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DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Parts 1738 and 1739

[Docket No. RUS–19-Telecom–0003]

RIN 0572–AC46

Rural Broadband Loans, Loan/Grant Combinations, and Loan Guarantees

AGENCY: Rural Utilities Service, USDA.

ACTION: Interim final rule; request for comments.

SUMMARY: The Rural Utilities Service (RUS), an agency of the United States Department of Agriculture, hereinafter referred to as the Agency, is amending its regulation for the Rural Broadband Program, previously referred to as the Rural Broadband Access Loan and Loan Guarantee Program, to implement the Agricultural Act of 2018 (the 2018 Farm Bill). The Agency is publishing this regulation as an interim final rule, which will take effect upon publication in the **Federal Register**. In addition, the Agency is seeking comments regarding this interim final rule to guide its efforts in drafting the final rule for the Rural Broadband Program and Community Connect Grant Program.

DATES:

Effective date: This rule is effective May 11, 2020.

Comment date: Comments due on or before May 11, 2020.

ADDRESSES: You may submit comments by utilizing the *Federal eRulemaking Portal: https://www.regulations.gov.* The rule can be identified by docket number RUS–19–Telecom–0003 and RIN number 0572–AC46. Please follow the instructions for submitting comments.

RUS will post all comments received without change, including any personal information that is included with the comment, on *https://www.regulations.gov.* Comments will be available for inspection online at *https://www.regulations.gov.* Additional information about RUS Telecommunication programs is available at *https://www.rd.usda.gov/programs-services/all-programs/telecom-programs.*

FOR FURTHER INFORMATION CONTACT: For information about this document or to view supplemental materials call or email Laurel Leverrier, Acting Assistant Administrator; Telecommunication Program; Rural Development; U.S. Department of Agriculture; 1400 Independence Avenue SW; Room 5153–S; Washington, DC 20250; telephone 202–720–3416, email *laurel.leverrier@usda.gov.* Persons with disabilities or who require alternative means for communication should contact the USDA Target Center at 202–720–2600.

SUPPLEMENTARY INFORMATION:

Table of Contents for Preamble

I. Definitions and Abbreviations

2014 Farm Bill Agricultural Act of 2014
2018 Farm Bill Agricultural Improvement Act of 2018
CFDA Catalog of Federal Domestic Assistance
CFR Code of Federal Regulations
FTTH Fiber-to-the-home
FR *Federal Register*
GPO Government Publishing Office
GSA General Services Administration
OMB Office of Management and Budget
RE Act Rural Electrification Act of 1936
RUS Rural Utilities Services
§ Section
U.S.C. United States Code
USDA U.S. Department of Agriculture

II. Background

A. Introduction

The Agency improves the quality of life in rural America by providing investment capital for deployment of rural telecommunications infrastructure. In order to achieve the goal of increasing economic opportunity in rural America, the Agency finances infrastructure that enables access to a seamless, nationwide telecommunications network. With access to the same advanced telecommunications networks as its urban counterparts, especially those designed to accommodate distance learning, telework, and telemedicine, rural America will eventually see improving educational opportunities, health care, economies, safety and security, and ultimately higher employment. The Agency shares the assessment of Congress, State and local officials, industry representatives, and rural residents that broadband service is a critical component to the future of rural America. The Agency is committed to ensuring that rural America will have access to affordable, reliable, broadband services and to provide a healthy, safe, and prosperous place to live and work.

B. Regulatory History

On May 13, 2002, the Farm Security and Rural Investment Act of 2002, Public Law 107–171 (2002 Farm Bill), was signed into law. The 2002 Farm Bill amended the Rural Electrification Act of 1936 to include Title VI, the Rural Broadband Access Loan and Loan Guarantee Program, to be administered by the Agency. Title VI authorized the Agency to approve loans and loan guarantees for the costs of construction, improvement, and acquisition of facilities and equipment for broadband service in eligible rural communities. Under the 2002 Farm Bill, the Agency was directed to promulgate regulations without notice and comment. Implementing the program required a different lending approach for the Agency than it employed in its earlier telephone program because of the unregulated, highly competitive, and technologically diverse nature of the broadband market. Those regulations were published on January 30, 2003, at 68 FR 4684.

In an attempt to enhance the Broadband Loan Program and to acknowledge growing criticism of funding competitive areas, the Agency proposed to amend the program's regulations on May 11, 2007, at 72 FR 26742 to make eligibility of certain service areas more restrictive than set out in the 2002 Farm Bill. In addition to eligibility changes, the proposed rule included, among others, changes to persistent problems the Agency had encountered while implementing the program over the years, especially regarding equity requirements, the market survey, and the legal notice requirements. As the Agency began analysis of the public comments it received on the proposed regulations, the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill) was working its way through Congress. The proposed

rule and key aspects of the public comments were shared with Congress during its deliberations, and the majority of the proposed changes in the Agency's proposed rule were incorporated into the legislation, with and without modification. On March 14, 2011 (76 FR 13770), the Agency published an interim rule implementing the requirements of the 2008 Farm Bill. The Agency did not receive any significant comments to the interim rule and published a final rule on February 6, 2013 (78 FR 8353).

With the passage of the Agricultural Act of 2014, Public Law 113–79 (2014 Farm Bill), Congress made additional changes to the program, and the Agency again published a final rule on July 30, 2015 (80 FR 45397). Those changes included the prioritization of approving applications, a minimum benchmark of broadband service, a more transparent public notice requirement, and the first statutorily required reporting standards.

Again, on December 20, 2018, under the Agricultural Improvement Act of 2018, Public Law 115–334 (2018 Farm Bill), Congress made even more significant improvements to the program, most notably by furnishing grant assistance to reach the most underserved rural areas lacking broadband access. This regulation implements those required statutory changes.

III. Discussion of Rule Changes

Below is a table showing each updated section and subpart and its previous location.

UPDATED 7 CFR PART 1738 SECTIONS AND SUBPARTS

New section number and title	New subpart	Previous section number and title	Previous subpart
§ 1738.1 Overview	A	§ 1738.1 Overview	Unchanged.
§ 1738.2 Definitions	A	§ 1738.2 Definitions	Unchanged.
§ 1738.3 Funding Parameters	A	New	New.
§ 1738.51 Eligible Entities	B	§ 1738.101 Eligible Applicants	C.
§ 1738.52 Eligible Projects	B	New	New.
§ 1738.53 Eligible Service Area	B	§ 1738.102 Eligible service area	C.
§ 1738.54 Eligible service area Exceptions for Broadband Facility Upgrades.	B	§ 1738.103 Eligible service area exceptions for broadband facility upgrades.	C.
§ 1738.55 Broadband Lending Speed Requirements	B	New	New.
§ 1738.56 Eligible Assistance Purposes	B	§ 1738.51 Eligible loan purposes	Unchanged.
§ 1738.57 Ineligible Assistance Purposes	B	§ 1738.52 Ineligible loan purposes	B.
§ 1738.101 Grant Assistance	C	New	New.
§ 1738.102 Payment Assistance for loans	C	New	New.
§ 1738.103 Substantially underserved trust areas	C	§ 1738.3 Substantially underserved trust areas	A.
§ 1738.104 Technical Assistance	C	New	New.
§ 1738.105 Priorities for approving assistance	C	§ 1738.203 Priority for approving loan applications	E.
§ 1738.106 Public Notice	C	§ 1738.204 Public notice	E.
§ 1738.107 Additional Reporting for Awardees	C	New	New.
§ 1738.108 Environmental Reviews	C	New	New.
§ 1738.109 Civil Rights procedures and requirements	C	New	New.
§ 1738.151 General	D	New	New.
§ 1738.152 Interest rates	D	Unchanged	Unchanged.
§ 1738.153 Terms and conditions	D	Unchanged	Unchanged.
§ 1738.154 Security	D	§ 1738.154 Loan security	Unchanged.
§ 1738.155 Advance of Funds	D	New	New.
§ 1738.156 Buy American Requirement	D	New	New.
§ 1738.201 Application submission	E	Unchanged	Unchanged.
§ 1738.202 Elements of a complete application	E	Unchanged	Unchanged.
§ 1738.203 Notification of completeness	E	§ 1738.205 Notification of completeness	Unchanged.
§ 1738.204 Evaluation for feasibility	E	§ 1738.206 Evaluation for feasibility	Unchanged.
§ 1738.205 Competitive Analysis	E	§ 1738.210 Competitive Analysis	Unchanged.
§ 1738.206 Financial information	E	§ 1738.211 Financial information	Unchanged.
§ 1738.207 Network design	E	§ 1738.212 Network design	Unchanged.
§ 1738.208 Award determinations	E	§ 1738.213 Loan determination	Unchanged.
§ 1738.251 Offer and Closing	F	§ 1738.251 Loan offer and loan closing	Unchanged.
§ 1738.252 Construction	F	Unchanged	Unchanged.
§ 1738.253 Servicing of loan and loan/grant combinations.	F	Unchanged	Unchanged.
§ 1738.254 Accounting, reporting, and monitoring requirements.	F	Unchanged	Unchanged.
§ 1738.255 Default and de-obligation	F	Unchanged	Unchanged.
§ 1738.301 General	G	Unchanged	Unchanged.
§ 1738.302 Fees	G	New	New.
§ 1738.350 OMB control number	G	Unchanged	Unchanged.

The following summarizes the substantive changes introduced in this rule. The changes are presented in the order in which they appear within the interim rule.

Subpart A

Section 1738.1—Overview

In this section, the Agency simplified the title of the ''Rural Broadband Access Loan and Loan Guarantee Program'' to the ''Rural Broadband Program,'' and added ''loan/grant combinations'' as an eligible Award category. The Agency anticipates that the addition of grant funding will help the financial feasibility of projects in rural areas with low density.

Section 1738.2—Definitions

The Agency amended the definition section to add additional terms to comply with changes to the 2018 Farm Bill and to clarify and standardize definitions.

Subpart B

Section 1738.52—Eligible Projects

The Agency revised the required time to complete the build-out of the broadband system described in the application from 3 years to 5 years from the day the Applicant is notified that loan funds are available and revised the commencement period from 120 days after the date of the contract to begin from the date that the legal documents are cleared and funds are made available to the Awardee. Also, the Agency removed the required equity position percentage for Applicants.

Section 1738.53—Eligible Service Area

As per the 2018 Farm Bill, the Agency revised eligible service areas to open up, starting after October 1, 2020, those service areas of grantees that are not providing service at least 10 Mbps downstream or 1 Mbps upstream. This ensures that certain rural communities that received prior, older grants are not excluded from receiving Federal assistance to modernize their facilities. Additionally, as required by the 2018 Farm Bill, this section specifies that mobile and satellite services will not be considered when determining the number of households in the proposed service area that do not have access to broadband service.

Section 1738.55—Broadband Lending Speed Requirements

This section outlines the required broadband lending speeds, which are now tied to the term of the Award, as required by the 2018 Farm Bill. This is to ensure, for example, that projects with 20-year loan terms will be capable of providing broadband service at the necessary projected speeds during the entire term of the loan.

Subpart C

Section 1738.101—Grant Assistance

This section outlines the requirements of receiving grant assistance, the correlation between the levels of grant assistance and the density of the rural areas to be served, as well as lays out the requirement to receive additional grant funding for development costs. This new authority is intended to assist the neediest of rural areas that lack sufficient levels of broadband service in recovering costs associated with putting together a broadband application. These costs are often a bar to applying to the program for such areas. As a result, the Agency anticipates that funding will be better directed to those areas that are in most need of broadband service.

Section 1738.102—Payment Assistance for Loans

The 2018 Farm Bill not only provided newly available grant assistance, but authorized significant assistance to loans. This section outlines the conditions under which Applicants would be eligible to receive loans with subsidized interest rates.

Section 1738.104—Technical Assistance

This section outlines the conditions under which RUS will provide technical assistance and training through grant funding. This new authority is intended to help the most rural areas without sufficient access to broadband actually prepare applications for submission. As with the assistance for development costs, this should direct funding to where it is most needed.

Section 1738.105—Priorities for Approving Assistance

The 2018 Farm Bill extensively revised the criteria for prioritizing applications. Most significantly, however, the Agency will now prioritize applications for rural areas that do not have access to service of at least 10 Mbps upstream and 1 Mbps downstream.

Subpart D

Section 1738.156—Buy American Requirement

Executive Order 13858 directs Federal agencies to encourage recipients of Federal funds on infrastructure projects to use those funds, to the greatest extent practicable, to purchase goods and products that are produced in the United States. As a result, RUS will apply its Buy American requirement, promulgated under 7 CFR part 1787, to grants funds under the Broadband Program and Community Connect Programs. The Buy American requirement is already a statutory requirement for loan funds.

