BC	350	12	4,200	11.16	46,863
BL–1	352	12	4,224	7.75	32,746
BL–2	100	12	1,200	8.99	10,789
BQ–1	80	4	320	3.92	1,254
BQ–2	193	4	772	7.83	6,044
BQ–3	143	4	572	10.50	6,006
Total	1,218	4–12	11,288	9.19	103,702

Authority: 44 U.S.C. 3501 et seq.

Dated: January 24, 2020.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2020–01600 Filed 1–29–20; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple Internal Revenue Service Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before March 2, 2020 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) 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 Spencer W. Clark by emailing *PRA@treasury.gov,* calling (202) 927–5331, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Internal Revenue Service (IRS)

1. Title: Request for Determination of Worker Status for Purposes of Federal Employment Taxes and Income Tax Withholding.

OMB Control Number: 1545–0004.

Type of Review: Extension without change of a currently approved collection.

Description: Firms and workers file Form SS–8 or SS–8(PR) to request a determination of the status of a worker under the common law rules for purposes of federal employment taxes and income tax withholding.

Form: SS–8, SS–8(PR).

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 4,705.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 4,705.

Estimated Time per Response: 31 hours and 35 minutes.

Estimated Total Annual Burden Hours: 143,816.

2. Title: Form 1099–OID—Original Issue Discount.

OMB Control Number: 1545–0117.

Type of Review: Revision of a currently approved collection.

Description: Form 1099–OID is used for reporting original issue discount as required by section 6049 of the Internal Revenue Code. It is used to verify that income earned on discount obligations is properly reported by the recipient.

Form: 1099–OID.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 9,185.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 5,950,000.

Estimated Time per Response: 14 minutes.

Estimated Total Annual Burden Hours: 1,369,529.

3. Title: Application for Extension of Time to File Certain Employee Plan Returns.

OMB Control Number: 1545–0212.

Type of Review: Extension without change of a currently approved collection.

Description: This form is used by employers to request an extension of time to file the employee plan annual information return/report (Form 5500 series) or employee plan excise tax return (Form 5330). The data supplied on Form 5558 is used to determine if such extension of time is warranted.

Form: Form 5558.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 517,793.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 517,793.

Estimated Time per Response: 11 minutes.

Estimated Total Annual Burden Hours: 616,174.

4. Title: Biofuel Producer Credit (Form 6478).

OMB Control Number: 1545–0231.

Type of Review: Extension without change of a currently approved collection.

Description: Form 6478 is used to figure your section 40 biofuel producer credit. Taxpayers may claim the credit for the tax year in which the sale or use occurs. This credit consists of the second generation biofuel producer credit.

Form: 6478.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 3,300.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 3,300.

Estimated Time per Response: 4 hours.

Estimated Total Annual Burden Hours: 13,233.

Authority: *44 U.S.C. 3501 et seq.*

Dated: January 27, 2020.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2020–01754 Filed 1–29–20; 8:45 am]

BILLING CODE 4830–01–P

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Vol. 85, No. 20

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