Subpart G

Section 1738.301—General

The Agency revised this section to outline loan guarantee application requirements and conditions for Agency approval of loan guarantees. Applicants are also directed to the applicable guarantee regulations in 7 CFR parts 4279 and 4287.

Section 1738.302—Fees

This section was added pursuant to the 2018 Farm Bill, which now requires that fees be collected from the lender when issuing loan guarantees, in order to lower the costs of such guarantees to the Federal Government.

7 CFR Part 1739 Community Connect Program

Subpart A

Section 1739.3—Definitions

The Agency updated the definition of Critical Community Facilities to be in alignment with 7 U.S.C 1926(a).

The Agency updated the definition of Broadband Service to remove mobile and satellite service from being included in the definition.

Section 1739.8—Buy American Requirement

Executive Order 13858 directs Federal agencies to encourage recipients of Federal funds on infrastructure projects to use those funds, to the greatest extent practicable, to purchase goods and products that are produced in the United States. As a result, RUS will apply its Buy American requirement, promulgated under 7 CFR part 1787, to grants funds under the Broadband Program and Community Connect Programs. The Buy American requirement is already a statutory requirement for loan funds.

Section 1739.15—Completed Application

The Agency added a requirement to publish a public notice requirement for each application.

IV. Procedural Matters

Executive Order 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 to 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 rule has been determined to be economically significant and was reviewed by the Office of Management and Budget under Executive Order 12866. In accordance with Executive Order 12866, a Regulatory Impact Analysis was completed, outlining the costs and benefits of implementing this

program in rural America. A brief summary can be found below or for the complete analysis please see *Regulations.gov* with the Docket number RUS–19–Telecom–0003.

Regulatory Impact Analysis

USDA's RUS programs improve the quality of life in rural America by providing investment capital for deployment of rural telecommunications infrastructure in a financially responsible manner. Financial assistance is provided to corporations, limited liability companies, cooperative or mutual organizations, Indian tribes or tribal organizations, or State and local governments.

Unfortunately, too many rural Americans still lack access to broadband service today. The Federal Communications Commission's (FCC) 2019 Broadband Deployment Report (*https://docs.fcc.gov/public/attachments/FCC-19-44A1.pdf*), which was issued in May, noted that over 21 million Americans lack access to broadband service of 25 Mbps download and 3 Mbps upload. More than 26 percent of Americans in rural areas and 32 percent of Americans in Tribal lands lack broadband service.

Remoteness, mountainous and difficult terrain, and sparsely populated areas can make it difficult for service providers to make a business case to extend broadband service. As noted in a report by the National League of Cities regarding bridging the urban-rural divide, ''broadband access tends to cluster in urban areas because it is a guaranteed market for private providers, unlike less densely populated rural areas.'' Furthermore, the report noted that rural communities have 37 percent more residents without broadband access when compared to their urban counterparts. Alaska has the most significant divide, with a gap of 62 percent (*https://www.nlc.org/sites/default/files/2018-03/nlc-bridging-the-urban-rural-divide.pdf*).

There are numerous technologies and network configurations that service providers can utilize to extend broadband service. The Rural Broadband Program is technology neutral, meaning that any technology that can meet RUS' broadband lending speed threshold (currently set at 25 Mbps download and 3 Mbps upload) is eligible for program funding. The current broadband lending speed standard of 25 Mbps download and 3 Mbps upload was first established in 2017. The standard for the 2016 fiscal year was 10 Mbps download and 1 Mbps upload. The table below identifies the type of technology deployed for the Rural Broadband Program projects which have been funded since 2016.

The Rural Broadband Program provides important funding to help address these issues and enable rural service providers to make the business case to build-out broadband service in rural communities across the nation. Through this program, the number of subscribers that are expected to benefit from each project can vary greatly between projects, depending on the density, remoteness, and topography of the communities being served. Additionally, RUS expects the number of households and businesses benefiting from these projects to grow over time.

Rural communities benefit tremendously from the availability of broadband service that results from the awards from RUS' Rural Broadband Program. Some of these benefits have can clearly be observed with the previous Broadband program. These benefits include more service to underserved areas, more consistent technology and speed of service.

The following table summarizes the benefits and costs of this rule, as required by OMB's Circular A–4. Given that future appropriations will dictate the size of this program going forward, RUS has elected to conduct an annual analysis based on the current best estimate of program size, with the implicit assumption of a constant program size in the absence of more reasonable assumptions. The costs of this rule are estimated as the annual information collection burden and occur in the year of application/award. Because of the significant changes to program operation, any estimate of the benefits would be speculative, and based on the projected increase in the number of applications. Thus, the benefits of this rule qualitatively described, in Section C. The benefits from each year's awards likely accrue over a number of years, although RUS can only describe this time frame qualitatively. The main economic impact of this rule is the potential annual transfer associated with the $350 million of authorized funding. Given the speculative nature of assumptions about the future time stream of costs, benefits and transfer other than these amounts as constant annual levels, applying the 3% and 7% discount rates would produce results equivalent to the annual estimates reported here.

Category	Annual estimate (2019 $)
Costs	2,189,350
Benefits	Qualitative
Transfers	350,000,000

RUS has not presented an in-depth alternatives analysis with this rule, because the 2018 Farm Bill is fairly prescriptive regarding this rule. That being said, one possible option would be for RUS to forgo the loan/grant opportunities and provide broadband services directly. There are a few issues with this option, however, which include the lack of resources within RUS to manage these types of projects. This option would also lead to the choice of technology being dictated by the Government. The costs of this option would be significantly higher, the transfers would be significantly lower, and the benefits could be similar or lower, depending on the technology choice.

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 a major rule, as defined by 5 U.S.C. 804(2).

Executive Order 12372

This rule is excluded from the scope of Executive Order 12372 (Intergovernmental Consultation), which may require a consultation with State and local officials. See the final rule related notice entitled, ''Department Programs and Activities Excluded from Executive Order 12372'' (50 FR 47034).

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance (CFDA) number assigned to this program is 10.886, Rural Broadband Program. The Catalog is available on the internet at *https://beta.sam.gov*. The *SAM.gov* website also contains a PDF file version of the Catalog that, when printed, has the same layout as the printed document that the Government Publishing Office (GPO) provides. GPO prints and sells the CFDA to interested buyers. For information about purchasing the Catalog of Federal Domestic Assistance from GPO, call the Superintendent of Documents at 202–512–1800 or toll free at 866–512–1800, or access GPO's online bookstore at *http://bookstore.gpo.gov*.

Information Collection and Recordkeeping Requirements

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), the RUS invites comments on this information

collection for which approval from the Office of Management and Budget (OMB) will be requested. These requirements have been approved by emergency clearance under OMB Control Number 0572–0154.

Comments must be received by May 11, 2020.

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 will have practical utility; (b) the accuracy of the Agency's estimate of burden including the validity of the methodology and assumption 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 on other forms of information technology.

Title: 7 CFR 1738, Rural Broadband Program.

OMB Control Number: 0572–0154.

Type of Request: Extension of an existing collection.

Abstract: The Rural Utilities Service is authorized under Title VI of the Rural Electrification Act of 1936, as amended (RE Act), to provide loans, loan/grant combinations and loan guarantees to fund the cost of construction, improvement, or acquisition of facilities and equipment for the provision of broadband service in eligible rural areas in States and Territories of the United States. In conjunction with this interim final rulemaking, RUS is submitting an information collection package to OMB as required by the Paperwork Reduction Act of 1995. The information collection package for 7 CFR part 1738 includes the estimated burden related to the application process for the Rural Broadband Program. Since the inception of the program in 2003, the Agency has tried to accurately determine the burden to respondents applying for assistance, including soliciting comments from the public. The items covered by this collection include forms and related documentation to support an application for financial assistance, including all information required by RUS' online application system.

The 2018 Farm Bill added a new type of loan mechanism that included a grant portion to that loan. This provides a new opportunity for entities to apply with the hope of minimizing the loan portion based on how much of the service area is provided to underserved locations.

The Agency has addressed these issues as follows:

(1) Adding additional respondents based on the new loan/grant combination opportunity. The increase is based on an estimate of how it is believed this new opportunity will impact how new applications are received. Since this is a new opportunity for this program, other similar programs were reviewed to help provide a realistic number.

(2) The Rural Broadband Program, currently, has the public notice aspect accounted for, however, there were two programs impacted by the program notice supplement under the 2018 Farm Bill. The Telecommunication Infrastructure Program and the Community Connect Program were impacted by the changes to the public notice item and were incorporated into this Paperwork reduction Act package, thus increasing the overall burden of the program.

The Agency seeks comments on its estimate of burden related to the application process for the Rural Broadband Program and welcomes comments related to further reducing application paperwork and costs. Comments may be submitted by, identified by docket number RUS–19–Telecom–0003 and RIN number 0572–AC46, through the *Federal eRulemaking Portal: https://www.regulations.gov*.

Estimate of Burden: Public reporting for this collection of information is estimated to average 134 hours per response.

Respondents: Businesses and Not-for-profit institutions.

Estimated Number of Respondents: 156.

Estimated Total Annual Burden on Respondents: 20,942 hours.

Copies of this information collection can be obtained from Jeanne Jacobs, Rural Development Innovation Center—Regulations Support Branch—1, USDA, 1400 Independence Avenue SW, STOP 1522, South Building, Washington, DC 20250–1522. Telephone: (202) 692–0040 or via email: *Jeanne.Jacobs@usda.gov*. Regulation Management Division.

All responses to this information collection and recordkeeping notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

National Environmental Policy Act Certification

The Administrator has determined that this rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment.

Regulatory Flexibility Act Certification

It has been determined that the Regulatory Flexibility Act is not applicable to this rule because the Agency is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Executive Order 12988, Civil Justice Reform

This rule has been reviewed under Executive Order 12988. The Agency has determined that this rule meets the applicable standards provided in section 3 of the Executive order. In addition, all state and local laws and regulations that are in conflict with this rule will be preempted. No retroactive effort will be given to this rule.

Unfunded Mandates Reform Act

This rule contains no Federal mandates (under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of section 202 and 205 of the Unfunded Mandates Reform Act of 1995.

Executive Order 13132, Federalism

The policies contained in this rule do not have any 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. Nor does this rule impose substantial direct compliance costs on state and local governments. Therefore, consultation with the States is not required.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This rule has been reviewed in accordance with the requirements of Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments.'' Executive Order 13175 requires Federal agencies to consult and coordinate with tribes on a government-to-government basis on policies that have tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that 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.

Rural Development has assessed the impact of this rule on Indian tribes and determined that this rule does not, to our knowledge, have tribal implications that require tribal consultation under Executive Order 13175. However, since deploying broadband infrastructure throughout Indian Country presents unique challenges, the Agency commits to provide at least one Tribal listening session focused on those unique challenges (and potential solutions) prior to the implementation of this rule. If a Tribe requests government-to-government consultation, Rural Development will work with the Office of Tribal Relations to ensure meaningful consultation is provided where changes, additions and modifications identified herein are not expressly mandated by Congress. If a tribe would like to engage in government-to-government consultation with Rural Development on this rule, please contact Rural Development's Native American Coordinator at (720) 544–2911 or *AIAN@wdc.usda.gov*.

E-Government Act Compliance

The Agency is committed to the E-Government Act, which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible. The Agency is updating its online system for submitting applications.

Civil Rights Impact Analysis

Rural Development has reviewed this rule in accordance with USDA Regulation 4300–4, Civil Rights Impact Analysis, to identify any major civil rights impacts the rule might have on program participants on the basis of age, race, color, national origin, sex or disability. After review and analysis of the rule and available data, it has been determined that implementation of the rule will not adversely or disproportionately impact very low, low- and moderate-income populations, minority populations, women, Indian tribes or persons with disability by virtue of their race, color, national origin, sex, age, disability, or marital or familiar status. No major civil rights impact is likely to result from this rule.

List of Subjects

7 CFR Part 1738

Loan programs—communications, Rural areas, Telecommunications, Telephone.

7 CFR Part 1739

Grant programs—communications, Rural areas, Telecommunications, Telephone.

For the reasons discussed in the preamble, the Agency amends 7 CFR parts 1738 and 1739 as follows:

■ 1. Revise part 1738 to read as follows:

PART 1738—RURAL BROADBAND LOANS, LOAN/GRANT COMBINATIONS, AND LOAN GUARANTEES

Subpart A—General

Subpart B—Eligibility Requirements

Subpart C—Award Requirements

Subpart D—Loan and Loan/Grant Combination Award Terms

Subpart E—Loan and Loan/Grant Combination Application Review and Underwriting

Subpart F—Closing, Servicing, and Reporting for Loan and Loan/Grant Combination Awards

Subpart G—Loan Guarantee

Authority: 7 U.S.C. 901 *et seq.*

Subpart A—General

§ 1738.1 Overview.

(a) The Rural Broadband Program furnishes loans, loan/grant combinations, and loan guarantees for the costs of construction, improvement, or acquisition of facilities and equipment needed to provide service at the broadband lending speed in eligible rural areas. This part sets forth the general policies, eligibility requirements, types and terms of loans, loan/grant combinations and loan guarantees, and program requirements under 7 U.S.C. 901 *et seq.*

(b) Additional information and application materials regarding the Rural Broadband Program can be found on the Rural Development website.

§ 1738.2 Definitions.

(a) The following definitions apply to this part:

Acquisition means the purchase of assets by an eligible entity as defined in § 1738.51 to acquire facilities, equipment, operations, licenses, or majority stock interest of one or more organizations. Stock acquisitions must be arm's-length transactions.

Administrator means the Administrator of the Rural Utilities Service (RUS).

Advance means the transfer of loan or grant funds from the Agency to the Awardee.

Affiliate or *affiliated company* of any specified person or entity means any other person or entity directly or indirectly controlling of, controlled by, under direct or indirect common control with, or related to, such specified entity, or which exists for the sole purpose of providing any service to one company or exclusively to companies which otherwise meet the definition of affiliate. For the purpose of this definition, ''control'' means the possession directly or indirectly, of the power to direct or cause the direction of

the management and policies of a company, whether such power is exercised through one or more intermediary companies, or alone, or in conjunction with or pursuant to an agreement with, one or more other companies, and whether such power is established through a majority or minority ownership voting of securities, common directors, officers, or stockholders, voting trust, or holding trusts (other than money exchanged) for property or services.

Agency means the Rural Utilities Service (RUS).

Applicant means an entity requesting approval of assistance under this part.

Assistance means a request for a loan, loan/grant combination, or loan guarantee.

Associated loan means any loan that is granted in association with a grant. Every grant will have an associated loan.

Award means a loan, loan/grant combination, or loan guarantee made under this part.

Award documents means, as applicable, all associated loan agreements, loan/grant combination agreements, or loan guarantee documents.

Award term means the term of the loan as defined in the Award documents. The Award term shall be equal to the composite economic life of the facilities being financed with RUS loan or grant funding plus 3 years.

Awardee means an entity that has applied for and been awarded assistance under this part.

Borrower means an entity that has applied for and been awarded loan funding under this part.

Broadband grant means a Community Connect, Broadband Initiatives Program, ReConnect Program, or Rural Broadband Program grant approved by the Agency.

Broadband lending speed means the minimum bandwidth requirements, as published by the Agency in its latest notice in the **Federal Register** that Applicants must propose to deliver to every customer in the proposed funded service area in order for the Agency to approve a broadband Award. Broadband lending speeds will vary depending on the technology proposed and the term of the average composite economic life of the facilities. Initially, the broadband lending speed for terrestrial service, whether fixed or wireless, as well as mobile broadband serving ranches and farmland is 25 megabits per second (Mbps) downstream and 3 Mbps upstream, until further amended by notice. If a new broadband lending speed is published in the **Federal Register** while an application is pending, the pending application will be processed based on the broadband lending speed that was in effect when the application was submitted.

Broadband loan means any loan approved under Title VI of the Rural Electrification Act of 1936, as amended (RE Act).

Broadband service means any technology identified by the Administrator as having the capacity to provide transmission facilities that enable the subscriber to receive a minimum level of service equal to at least a downstream transmission capacity of 25 Mbps and an upstream transmission capacity of 3 Mbps. The Agency will publish the minimum transmission capacity with respect to terrestrial service that will qualify as broadband service in a notice in the **Federal Register**. If a new minimum transmission capacity is published in the **Federal Register** while an application is pending, broadband service for the purpose of reviewing the application will be defined by the minimum transmission capacity that was required at the time the application was received by the Agency.

Build-out means the construction, improvement, or acquisition of facilities and equipment, except for customer premises equipment (CPE).

Competitive analysis means a study that identifies service providers and products in the service area that will compete with the Applicant's operations.

Composite economic life means the weighted (by dollar amount of each class of facility in the requested assistance) average economic life as determined by the Agency of all classes of facilities financed by the award.

Current Ratio (CR) means the current assets divided by the current liabilities.

Customer premises equipment (CPE) means any network-related equipment used by a customer to connect to a service provider's network.

Debt Service Coverage Ratio (DSCR) *means* the ratio of the sum of the Awardee's total net income or margins, depreciation and amortization expense, and interest expense, minus an allowance for funds used during construction and amortized grant revenue, all divided by the sum of interest on funded debt, other interest, and principal payment on debt and capital leases.

Density means the total population to be served by the project divided by the total number of square miles to be served by the project. If multiple service areas are proposed, the density calculation will be made on the combined areas as if they were a single area, and not the average densities.

Development costs mean the pre-application costs associated with construction, design of the system, and other professional labor, as approved by the Agency. Further guidance on what constitutes approved development costs will be outlined in the Agency's application guide.

Economic life means the estimated useful service life of an asset financed by the loan or grant, as determined by the Agency.

Feasibility study means the pro forma financial analysis performed by the Agency, based on the financial projections prepared by the Applicant, to determine the financial feasibility of a loan or loan/grant combination request.

Financial feasibility means the Applicant's ability to generate sufficient revenues to cover its expenses, sufficient cash flow to service its debts and obligations as they become due and meet the Net worth and minimum Times Interest Earned Ratio (TIER), CR, or DSCR requirements of § 1738.206(b)(2)(i) by the end of the forecast period. Financial feasibility of an application is based on a projection that spans the forecast period and the entire operation of the Applicant, not just the proposed project.

Fiscal year refers to the Applicant or awardee's fiscal year, unless otherwise indicated.

Forecast period means the time period used in the feasibility study to determine if an application is financially feasible.

GAAP means generally accepted accounting principles in the United States of America.

Grant documents means the grant contract and security agreement between the Agency and the Awardee securing the grant.

Grantee means an entity that has an outstanding broadband grant made by the Agency, with outstanding obligations under the Award documents.

Incumbent service provider means a service provider that provides terrestrial broadband service to at least 5 percent of the households in the proposed funded service area at the time of application submission. Resellers are not considered incumbent service providers. If an Applicant proposes an acquisition, the Applicant will be considered a service provider for that area. The Agency will not consider mobile or satellite providers when determining the incumbent service providers in the area.

Indefeasible right to use (IRU) means the long-term agreement of the rights to capacity, or a portion thereof specified in terms of a certain amount of bandwidth or number of fibers.

Interim financing means funds used for eligible Award purposes after an Award offer has been extended to the Applicant by the Agency. Such funds may be eligible for reimbursement from Award funds if an Award is made.

Loan guarantee means Federal assistance in the form of a guarantee of a loan, or a portion thereof, made by another lender.

Loan funds means funds provided pursuant to a broadband loan made or guaranteed under this part by the Agency.

Market survey means the collection of information on the supply, demand, usage, and rates for proposed services to be offered by an Applicant in support of the Applicant's financial projections.

Net worth means the difference between an entity's total assets and total liabilities.

Project means all work to be performed to bring broadband service to all premises in the proposed funded service area under the Application that is approved for assistance. This includes the construction, purchase and installation of equipment, and professional services including engineering and accountant/consultant fees. A project may be funded with Federal assistance or other funds.

Project completion means that all Award funds for construction of the broadband system, excluding those funds for subscriber connections and CPE, have been advanced to the Awardee by RUS.

Proposed funded service area means the geographic service territory within which the Applicant is proposing to offer service at the broadband lending speed.

RE Act means the Rural Electrification Act of 1936, as amended (7 U.S.C. 901 *et seq.*).

Reseller means a company that purchases network services from service providers in bulk and resells them to commercial businesses and residential households. Resellers are not considered incumbent service providers.

Rural area(s) means any area which is not located within:

(i) A city, town, or incorporated area that has a population of greater than 20,000 inhabitants; or

(ii) An urbanized area contiguous and adjacent to a city or town that has a population of greater than 50,000 inhabitants. For purposes of this definition, an urbanized area means a densely populated territory as defined in the latest decennial census of the U.S. Census Bureau; and

(iii) Which excludes certain populations pursuant to 7 U.S.C. 1991(a)(13), or as otherwise provided by law.

RUS Borrower or *RUS Grantee* means any recipient of a loan or grant administered by the RUS Telecommunications Program that has a loan outstanding, or a grant which still has unadvanced funds available.

Security documents means any mortgage, deed of trust, security agreement, financing statement, or other document which grants or perfects to the Agency a security interest in collateral given as security for the assistance under this part.

Service area or *Service territory* means the geographic area within which a service provider offers broadband service.

Service provider means an entity providing broadband service.

System of accounts means the Agency's system of accounts for maintaining financial records as described in 7 CFR part 1770, subpart B.

TIER means times interest earned ratio. TIER is the ratio of an Applicant's net income (after taxes) plus interest expense, all divided by interest expense and with all financial terms customarily-required by GAAP or by the Uniform System of Accounts (USOA).

Total project cost means all eligible costs associated with the project that are laid out in the application budget schedule, including RUS loan and grant funding and non-RUS funds, as approved by the Agency.

(b) Accounting terms not otherwise defined in this part shall have the commonly-accepted meaning under GAAP and shall be recorded using the Agency's system of accounts.

§ 1738.3 Funding parameters.

(a) The amount of funds available for assistance, as well as the maximum and minimum Award amounts, will be published in the **Federal Register**. Applicants may apply for loans, loan/grant combinations, and loan guarantees.

(b) An Applicant that provides telecommunications or broadband service to at least 20 percent of the households in the United States is limited to an Award amount that is no more than 15 percent of the funds available to the Rural Broadband Program for the Federal fiscal year.

§§ 1738.4–1738.50 [Reserved]

Subpart B—Eligibility Requirements

§ 1738.51 Eligible entities.

(a) To be eligible for funding, an Applicant may be either a nonprofit or for-profit organization, and must take one of the following forms:

(1) Corporation;

(2) Limited liability company (LLC);

(3) Cooperative or mutual organization;

(4) Indian tribe or tribal organization as defined in 25 U.S.C. 5304; or

(5) State or local government, including any agency, subdivision, or instrumentality thereof.

(b) For loan guarantees, the underlying loan must be issued to an entity that meets the requirements in this part.

§ 1738.52 Eligible projects.

To be eligible for assistance under this part, the Applicant must:

(a) Agree to complete the build-out of the broadband system described in the application within 5 years from the day the Applicant is notified that funds are available. Under the terms of the Award documents, this 5-year period will commence from the date that the legal documents are cleared, and funds are made available to the Awardee. The application must demonstrate that all proposed construction can be completed within this 5-year period with the exception of CPE;

(b) Demonstrate an ability to provide service at the broadband lending speed to all premises in the proposed funded service area; and

(c) Provide additional equity, if necessary, to ensure financial feasibility (see § 1738.204) as determined by the Administrator.

(d) For loan guarantees, the underlying loan must be issued on a project that meets all eligibility requirements required in this part.

§ 1738.53 Eligible service area.

(a) A service area may be eligible for assistance as follows:

(1) For loan and loan/grant combinations, the proposed funded service area is completely contained within a rural area. For loan guarantee applications, the proposed funded service area must be contained within an area with a population of 50,000 or less, as defined in 7 U.S.C. 1991(a)(13);

(2) For loan/grant combinations, at least 90 percent of the households in the proposed service area must not have access to broadband service. For loans and loan guarantees, at least 50 percent of the households in the proposed

service area must not have access to broadband service;

(3) No part of the proposed funded service area has three or more incumbent service providers; and

(4) No part of the proposed funded service area overlaps with the service area of current RUS borrowers or grantees with outstanding obligations. Notwithstanding, after October 1, 2020, the service areas of grantees that are providing service that is less than 10 Mbps downstream or less than 1 Mbps upstream will be considered unserved unless, at the time of the proposed application, the grantee has begun to construct broadband facilities that will meet the minimum acceptable level of service established in § 1738.55.

(b) Non-contiguous areas in the same application will be considered separate service areas and must be treated separately for the purpose of determining service area eligibility. If one or more non-contiguous areas within an application are is determined to be ineligible, the Agency may consider the remaining areas in the application for eligibility.

(c) When determining the eligibility of a proposed funded service area, the Agency will use the information submitted through the public notice response (see § 1738.106) as well as all available information collected through various means by the Agency, including but not limited to consultation with other Federal and State agencies and RUS' own site-specific assessment of the level of service in an area.

(d) Mobile and satellite services will not be considered in making the determination that households in the proposed service area do not have access to broadband service.

§ 1738.54 Eligible service area exceptions for broadband facility upgrades.

(a) Applicants upgrading existing broadband facilities in their existing service area are exempt from the requirement concerning the limit of incumbent service providers in § 1738.53(a)(3). Additionally, applicants for loans or loan guarantee funding that have received a broadband loan under Section 601 of the RE Act are exempt from the requirement concerning the number of households in § 1738.53(a)(2) without access to broadband service.

(b) Applicants submitting one application to upgrade existing broadband facilities and to expand service beyond their existing service area must segregate the upgrade and expansion into two service areas, even if the upgrade and expansion areas are contiguous. The expansion service area will not be subject to any exemptions.

(c) Applicants will be asked to remove areas determined to be ineligible from their proposed funded service area. The application will then be evaluated based on what remains if the resultant service territory is *de minimis* in change. Otherwise, the Applicant will be requested to provide additional information to the Agency relating to the ineligible areas, such as updated pro forma financials. If the Applicant fails to respond, the application may be returned.

§ 1738.55 Broadband lending speed requirements.

(a) Projects must meet the broadband build-out standards in paragraphs (a)(1) through (5) of this section in order to be considered for assistance.

(1) Projects with an Award term of less than 5 years must provide service at the broadband lending speed;

(2) Projects with an Award term of 5 to 10 years must provide service at four times the broadband lending speed;

(3) Projects with an Award term of 11 to 15 years must provide service at six times the broadband lending speed;

(4) Projects with an Award term of 16 to 20 years must provide service at eight times the broadband lending speed; and

(5) Projects with an Award term over 20 years must provide service at ten times the broadband lending speed.

(b) If an Applicant demonstrates that it would be cost prohibitive to meet the broadband lending speed in paragraph (a) of this section in the proposed funded service area due to the unique characteristics of the service territory, the Administrator may agree to utilize substitute service standards. In such cases, Applicants must document in their application why the unique characteristics of such an area make it cost prohibitive to provide service at the broadband lending speed. Note that the proof of burden on Applicants will be extremely high.

§ 1738.56 Eligible assistance purposes.

Assistance under this part may be used to pay for any of the following expenses:

(a) To fund the construction, improvement, or acquisition of all facilities required to provide service at the broadband lending speed to rural areas, including facilities required for providing other services over the same facilities.

(b) To fund the cost of leasing facilities required to provide service at the broadband lending speed if such lease qualifies as a capital/finance lease under GAAP. Notwithstanding, assistance can only be used to fund the cost of the capital/finance lease for no more than the first three years of the lease period. If an IRU qualifies as a capital/finance lease, the entire cost of the lease will be amortized over the life of the lease and only the first 3 years of the amortized cost can be funded.

(c) To fund an acquisition, provided that:

(1) The acquisition is necessary for furnishing or improving service at the broadband lending speed;

(2) The acquired service area, if any, meets the eligibility requirements set forth in § 1738.53;

(3) The acquisition cost does not exceed 50 percent of the broadband assistance; and

(4) For the acquisition of another entity, the purchase provides the Applicant with a controlling majority interest in the entity acquired.

(d) To refinance an outstanding obligation of the Applicant on another telecommunications loan made under the RE Act or on a non-RUS loan if that loan would have been for an eligible purpose under the Rural Broadband Program provided that:

(1) No more than 50 percent of the broadband assistance amount is used to refinance a non-RUS loan;

(2) The Applicant is current with its payments on the RUS telecommunications loan(s) to be refinanced; and

(3) The amortization period for that portion of the broadband loan that will be needed for refinancing will not exceed the remaining amortization period for the loan(s) to be refinanced. If multiple notes are being refinanced, an average remaining amortization period will be calculated based on the weighted dollar average of the notes being refinanced.

(e) To fund development costs in an amount not to exceed 5 percent of the total Award amount excluding amounts requested to refinance outstanding telecommunications loans. Development costs may be reimbursed only if they are incurred prior to the date on which notification of a complete application is issued (see § 1738.203) and a loan contract is entered into with RUS. Entities that meet the requirements in § 1738.101(d) may request this funding be provided as a grant. Otherwise, the funding will be provided in the form of a loan.

§ 1738.57 Ineligible assistance purposes.

Assistance under this part must not be used for any of the following purposes:

(a) To fund operating expenses of the Applicant except for eligible development costs under § 1738.56(e).

(b) To fund any costs associated with the project incurred prior to the date on

which notification of a complete application is issued (see § 1738.203), except for eligible development costs under § 1738.56(e).

(c) To fund the acquisition of the stock of an affiliate.

(d) To fund the purchase or acquisition of any facilities or equipment of an affiliate.

(e) To fund the purchase of CPE and the installation of associated inside wiring, unless the CPE will be owned by the Applicant throughout its economic life.

(f) To fund the purchase or lease of any vehicle unless it is used primarily in construction or system improvements.

(g) To fund the cost of systems or facilities that have not been designed and constructed in accordance with the Award contract and other applicable requirements.

(h) To fund broadband facilities leased under the terms of an operating lease, a short-term lease, or more than 3 years of a capital/finance lease.

(i) To fund merger or consolidation of entities.

(j) To fund non-capitalized labor in accordance with 2 CFR part 200 except for eligible development costs under § 1738.56(e).

(k) To provide grant funding, a subsidized loan or payment assistance to cover the costs to refinance an outstanding loan.

§§ 1738.58–1738.100 [Reserved]

Subpart C—Award Requirements

§ 1738.101 Grant assistance.

(a) To be eligible for grant funding, the Applicant must:

(1) Submit an application for an associated loan component under Title I, Title II, or Title VI of the RE Act; and

(2) Not be the recipient of any other broadband grant from RUS with unadvanced grant funds.

(b) The amount of grant funding on any project shall not exceed:

(1) 75 percent of the total project cost when the proposed funded service area has a density of fewer than 7 people per square mile;

(2) 50 percent of the total project cost when the proposed funded service area has a density of 7 or more and fewer than 12 people per square mile; and

(3) 25 percent of the total project cost with respect to an area with a density of 12 or more and 20 or fewer people per square mile.

(c) Subsequent density determinations, as well as density requirements for projects on tribal lands will be set by notice in the **Federal Register**.

(d) The Agency may provide additional grant funding of up to 75 percent of the development costs of projects requesting funding under Title VI that serve rural areas that:

(1) Lack access to broadband service with speeds of at least 10 Mbps downstream and 1 Mbps upstream; and

(2) Meet any one of the priorities set forth in § 1738.105(a)(3)(i).

§ 1738.102 Payment assistance for loans.

(a) Grant funding may also be used to provide assistance to Title VI Awardees in the form of subsidized loans at such rates as the Agency will issue from time to time by notice in the **Federal Register**, or in the form of a payment assistance loan, which shall require no interest and principal payments or require nominal periodic payments as determined by the Agency and published in the **Federal Register**.

(b) Subsidized loans shall only be available to projects which will serve rural areas lacking access to service with speeds of at least 10 Mbps downstream and 1 Mbps upstream and meets any one of the priorities set forth in § 1738.105(a)(3)(i).

(c) The Agency may determine, at its sole discretion, to provide a payment assistance loan which shall require no interest and principal payments or such nominal payments as the Secretary determines to be appropriate. Such loans will only be provided to projects which will serve rural areas lacking access to service of speeds of 10 Mbps downstream and 1 Mbps upstream and meets any two of the priorities set forth in § 1738.105(a)(3)(i). When considering the authority to provide a payment assistance loan, the Agency will consider how such assistance will:

(1) Improve the Applicant's compliance with the commitments of the Agency's standard Award agreement, in addition to any additional requirements imposed by the Agency specific to the project;

(2) Promote the completion of the broadband project;

(3) Protect taxpayer resources; and

(4) Support the integrity of the Agency's broadband programs.

(d) The Agency and recipients of payment assistance loans must agree to specific milestones and objectives for the project which must be met, in addition to the other requirements of this part. Such terms may be amended by mutual agreement for good cause. Failure to meet the agreed upon terms, upon the Agency's determination that such failure was a direct result of the Awardee's own actions, may result in the Agency's request to the return of all, or any portion, of the grant funds used for the payment assistance loan.

(e) Additionally, Applicants with an associated loan under Title I and Title II of the RE Act and which are seeking any grant assistance under this part, are not eligible for a subsidized loan or payment assistance loans.

§ 1738.103 Substantially Underserved Trust Areas (SUTA).

Applicants seeking assistance may request consideration under the SUTA provisions in 7 U.S.C. 936f.

(a) If the Administrator determines that a community within ''trust land'' (as defined in 38 U.S.C. 3765) has a high need for the benefits of the Rural Broadband Program, he/she may designate the community as a ''substantially underserved trust area'' (as defined in section 306F of the RE Act).

(b) To receive consideration under SUTA, the Applicant must submit to the Agency a completed application that includes all of the information requested in 7 CFR part 1700, subpart D. In addition, the Applicant must notify the Agency in writing that it seeks consideration under SUTA and identify the discretionary authorities of 7 CFR part 1700, subpart D, it seeks to have applied to its application. Note, however, that the two years of historical audited financial statements and Net worth requirement for loan and loan/grant combination Applicants in § 1738.206(b)(2)(i) cannot be waived.

§ 1738.104 Technical assistance.

Projects which will serve communities that meet, at least, three of the priorities as identified in § 1738.105(a)(3)(i) may request technical assistance and training from the Agency to:

(a) Prepare reports and surveys necessary to request grants, loans, and loan guarantees for broadband deployment;

(b) Improve management, including financial management, relating to the proposed broadband deployment;

(c) Prepare applications for grants, loans, and loan guarantees; and

(d) Assist with other areas of need as identified by the Agency through a notice in the **Federal Register**.

§ 1738.105 Priorities for approving assistance.

(a) The Agency will compare and evaluate all applications for assistance and shall give priority to applications in the manner set out in paragraphs (a)(1) through (4) of this section, which shall be scored as outlined in a notice published in the **Federal Register**. (Note

that for applications containing multiple proposed funded service areas, the percentage will be calculated combining all proposed funded service areas.)

(1) Applicant's providing broadband service to rural areas that do not have access to service of at least 10 Mbps upstream and 1 Mbps downstream.

(2) Projects that provide the maximum level of broadband service to the greatest proportion of rural households.

(3) Projects that:

(i) Serve rural areas:

(A) With a population of less than 10,000 permanent residents;

(B) Are experiencing outmigration and have adopted a strategic community investment plan under section 379H(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008v) that includes considerations for improving and expanding broadband service;

(C) With a high percentage of low-income families or persons (as defined in section 501(b) of the Housing Act of 1949 (42 U.S.C. 1471(b)));

(D) That are isolated from other significant population centers; or

(E) That provide rapid and expanded deployment of fixed and mobile broadband on cropland and ranchland within a service territory for use in various applications of precision agriculture; and

(ii) Were developed with the participation of, and will receive a substantial portion of the funding for the project from two or more stakeholders, including:

(A) State, local, and tribal governments;

(B) Nonprofit institutions; and

(C) Community anchor institutions, such public libraries, schools, institutions of higher education, health care facilities, private entities, philanthropic organizations and cooperatives.

(4) New construction projects requesting no refinancing.

(b) The Agency may assign special consideration priority points that will be issued in a notice in the **Federal Register** with respect to any funding opportunity.

(c) With respect to two or more applications that have the same priority, as outlined in paragraphs (a) and (b) of this section, the Agency shall give priority to the application that requests the least amount of grant funding as calculated based on the total amount of grant funds requested.

§ 1738.106 Public notice.

(a) The Agency will publish a public notice of each application requesting assistance under this part. The application must provide a summary of the information required for such public notice including all of the following information:

(1) The identity of the Applicant;

(2) A map of each proposed funded service area showing the rural area boundaries and the areas without broadband service using the Agency's mapping tool;

(3) The amount and type of support requested;

(4) The estimated number of households in each proposed funded service area without broadband service, excluding mobile and satellite service; and

(5) A description of all the types of services that the Applicant proposes to offer in each proposed funded service area.

(b) The public notice will remain available for 45 calendar days on the Agency's website, and will request existing service providers to submit to the Agency, within the same period, the following information:

(1) The number of residential and business customers within the Applicant's proposed funded service area that are currently offered, and that are purchasing, broadband service by the existing service provider, and the cost of each level of broadband service charged by the existing service provider;

(2) The number of residential and business customers within the Applicant's proposed funded service area that receive non-broadband services from the existing service provider, and the associated rates for these other services; and

(3) A map showing where the existing service provider's services coincide with the Applicant's proposed funded service area using the Agency's mapping tool.

(c) For purposes of 5 U.S.C. 552, information received from existing service providers under paragraph (b) of this section shall be exempt from disclosure.

(d) If an application is approved, an additional notice will be published on the Agency's website that will include the following information:

(1) The name of the entity receiving the financial assistance;

(2) The amount and type of assistance being received;

(3) The purpose of the assistance; and

(4) Each annual report submitted under § 1738.107, redacted as appropriate to protect any proprietary information in the report.

§ 1738.107 Additional reporting requirements for Awardees.

(a) Entities receiving assistance from the USDA to provide retail broadband service must submit annual reports for 3 years after project completion. The reports must include the following information:

(1) The purpose of the financing, including new equipment and capacity enhancements that support high-speed broadband access for educational institutions, health care providers, and public safety service providers (including the estimated number of end users who are currently using or forecasted to use the new or upgraded infrastructure); and

(2) The progress towards fulfilling the objectives for which the assistance was granted, including:

(i) The number of service points that will receive new broadband service, existing network service improvements, and facility upgrades resulting from the Federal assistance;

(ii) The speed of broadband services;

(iii) The average price of the most subscribed tier of broadband service in each proposed service area; and

(iv) The number of new subscribers generated from the project.

(b) Awardees must provide complete, reliable, and precise geolocation information that indicates the location of new broadband service that is being provided or upgraded within the service territory supported by the assistance no later than 30 days after the earlier of the date of:

(1) Completion of the project milestone established in the applicable assistance contract; or

(2) Project completion.

(c) Any other reporting requirements established by the Administrator by notice in the **Federal Register** before an application is submitted.

§ 1738.108 Environmental reviews.

(a) Federal agencies are required to analyze the potential environmental impacts, as required by the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA) for Applicant projects or proposals seeking funding. Please refer to 7 CFR part 1970 for all of Rural Development's environmental policies. All Applicants are required to provide environmental review documents, provide a description of program activities, and to submit all other required environmental documentation as requested in the application system or by the Agency after the application is submitted. It is the Applicant's responsibility to obtain all necessary Federal, tribal, State, and local governmental permits and approvals necessary for the proposed work to be conducted. Applicants are expected to design their projects so that they

minimize the potential for adverse impacts to the environment. Applicants also will be required to cooperate with the granting agencies in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of their proposed projects. The failure to do so may be grounds for not making an Award.

(b) The Agency may obligate, but not disperse, funds under Title VI of the Rural Electrification Act of 1936, before the completion of the otherwise required environmental historical, or other types of reviews if the Secretary determines that subsequent site-specific review shall be adequate and easily accomplished for the location of towers, poles, or other broadband facilities in the service area of the awardee without compromising the project or the required reviews.

§ 1738.109 Civil rights procedures and requirements.

(a) *Equal opportunity and nondiscrimination.* The agency will ensure that equal opportunity and nondiscriminatory requirements are met in accordance with the Equal Credit Opportunity Act and 7 CFR part 15. In accordance with Federal civil rights law and USDA civil rights regulations and policies, the USDA, its agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs).

(b) *Civil rights compliance.* Recipients of Federal assistance under this part must comply with the Americans with Disabilities Act of 1990, Title VI of the Civil Rights Act of 1964, and Section 504 of the Rehabilitation Act of 1973. In general, recipients should have available for the Agency racial and ethnic data showing the extent to which members of minority groups are beneficiaries of federally assisted programs. The Agency will conduct compliance reviews in accordance with 7 CFR part 15. Awardees will be required to complete Form RD 400–4, ''Assurance Agreement,'' for each Federal Award received.

(c) *Discrimination complaints.* Persons believing they have been subjected to discrimination prohibited by this section may file a complaint personally or by an authorized representative with USDA, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250. A complaint must be filed no later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the designated officials of USDA or the Agency.

§§ 1738.110–1738.150 [Reserved]

Subpart D—Loan and Loan/Grant Combination Award Terms

§ 1738.151 General.

Direct loans shall be in the form of a cost-of-money loan except as detailed in § 1738.152.

§ 1738.152 Interest rates.

(a) Direct cost-of-money loans shall bear interest at a rate equal to the cost of borrowing to the Department of Treasury for obligations of comparable maturity unless the project qualifies for a reduced interest rate as detailed in § 1738.102. The applicable interest rate will be set at the time of each advance.

(b) The interest rate for Applicants receiving payment assistance or Substantially Underserved Trust Areas (SUTA) consideration will be set at the time of the Award.

§ 1738.153 Terms and conditions.

Terms and conditions of the loan and loan/grant combinations are set forth in a mortgage, note, and loan contract. Samples of the mortgage, note, and loan contract can be found on the Agency's website.

(a) Unless requested to be shorter by the Applicant, loans must be repaid with interest within a period that, rounded to the nearest whole year, is equal to the expected composite economic life of the assets to be financed, as determined by the Agency based upon acceptable depreciation rates. Expected composite economic life means the weighted average economic life of all classes of facilities necessary to complete construction of the broadband facilities plus 3 years.

(b) Principal payments for each advance are amortized over the remaining term of the loan and are due monthly. Principal payments will be deferred until 3 years after the date of the first advance of loan funds. Interest begins accruing when the first advance of loan funding is made and interest payments are due monthly, with no deferral period.

(c) Awardees are required to carry fidelity bond coverage. Generally, this amount will be 15 percent of the loan or loan/grant combination Award amount, not to exceed $5 million. The Agency may reduce the percentage required if it determines that the amount is not commensurate with the risk involved.

§ 1738.154 Security.

(a) The broadband loan or loan/grant combination must be secured by the assets purchased with the loan or loan/grant combination funds, as well as all other assets of the Applicant and any other cosigner of the Award documents except as allowed under section 601(h)(2) of the RE Act. With respect to loan/grant combinations, all grant assets must also be covered by a security interest in favor of the Government for the average composite economic life of all project assets financed with assistance, regardless of whether the loan is paid off before the maturity date. Additionally, the sale of all such grant assets shall be governed by 2 CFR part 200, regardless of the entity type of the Awardee.

(b) The Agency must be given an exclusive first lien, in form and substance satisfactory to the Agency, on all of the Applicant's property and revenues and such additional security as the Agency may require. The Agency may share its first lien position with another lender on a *pari passu,* prorated basis if security arrangements are acceptable to the Agency.

(c) Unless otherwise designated by the Agency, all property purchased with loan and loan/grant combination funds must be owned by the Applicant.

(d) In the case of loan and loan/grant combinations that include financing of facilities that do not constitute self-contained operating systems, the Applicant shall furnish assurance, satisfactory to the Agency, that continuous and efficient service that meets the broadband build-out requirements as noted in § 1738.55 will be rendered.

(e) The Agency will require adequate financial, investment, operational, reporting, and managerial controls in the Award documents.

§ 1738.155 Advance of funds.

RUS loan and grant advances are made at the request of the Awardee according to the procedures stipulated in the Award documents. For loan and loan/grant combination Awards, all non-RUS funds must be expended first, followed by loan funds and then grant funds, except for RUS approved development costs. Grant funds for eligible development costs, if any, will be used only on the first advance request.

§ 1738.156 Buy American requirement.

Awardees shall use in connection with the expenditure of loan and grant funds only such unmanufactured articles, materials, and supplies, as have been mined or produced in the United States or in any eligible country, and only such manufactured articles, materials, and supplies as have been manufactured in the United States or in any eligible country, substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States or in any eligible country. For purposes of this section, an ''eligible country'' is any country that applies with respect to the United States an agreement ensuring reciprocal access for United States products and services and United States suppliers to the markets of that country, as determined by the United States Trade Representative. The Buy American regulations may be found at, and any requests for waiver must be submitted pursuant to, 7 CFR part 1787.

§§ 1738.155–1739.200 [Reserved]

Subpart E—Loan and Loan/Grant Combination Application Review and Underwriting

§ 1738.201 Application submission.

(a) Loan and loan/grant combination applications must be submitted through the Agency's online application system.

(b) The Agency may publish additional application submission requirements in the **Federal Register**.

§ 1738.202 Elements of a complete application.

(a) *Online application system.* Loan and loan/grant combination applications must be submitted through RUS' online application system and include all information as required by that system and detailed in the Rural Broadband Program Application Guide (the Application Guide), available on the Agency's website, so that applications can be uniformly evaluated and compared.

(b) *DUNS registration.* All Applicants must register for a Dun and Bradstreet Universal Numbering System (DUNS) number as part of the application. The Applicant can obtain the DUNS number free of charge by calling Dun and Bradstreet. Go to *http://fedgov.dnb.com/webform* for more information on assignment of a DUNS number or confirmation.

(c) *SAM registration.* Prior to submitting an application, all Applicants requesting loan/grant combination funds must register in the System for Award Management (SAM) at *https://www.sam.gov/SAM/* and supply a Commercial and Government Entity (CAGE) code number as part of the application. SAM registration must be active with current data at all times, from the application review throughout the active Federal Award funding period. To maintain active SAM registration, the Applicant must review and update the information in the SAM database annually from the date of initial registration or from the date of the last update. The Applicant must ensure that the information in the database is current, accurate, and complete.

(d) *Contents of the application.* A complete application will include the following information as requested in the RUS online application system and Application Guide:

(1) General information on the Applicant and the project including:

(i) A description of the project that will be made public consistent with the requirements in this part; and

(ii) The estimated dollar amount of the funding request.

(2) An executive summary of the proposed project. The summary shall include, but not be limited to, a detailed description of the existing operations, discussion of key management, description of the workforce and a detailed description of the proposed project.

(3) A description of the proposed funded service area including the number of premises passed.

(4) Subscriber projections including the number of subscribers for broadband, video and voice services and any other service that may be offered. A description of the proposed service offerings and the associated pricing plan that the Applicant proposes to offer, and an explanation showing that the proposed service offerings are affordable.

(5) A map, utilizing the RUS mapping tool, of the proposed funded service areas identifying the areas lacking access to broadband service and the areas lacking access to service of speeds of at least 10 Mbps downstream and 1 Mbps upstream and any non-funded service areas of the Applicant

(6) A competitive analysis of the entire proposed service territory(ies) as required by § 1738.205.

(7) A network design which includes a description of the proposed technology used to deliver service at the required broadband lending speed (see § 1738.55) to all premises in the proposed funded service area, a network diagram, a build-out timeline and milestones for implementation of the project, and a capital investment schedule showing that the system can be built within 5 years from the date funds are made available to the Awardee. All of which must be certified by a professional engineer who is certified in at least one of the states where the project is to be constructed. The certification from the professional engineer must clearly state that the proposed network can deliver service at the required broadband lending speed (see § 1738.55) to all premises in the proposed funded service area.

(8) All environmental information as required by § 1738.108.

(9) Resumes of key management personnel, a description of the organization's readiness to manage a broadband services network, and an organizational chart showing all parent organizations and/or holding companies (including parents of parents, etc.) and all subsidiaries and affiliates.

(10) A legal opinion that addresses the Applicant's ability to enter into loan or loan/grant combination as requested in the application for financial assistance, to pledge security as required by the Agency, to describe all pending litigation matters, and such other requirements as are detailed in the Application Guide.

(11) A summary and itemized budgets of the infrastructure costs of the proposed project, including if applicable, the ratio of loans to grants, and any other sources of outside funding.

(12) A detailed description of working capital requirements and the sources of those funds.

(13) Complete copies of audited financial statements for the two years preceding the application submission as detailed in § 1738.206.

(14) The historical and projected financial information required in § 1738.206.

(15) Documentation proving that all required licenses and regulatory approvals for the proposed operation have been obtained, or the status of obtaining such licenses or approvals.

(16) If service is being proposed on tribal land, a certification from the proper tribal official that they are in support of the project and will allow construction to take place on tribal land. The certification must:

(i) Include a description of the land proposed for use as part of the proposed project;

(ii) Identify whether the land is owned, held in Trust, land held in fee simple by the Tribe, or land under a long-term lease by the Tribe;

(iii) If owned, identify the land owner; and

(iv) Provide a commitment in writing from the land owner authorizing the

Applicant's use of that land for the proposed project.

(17) Scoring sheet, analyzing the scoring criteria set forth in this part and most recent funding opportunity announcement.

(18) Additional items that may be required by the Administrator through a notice in the **Federal Register**.

(e) *Material representations.* The application, including certifications and all forms submitted as part of the application, will be treated as material representations upon which RUS will rely in awarding loans and loan/grant combinations.

§ 1738.203 Notification of completeness.

If all proposed funded service areas in a loan or loan/grant combination application are eligible, the Agency will review the application for completeness. The completeness review will include an assessment of whether all required documents and information have been submitted and whether the information provided is of adequate quality to allow further analysis.

(a) If the application contains all documents and information required by this part and is sufficient, in form and substance acceptable to the Agency, the Agency will notify the Applicant, in writing, that the application is complete. A notification of completeness is not a commitment that assistance will be approved. By submitting an application, the Applicant acknowledges that no obligation to enter into an agreement exists until the actual Award documents have been executed.

(b) If the application is considered to be incomplete or inadequate, the Agency will notify the Applicant, in writing, with detailed information regarding the reasons the applications was found to be incomplete or inadequate.

§ 1738.204 Evaluation for feasibility.

After a loan or loan/grant combination Applicant is notified that the application is complete, the Agency will evaluate the application's financial and technical feasibility. Only applications that, as determined by the Agency, are technically and financially feasible will be considered for funding.

(a) The Agency will determine financial feasibility by evaluating the impact of the facilities financed with the proceeds of the loan and the associated debt, the Applicant's equity, competitive analysis, financial information—including the Applicant's ability to meet the Agency's Net worth and TIER, DSCR, or CR requirements in § 1738.206(b)(2)(i)—and other relevant information in the application.

(b) The Agency will determine technical feasibility by evaluating the Applicant's network design and other relevant information in the application.

§ 1738.205 Competitive analysis.

The Applicant must submit a competitive market analysis for each service area regardless of projected penetration rates. Each analysis must identify all existing service providers and all resellers in each service area regardless of the provider's market share, for each type of service the Applicant proposes to provide. The analysis must compare the rates, services, and the quality of that service being offered by competitors against those that will be offered by the Applicant. The analysis must also discuss strategies the Applicant will use to compete, as well as the impacts of the competitors on the projected penetration rates for the project.

§ 1738.206 Financial information.

(a) The Applicant must submit financial information acceptable to the Agency that demonstrates that the Applicant has the financial capacity to fulfill the loan or loan/grant combination requirements in this part and to successfully complete the proposed project.

(1) Applicants must provide complete copies of audited financial statements (opinion letter, balance sheet, income statement, statement of changes in financial position, and notes to the financial statement) for the two years preceding the application submission. For governmental entities financial statements must be accompanied with certifications identifying unrestricted cash that will be available on a yearly basis to the Applicant. Subsidiary operations formed from existing utility providers may provide audited financial statements for the two previous years from the parent company, as long as the parent will be a cosigner of the loan or loan/grant documents, pledging its assets in accordance with § 1738.154(a), or will guarantee the debt.

(2) If the Applicant relies on services provided by a parent or affiliated operation, it must also provide complete copies of audited financial statements for those entities for the fiscal year preceding the application submission. If audited statements are not available, unaudited statements and tax returns for the previous year must be submitted.

(3) Applicants must provide detailed information for all outstanding obligations. Copies of existing notes, loan agreements, security agreement, or other legal documents covering loans, grants, leases, or other loan guarantees must be included in the application.

(4) Applicants must provide a detailed description of working capital requirements and the source of these funds, if internally generated funds are insufficient.

(b) Applicants must submit the following documents that demonstrate the proposed project's financial viability and ability to repay the requested loan.

(1) Customer projections for the 5-year forecast period that substantiate the projected revenues for each service that is to be provided. The projections must be provided on at least an annual basis and must be developed separately for each service area and must be clearly supported by evidence such as market surveys or current company take rates.

(2) Pro forma financial forecast, including a balance sheet, income statement, and statement of cash flows. For non-regulated entities, the pro forma should be prepared in conformity with U.S. GAAP and the Agency's guidance on grant accounting found at *https://www.rd.usda.gov/files/AccountingGuidance10.pdf.* Regulated telecommunications providers may follow the USOA and RUS accounting standards for their pro forma, including accounting for grant-funded assets as a contribution, in accordance with 47 CFR 32.2, if the project assets will be treated as regulated plant. The pro forma should validate the sustainability of the project by including subscriber estimates related to all proposed service offerings; annual financial projections with balance sheets, income statements, and cash flow statements; supporting assumptions for a 5-year forecast period and a depreciation schedule for existing facilities and those funded with Federal assistance, and other funds. This pro forma should indicate the committed sources of capital funding and include a bridge year prior to the start of the forecast period. This bridge year is the year in which the application is submitted and serves as a buffer between the historical financial information and the forecast period. Including the bridge year, the pro forma statements span a 6-year period.

(i) The financial projections submitted by Applicants must demonstrate that their entire operation will be able to meet two of the following three ratio requirements: A minimum TIER, CR, or DSCR equal to 1.25 by the end of the 5-year forecast period. Additionally, the projections must demonstrate the Applicant's ability to maintain a Net worth of at least 20 percent throughout the forecast period. Demonstrating that the operation can achieve a projected

Net worth of 20 percent and TIER, CR, or DSCR of 1.25 does not ensure that the Agency will approve the loan or loan/grant combination.

(ii) If the financial analysis suggests that the operation will not be able to achieve the Net worth requirement or two of the required TIER, CR, or DSCR in paragraph (b)(2)(i) of this section, the Agency will not approve the loan or loan/grant combination Award without additional capital, additional cash, additional security, and/or a change in the Award terms.

(c) Based on the financial evaluation, the Award documents will specify the Net worth and TIER, CR, or DSCR requirements in paragraph (b)(2)(i) of this section that must be met throughout the amortization period.

§ 1738.207 Network design.

(a) Applications for loan or loan/grant combinations must include a network design that demonstrates the project's technical feasibility. The network design must fully support the delivery of service to meet the broadband build-out requirements specified in § 1738.55, together with any other services to be provided. In measuring speed, the Agency will take into account industry and regulatory standards. The design must demonstrate that the project will be complete within the 5-year forecast period and must include the following items:

(1) A detailed description of the proposed technology that will be used to provide service at the broadband lending speed. This description must clearly demonstrate that all premises in the proposed funded service area will be able to receive service at the broadband lending speed;

(2) A detailed description of the existing network. This description should provide a synopsis of the current network infrastructure;

(3) A detailed description of the proposed network. This description should provide a synopsis of the proposed network infrastructure;

(4) A description of the approach and methodology for monitoring ongoing service delivery and service quality for the services being deployed;

(5) Estimated project costs detailing all facilities that are required to complete the project. These estimated costs must be broken down to indicate costs associated with each proposed service area and must specify how Agency and non-Agency funds will be used to complete the project;

(6) A construction build-out schedule of the proposed facilities by service area on an annual basis. The build-out schedule must include:

(i) A description of the workforce that will be required to complete the proposed construction;

(ii) A timeline demonstrating project completion within the forecast period; and

(iii) Detailed information showing that all premises within the proposed funded service area will be offered service at the broadband lending speed when the system is complete;

(7) A depreciation schedule for all facilities financed with loan and loan/grant combination funds;

(8) An environmental report prepared in accordance with 7 CFR part 1970; and

(9) Any other system requirements required by the Administrator through a notice published in the **Federal Register**.

(b) The network design must be prepared by a registered Professional Engineer with telecommunications experience who is certified in at least one of the states where a project is to be constructed or by qualified personnel on the Applicant's staff. If the network design is prepared by the Applicant's staff, the application must clearly demonstrate the staff's qualifications, experience, and ability to complete the network design. To be considered qualified, staff must have at least 3 years of experience in designing the type of broadband system proposed in the application.

§ 1738.208 Award determinations.

(a) If the loan or loan/grant combination application meets all statutory and regulatory requirements and the feasibility study demonstrates that the Net worth and TIER, CR, or DSCR requirements in § 1738.206(b)(2)(i) can be satisfied and the business plan is sustainable, the application will be submitted to the Agency's credit committees for consideration according to the priorities in § 1738.105. Such submission of an application to the Agency's credit committees does not guarantee that a loan or loan/grant combination will be approved. In making a loan and/or loan/grant combination Award determination, the Administrator shall consider the recommendations of the credit committees.

(b) The Applicant will be notified of the Agency's decision in writing. If the Agency does not approve the loan or loan/grant combination, a rejection letter will be sent to the Applicant, and the application will be returned with an explanation of the reasons for the rejection.

§§ 1738.209–1738.250 [Reserved]

Subpart F—Closing, Servicing, and Reporting for Loan and Loan/Grant Combination Awards

§ 1738.251 Offer and closing.

The Agency will notify the Applicant of the loan or loan/grant combination offer in writing, and the date by which the Applicant must accept the offer. If the Applicant accepts the terms of the offer, a loan or loan/grant combination contract, note, security agreement, and any other necessary documents will be executed by the Agency and sent to the Applicant. The Applicant must execute the Award documents and satisfy all conditions precedent to closing within the timeframe specified by the Agency. If the conditions are not met within this timeframe, the loan or loan/grant combination offer may be terminated, unless the Applicant requests and the Agency approves, an extension. The Agency may approve such a request if the Applicant has diligently sought to meet the conditions required for closing and has been unable to do so for reasons outside its control.

§ 1738.252 Construction.

(a) Construction paid for with loan or loan/grant combination funds must comply with 7 CFR parts 1787, 1788, and 1970, the RUS Broadband Construction Procedures located at *https://reconnect.usda.gov,* and any other guidance from the Agency.

(b) Once the Agency has extended a loan or loan/grant combination offer, the Applicant, at its own risk, may start construction that is included in the application on an interim financing basis. For this construction to be eligible for reimbursement with loan or loan/grant combination funds, all construction procedures contained in this part must be followed. Note, however, that the Agency's extension of a loan or loan/grant combination offer is not a guarantee that a loan or loan/grant combination will be made, unless and until a contract has been entered into between the Applicant and RUS.

(c) All Awardees must complete build-out within 5 years from the date that funds have been made available. Build-out is considered complete when the network design has been fully implemented, the service operations and management systems infrastructure is operational, and the awardee is ready to support the activation and commissioning of individual customers to the new system.

§ 1738.253 Servicing of loan and loan/grant combinations.

(a) Borrowers must make payments on the broadband loan as required in the note.

(b) Awardees must comply with all terms, conditions, affirmative covenants, and negative covenants contained in the Award documents.

(c) In the event of default of any required payment or other term or condition:

(1) The Agency may exercise the default remedies provided in the Award documents and any remedy permitted by law but is not required to do so.

(2) If the Agency chooses not to exercise its default remedies, it does not waive its right to do so in the future.

§ 1738.254 Accounting, reporting, and monitoring requirements.

(a) Loan and loan/grant combination Awardees must adopt a system of accounts for maintaining financial records acceptable to the Agency, as described in 7 CFR part 1770, subpart B.

(b) Loan and loan/grant combination Awardees must submit annual audited financial statements along with a report on compliance and on internal control over financial reporting and management letter in accordance with the requirements of 7 CFR part 1773. The Certified Public Accountant (CPA) conducting the annual audit is selected by the awardee and must be approved by RUS as set forth in 7 CFR 1773.4.

(c) Loan and loan/grant combination Awardees must submit to RUS 30 calendar days after the end of each calendar year quarter, balance sheets, income statements, statements of cash flow, rate package summaries, and the number of customers subscribing to broadband service from the Awardee utilizing RUS' online reporting system. These reports must be submitted throughout the loan amortization period.

(d) Loan and loan/grant combination Awardees must submit annually updated service area maps through the RUS mapping tool showing the areas where construction has been completed and premises are receiving service until the entire proposed funded service area can receive service at the broadband lending speed. At the end of the project, Awardees must submit a service area map indicating that all construction has been completed as proposed in the application. If parts of the proposed funded service area have not been constructed, RUS may require a portion of the Award to be rescinded and/or paid back.

(e) Loan and loan/grant combination Awardees must comply with all reasonable Agency requests to support ongoing monitoring efforts. The Awardee shall afford RUS, through its representatives, reasonable opportunity, at all times during business hours and upon prior notice, to have access to and the right to inspect the broadband system, and any other property encumbered by the mortgage or security agreement, and any or all books, records, accounts, invoices, contracts, leases, payrolls, timesheets, cancelled checks, statements, and other documents, electronic or paper of every kind belonging to or in the possession of the Awardee or in any way pertaining to its property or business, including its subsidiaries, if any, and to make copies or extracts therefore.

(f) Awardee records shall be retained and preserved in accordance with the provisions of 7 CFR part 1770, subpart A.

§ 1738.255 Default and deobligation.

If a default under the loan or loan/grant combination documents occurs and such default has not been cured within the timeframes established in the Award documents, the Applicant acknowledges that the Agency may, depending on the seriousness of the default, take any of the following actions:

(a) To the greatest extent possible recover the maximum amount of grant and loan funds;

(b) De-obligate all funds that have not been advanced or demonstrate an insufficient level of performance or fraudulent spending; and

(c) Reallocate recovered funds to the extent possible.

§§ 1738.256–1738.300 [Reserved]

Subpart G—Loan Guarantee

§ 1738.301 General.

(a) To be eligible for a loan guarantee, the Applicant must submit an application that meets the requirements in this part along with the requirements as stated in 7 CFR part 4279, subparts A and B, as well as any additional requirements published in the **Federal Register**.

(b) The Agency may approve Rural Broadband Program loan guarantees in excess of $10 million but less than $25 million when the project meets one of the priorities in § 1738.105(a)(3)(i).

(c) The lender will service the loan in accordance with 7 CFR part 4287, subpart B.

(d) Any reference to priorities in 7 CFR part 4279 or 4287 shall have the meaning as stated in § 1738.105 and any reference to Administrator or Agency shall have the meaning as defined in § 1738.2.

§ 1738.302 Fees.

The Agency shall charge and collect from the lender fees in such amounts as to bring down the costs of subsidies for guaranteed loans, except that such fees shall not act as a bar to participation in the programs nor be inconsistent with current practices in the marketplace.

§§ 1738.303–1738.349 [Reserved]

§ 1738.350 OMB control number.

The information collection requirements in this part are approved by the Office of Management and Budget (OMB) and assigned OMB control number 0572–0154.

PART 1739—BROADBAND GRANT PROGRAM

■ 2. The authority citation for part 1739 continues to read as follows:

Authority: Title III, Public Law 108–199, 118 Stat. 3.

Subpart A—Community Connect Grant Program

■ 3. In § 1739.3, revise the definition of ''Broadband service'' and ''Critical Community Facilities'' to read as follows:

§ 1739.3 Definitions.

* * * * *

Broadband service means any terrestrial technology having the capacity to provide transmission facilities that enable subscribers of the service to originate and receive high-quality voice, data, graphics, and video at the minimum rate of data transmission described in the funding opportunity. Satellite and mobile services are not considered broadband service. The broadband service speed may be different from the broadband grant speed for the Community Connect program.

* * * * *

Critical Community Facilities means an essential community facility as defined pursuant to section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)).

* * * * *

■ 4. Add § 1739.8 to read as follows:

§ 1739.8 Buy American requirement.

Awardees shall use in connection with the expenditure of grant funds only such unmanufactured articles, materials, and supplies, as have been mined or produced in the United States or in any eligible country, and only such manufactured articles, materials, and

supplies as have been manufactured in the United States or in any eligible country, substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States or in any eligible country. For purposes of this section, an ''eligible country'' is any country that applies with respect to the United States an agreement ensuring reciprocal access for United States products and services and United States suppliers to the markets of that country, as determined by the United States Trade Representative. The Buy American regulations may be found at, and any requests for waiver must be submitted pursuant to, 7 CFR part 1787.

■ 5. Amend § 1739.15 as follows:

■ a. In paragraph (d) introductory text, after the text ''in accordance with 7 CFR part 1970'' add the text ''and as supplemented by 7 CFR 1738.108'';

■ b. Redesignate paragraph (l) as paragraph (m);

■ c. In newly redesignated paragraph (m)(8), after the text ''in accordance with 7 CFR part 1970'' add the text ''and as supplemented by 7 CFR 1738.108''; and

■ d. Add a new paragraph (l).

The addition reads as follows:

§ 1739.15 Completed application.

* * * * *

(l) *Public notice.* The Agency will publish a public notice of each application requesting assistance under this part. The application must provide a summary of the information required for such public notice. The information required can be found in 7 CFR 1738.106.

* * * * *

■ 6. Amend § 1739.19 by adding paragraph (f) to read as follows:

§ 1739.19 Reporting and oversight requirements.

* * * * *

(f) Entities that receive assistance from the Agency under this part to provide retail broadband service must submit annual reports for 3 years after project completion. The information required can be found in 7 CFR 1738.107(a) and (c).

Chad Rupe,

Administrator, Rural Utilities Service.

[FR Doc. 2020–04086 Filed 3–11–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0713; Product Identifier 2019–NM–116–AD; Amendment 39–19855; AD 2020–04–18]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus SAS Model A330–941 airplanes. This AD was prompted by reports indicating premature aging of certain chemical oxygen generators. This AD requires repetitively removing the affected chemical oxygen generators and replacing them with serviceable parts, 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 is effective April 16, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 16, 2020.

ADDRESSES: 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–2019–0713.

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–2019–0713; 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: Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3229; email *vladimir.ulyanov@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019–0140, dated June 12, 2019 (''EASA AD 2019–0140'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus SAS Model A330–941 airplanes.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus SAS Model A330–941 airplanes. The NPRM published in the **Federal Register** on October 9, 2019 (84 FR 54046). The NPRM was prompted by reports indicating premature aging of certain chemical oxygen generators. The NPRM proposed to require repetitively removing the affected chemical oxygen generators and replacing them with serviceable parts.

The FAA is issuing this AD to address premature aging of chemical oxygen generators. This condition, if not corrected, could lead to the generator failing to deliver oxygen during an emergency, possibly resulting in injury to airplane occupants. See the MCAI for additional background information.

Comments

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

Support for the NPRM

The Air Line Pilots Association, International, expressed support for the NPRM.

Request To Revise the Proposed AD To Apply to All Affected Components Regardless of Airplane Model

Delta Air Lines (DAL) requested that the proposed AD be revised to be applicable to all B/E Aerospace oxygen generators having part number 117042–XX, regardless of the airplanes on which

they are installed. DAL observed that three previous ADs, AD 2016–16–02, Amendment 39–18600 (81 FR 53255, August 12, 2016) (''AD 2016–16–02''), AD 2016–03–07, Amendment 39–18394 (81 FR 12405, March 9, 2016) (''AD 2016–03–07''), and AD 2016–10–13, Amendment 39–18524 (81 FR 33359, May 26, 2016) (''AD 2016–10–13''), affecting three different airplane models have been issued against these B/E Aerospace oxygen generators, which are used across multiple fleets, and that the same safety risk exists on all aircraft platforms on which it is installed.

The FAA disagrees with the request to revise this AD as indicated. A component AD would require any operator with B/E Aerospace oxygen generators installed on its airplanes to inspect the entire fleet to determine if an affected part number is installed. By limiting the applicability of this AD to the airplane model on which the affected part numbers are known to be installed, the burden on operators is reduced.

When the unsafe condition results from the installation of a particular component or appliance on an aircraft, and the aircraft model is known, the AD action is issued against the aircraft. The unsafe condition has been identified on B/E Aerospace oxygen generators installed on the Airbus SAS airplane models identified in AD 2016–16–02, AD 2016–03–07, and AD 2016–10–13. The FAA is issuing this AD because the agency has determined that the unsafe condition also exists on Airbus SAS Model A330–941 airplanes. The FAA has not changed this AD in this regard.

Conclusion

The FAA reviewed the relevant data, considered the comments received, 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 IBR Material Under 1 CFR Part 51

EASA AD 2019–0140 describes procedures for repetitively removing the affected chemical oxygen generators and replacing them with serviceable parts. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 2 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
3 work-hours × $85 per hour = $255	$390	$645	$1,290

* Costs given are for replacement of one chemical oxygen generator for each repetitive replacement. The number of affected generators depends on airplane configuration and cannot be estimated properly.

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

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):

2020–04–18 Airbus SAS: Amendment 39–19855; Docket No. FAA–2019–0713; Product Identifier 2019–NM–116–AD.

(a) Effective Date

This AD is effective April 16, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS Model A330–941 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 35, Oxygen.

(e) Reason

This AD was prompted by reports indicating premature aging of certain chemical oxygen generators. The FAA is issuing this AD to address premature aging of chemical oxygen generators. This condition, if not corrected, could lead to the generator failing to deliver oxygen during an emergency, possibly resulting in injury to airplane 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 2019–0140, dated June 12, 2019 (''EASA AD 2019–0140'').

(h) Exceptions to EASA AD 2019–0140

(1) Where EASA AD 2019–0140 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2019–0140 does not apply to this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, 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 2019–0140 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 Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3229; email *vladimir.ulyanov@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 2019–0140, dated June 12, 2019.

(ii) [Reserved]

(3) For information about EASA AD 2019–0140, 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–2019–0713.

(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 February 27, 2020.

Gaetano A. Sciortino,

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

[FR Doc. 2020–04998 Filed 3–11–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–1053; Product Identifier 2018–SW–037–AD; Amendment 39–19863; AD 2020–05–11]

RIN 2120–AA64

Airworthiness Directives; Robinson Helicopter Company Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for Robinson Helicopter Company Model R44 and R44 II helicopters with an agricultural spray system installed by Supplemental Type Certificate (STC) SR00286BO (spray system). This spray system is also known as a Simplex Manufacturing Company (Simplex) Model 244 spray system. This AD was prompted by a report of an in-flight failure of the spray system elbow pump fitting (pump fitting). This AD requires repetitive inspections of the spray system pump fitting, corrective action if necessary, replacement of the spray system pump fitting, and installation of hose supports and a pump outlet cover. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 16, 2020.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of April 16, 2020.

ADDRESSES: For service information identified in this final rule, contact Simplex Manufacturing Company, 13340 NE Whitaker Way, Portland, OR 97230; phone 503–257–3511; fax 503–257–8556; internet *www.simplex.aero.* You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–1053.

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–2019–1053; 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, any service information that is incorporated by reference, any comments received, and other information. The address for Docket Operations is Docket Operations, 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: Chris Bonar, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3521; email: *Christopher.Bonar@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would

apply to Robinson Helicopter Company Model R44 and R44 II helicopters with an agricultural spray system installed by STC SR00286BO with spray systems serial-numbered 0045 through 0178 inclusive. STC SR00286BO approves the installation of a Simplex spray system. The NPRM proposed to require a repetitive inspection until the pump fitting is modified. The NPRM published in the **Federal Register** on December 17, 2019 (84 FR 68817). The NPRM was prompted by a report of an in-flight failure of the spray system pump fitting. Following the issuance of a Simplex service letter, five additional reports of failed fittings were received. Failure of the pump fitting causes uncontrolled discharge of the spray liquid exiting the system pump. The pump output port is in direct alignment with the engine air intake, allowing the engine to ingest the spray liquid. This condition, if not addressed, could result in an in-flight engine shutdown.

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.

Related Service Information Under 1 CFR Part 51

The FAA reviewed the following service information:

- Simplex Mfg Alert Service Bulletin ASB2017–001, Initial Release, dated March 28, 2017. This service information describes procedures for inspecting the spray system pump fitting to detect damage, including signs of stress, cracking, fatigue, and evidence of leaking.
- Simplex Mfg Service Letter SL2017–017, Revision B, dated March 14, 2018. This service information describes procedures for replacing the spray system pump fitting with an improved pump fitting and installing hose supports.
- Simplex Mfg Service Letter SL2017–030, Initial Release, dated March 12, 2018. This service information describes procedures for installing a pump outlet cover.

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.

Other Related Service Information

The FAA reviewed Simplex Mfg, Installation Manual, Simplex Manufacturing Co. HPR44 III Spray System for the Robinson R44 Series Helicopter, Installation Manual PM001–HPR44III–25–008, Revision 7, dated May 2, 2017. This service information specifies unpacking, installation, and system function test procedures.

The FAA also reviewed Simplex Mfg, Instructions for Continued Airworthiness (ICA), Simplex Manufacturing Co. HPR44 III Spray System for the Robinson R44 Series Helicopter, PM011–HPR44III–25–007 ICA, Revision 9, dated April 20, 2018. This service information specifies general, airworthiness limitation, inspection and maintenance, dimension and access, lifting and shoring, leveling and weighing, towing and taxiing, storing, placard and marking, servicing and lubricating, standard practice, and equipment and furnishing information.

Costs of Compliance

The FAA estimates that this AD affects 75 helicopters of U.S. registry. Labor costs are estimated at $85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Inspecting the fitting takes about 0.1 work-hour for an estimated cost of $9 per helicopter and $675 for the U.S. fleet per inspection cycle. Replacing the fitting and installing the cushion clamp and hose supports takes about 1 work-hour with a nominal parts costs for an estimated cost of $85 per helicopter and $6,375 for the U.S. fleet. Installing the pump outlet cover takes about 1 work-hour and parts cost about $300 for an estimated cost of $385 per helicopter and $28,875 for the U.S. fleet.

According to the manufacturer, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. The FAA does not control warranty coverage for affected individuals. As a result, all costs are included in this cost estimate.

Authority for This Rulemaking

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

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

Regulatory Findings

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):

2020–05—11 Robinson Helicopter Company: Amendment 39–19863; Docket No. FAA–2019–1053; Product Identifier 2018–SW–037–AD.

(a) Effective Date

This AD is effective April 16, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Robinson Helicopter Company Model R44 and R44 II helicopters, certificated in any category, with an

agricultural spray system installed by Supplemental Type Certificate (STC) SR00286BO with spray systems serial-numbered 0045 through 0178 inclusive, installed.

Note 1 to paragraph (c) of this AD: STC SR00286BO approves the installation of Simplex Manufacturing Company Model 244 spray system (spray system). Earlier models of this system have a metal flanged fitting that is not affected by this AD.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 2551, Agricultural Spray System.

(e) Unsafe Condition

This AD was prompted by a report of an in-flight failure of the spray system elbow pump fitting (pump fitting). The FAA is issuing this AD to prevent failure of the pump fitting, which could result in an in-flight engine shutdown.

(f) Compliance

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

(g) Required Actions

(1) Before further flight, and thereafter before each flight, visually inspect the spray system pump fitting for signs of stress, cracking, fatigue, and evidence of leaking by following the Accomplishment Instructions, paragraphs 1. through 4., of Simplex Mfg Alert Service Bulletin ASB2017–001, Initial Release, dated March 28, 2017 (ASB2017–001). If there is any sign of stress, cracking, fatigue, or evidence of leaking, before further flight, accomplish paragraph (g)(2) of this AD.

(2) Within 3 months, unless required before further flight by paragraph (g)(1) of this AD:

(i) Replace spray system pump fitting P/N P–58–0752–40 with fitting P/N 000–123847–000 and install cushion clamp P/N 000–115571–000 and cable tie hose supports by following the Accomplishment Instructions, paragraphs 1. through 6., of Simplex Mfg Service Letter SL2017–017, Revision B, dated March 14, 2018.

(ii) Install pump outlet cover P/N 244–302056–001 by following the Accomplishments Instructions, paragraphs 1. through 7., of Simplex Mfg Service Letter SL2017–030, Initial Release, dated March 12, 2018 (SL2017–030), except refer to Figure 2 when instructed to refer to Figure 1.

Note 2 to paragraph (g)(2)(ii) of this AD: SL2017–030 includes instructions that refer to a Figure 1; however, there is no Figure 1.

(iii) Pressurize the system and determine if the new fitting is functioning correctly by visually inspecting the spray system pump fitting for signs of stress, cracking, fatigue, and evidence of leaking by following the Accomplishment Instructions, paragraphs 1. through 4. of ASB2017–001. If there is any sign of stress, cracking, fatigue, or evidence of leaking, before further flight, remove from service the fitting, cushion clamp, cable tie hose supports, and pump outlet cover and replace with a new fitting, new cushion clamp, new cable tie hose supports, and new pump outlet cover, and repeat the actions required by this paragraph.

(3) After the effective date of this AD, do not install a Simplex Model 244 spray system approved under STC SR00286BO with pump fitting P/N P–58–0752–40 on any Robinson Helicopter Company Model R44 or R44 II helicopter.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle 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 (i) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-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.

(i) Related Information

For more information about this AD, contact Chris Bonar, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3521; email: *Christopher.Bonar@faa.gov*.

(j) 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 the AD specifies otherwise.

(i) Simplex Mfg Alert Service Bulletin ASB2017–001, Initial Release, dated March 28, 2017.

(ii) Simplex Mfg Service Letter SL2017–017, Revision B, dated March 14, 2018.

(iii) Simplex Mfg Service Letter SL2017–030, Initial Release, dated March 12, 2018.

(3) For Simplex Mfg service information identified in this AD, contact Simplex Manufacturing Company, 13340 NE Whitaker Way, Portland, OR 97230; phone 503–257–3511; fax 503–257–8556; internet *www.simplex.aero*.

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110.

(5) 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 March 6, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–05024 Filed 3–11–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–1093; Project Identifier AD–2019–00144–E; Amendment 39–21103; AD 2020–06–01]

RIN 2120–AA64

Airworthiness Directives; CFM International, S.A., Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all CFM International S.A. (CFM) LEAP–1B21, –1B23, –1B25, –1B27, –1B28, –1B28B1, –1B28B2, –1B28B2C, –1B28B3, –1B28BBJ1, and –1B28BBJ2 model turbofan engines. This AD was prompted by reports of two new unsafe conditions and the need to supersede corrective actions for two previously addressed unsafe conditions. This AD supersedes AD 2018–25–09 and AD 2019–12–01, which apply to the affected LEAP–1B model turbofan engines. This AD requires revising the Airworthiness Limitations Section (ALS) of the applicable CFM LEAP–1B Engine Shop Manual and the operator's approved continuous airworthiness maintenance program. The FAA is issuing this AD to address the unsafe conditions on these products.

DATES: This AD is effective April 16, 2020.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of April 16, 2020.

ADDRESSES: For service information identified in this final rule, contact CFM International, Inc., Aviation Operations Center, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45125; phone: 877–432–3272; fax: 877–432–3329; email: *aviation.fleetsupport@ge.com.* You may view this service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759. It is also available on the internet at *https://www.regulations.gov* by searching for

and locating Docket No. FAA–2019–1093.

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–2019–1093; 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, 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: Christopher McGuire, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7120; fax: 781–238–7199; email: *chris.mcguire@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on January 23, 2020 (85 FR 3871), prompted by reports of two new unsafe conditions affecting CFM LEAP–1B model turbofan engines: (1) Increased fuel flow through certain fuel nozzles due to fuel nozzle coking, potentially causing distress to the static structures of the high-pressure turbine (HPT) and in-flight shutdown (IFSD) of one or more engines; and (2) the potential for undetected subsurface anomalies formed during the manufacturing process that could result in uncontained failure of the HPT stage 2 disk.

The NPRM also resulted from additional information related to two unsafe conditions previously addressed by AD 2018–25–09, Amendment 39–19520 (83 FR 63559, December 11, 2018) (''AD 2018–25–09''), and AD 2019–12–01, Amendment 39–19656 (84 FR 28202, June 18, 2019) (''AD 2019–12–01''), regarding: (1) Icing in the pressure sensor lines, potentially causing inaccurate pressure sensor readings and loss of thrust control; and (2) inadequate oil flow to the radial drive shaft (RDS) bearing, which can cause failure of the bearing and IFSD of one or more engines. AD 2018–25–09 applied to all CFM LEAP–1B21, –1B23, –1B25, –1B27, –1B28, –1B28B1, –1B28B2, –1B28B2C, –1B28B3, –1B28BBJ1, and –1B28BBJ2 model turbofan engines. AD 2019–12–01 applied to CFM LEAP–1B21, –1B23, –1B25, –1B27, –1B28, –1B28B1, –1B28B2, –1B28B3,–1B28B2C, –1B28BBJ1, and –1B28BBJ2 model turbofan engines with certain RDS bearings installed. Thus, the FAA also proposed to supersede the two previously issued ADs addressing icing in the pressure sensor lines and inadequate oil flow to the RDS bearing.

The NPRM proposed to require revising the ALS of the applicable CFM LEAP–1B Engine Shop Manual and the operator's approved continuous airworthiness maintenance program to: (1) Add an ultrasonic inspection of the HPT stage 2 disk to detect subsurface anomalies formed during manufacturing; (2) add an inspection of the RDS bearing to address inadequate oil flow to the RDS bearing; (3) require monitoring and inspections of the fuel nozzle to address the potential distress to HPT static structures due to nozzle coking; and (4) update the electronic engine control (EEC) system software to address potential for icing in the pressure sensor lines.

The FAA is issuing this AD to address the unsafe conditions on these products.

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.

Request To Use CFM Diagnostics for Engine Monitoring To Detect Fuel Nozzle Coking

A commenter asked whether CFM Diagnostics reporting is an acceptable method of compliance for CFM Service Bulletin (SB) LEAP–1B–73–00–0030–01A–930A–D, Issue 001, dated January 8, 2020 (''SB 73–0030''). The commenter stated that CFM Diagnostics has created a diagnostic report that includes the limits published in SB 73–0030.

The FAA agrees that use of CFM Diagnostics is an acceptable method of compliance for the engine monitoring in the ALS revisions required by this AD. This AD requires revising the ALS to include paragraph 6.B.(1) of CFM Engine Shop Manual (ESM) Data Module LEAP–1B–05–29–00–01A–281B–C, Issue 001, dated January 9, 2020 (''ESM 05–29''), which requires either engine monitoring or repetitive borescope inspections specified in SB 73–0030 to detect fuel nozzle coking. Given that SB 73–0030 recommends the use of CFM Diagnostics to perform engine monitoring, no change to this AD is necessary.

The commenter also asked whether switching between the engine monitoring and borescope inspection requirements is acceptable, because SB 73–0030 says that ''You must do the trend monitoring or BSI of the turbine hardware,'' which implies that only one of the two methods must be used. The commenter indicated that there may be scenarios when a data interruption occurs and they need to switch from engine condition monitoring to a borescope inspection.

The FAA agrees that switching between the engine monitoring and borescope inspection requirements is acceptable because the FAA has previously approved SB 73–0030, which allows operators to use either option. Based on the foregoing, no change to this AD is necessary.

Request for Credit for Inspections of Transfer Gearbox (TGB) Related to Inadequate Oil Flow to RDS Bearing

A commenter requested that the AD provide credit for inspections of the TGB performed in accordance with CFM SB LEAP–1B–72–00–0222–01A–930A–D, Issue 007, dated May 17, 2019 (''SB 72–0222''). The commenter indicated that, although the service bulletins refer to different maintenance manual tasks, both SB 72–0222 and CFM SB LEAP–1B–72–00–0317–01A–930A–D, Issue 001, dated January 9, 2020 (''SB 72–0317''), require inspections meeting the same criteria.

The FAA agrees. This AD requires revising the ALS to include paragraph 6.B.(2) of ESM 05–29, which requires inspections of the RDS bearing as specified in SB 72–0317. SB 72–0317 provides the conditions for taking credit for inspections accomplished before the issuance of SB 72–0317, including inspections accomplished using SB 72–0222. Operators who meet the conditions specified in SB 72–0317 may take credit for previous inspections as part of their maintenance program. However, no change to this AD is necessary. Once an operator revises the ALS as required by this AD, the operator has fully complied with this AD. Compliance with the inspections remains mandatory as part of the ALS.

Support for the AD

The Boeing Company and the Air Line Pilots Association expressed support for the AD as written.

No Comments on the AD

United Airlines Engineering commented that it reviewed the NPRM and had no comments.

Conclusion

The FAA reviewed the relevant data, considered the comments received, and determined that air safety and the

public interest require adopting this AD as proposed.

Related Service Information Under 1 CFR Part 51

The FAA reviewed CFM ESM Data Module LEAP–1B–05–21–03–01A–281B–C, Issue 002, dated January 9, 2020 (''ESM 05–21''); and ESM 05–29. ESM 05–21 contains procedures for an ultrasonic inspection of the HPT stage 2 disk. ESM 05–29 contains procedures for inspection of the RDS bearing, monitoring and inspections of the fuel nozzle, and the required version of EEC system software. 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 162 engines installed on airplanes of U.S. registry.

The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Update ALS	4 work-hours × $85 per hour = $340	$0	$340	$55,080
TGB Screen Inspection	1 work-hour × 85 per hour = 85	0	85	13,770
HPT stage 2 Disk Inspection	6 work-hours × 85 per hour = 510	0	510	82,620
Fuel Nozzle Inspection	6 work-hours × 85 per hour = 510	0	510	82,620
Pressure Sub-system Software Upgrade	0.5 work-hours × 85 per hour = 42.50	0	42.50	6,885
RDS Borescope Inspection	2 work-hours × 85 per hour = 170	0	170	27,540

The FAA estimates the following costs to do any necessary replacements that would be required based on the results of the inspection. The FAA has no way of determining the number of aircraft that might need these replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
RDS Replacement	200 work-hours × $85 per hour = $17,000	$30,500	$47,500
HPT stage 2 Disk Replacement	1 work-hour × $85 per hour = $85	225,000	225,085
Replace Set of Fuel Nozzles	40 work-hours × $85 per hour = $3,400	120,000	123,400

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 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:

■ a. Removing Airworthiness Directive (AD) 2018–25–09, Amendment 39–19520 (FAA–2018–1023, December 11, 2018), and AD 2019–12–01, Amendment 39–19656 (84 FR 28202, June 18, 2019); and

■ b. Adding the following new AD:

2020–06–01 CFM International, S.A.: Amendment 39–21103; Docket No. FAA–2019–1093; Project Identifier AD–2019–00144–E.

(a) Effective Date

This AD is effective April 16, 2020.

(b) Affected ADs

This AD replaces AD 2018–25–09, Amendment 39–19520 (83 FR 63559, December 11, 2018), and AD 2019–12–01, Amendment 39–19656 (84 FR 28202, June 18, 2019).

(c) Applicability

This AD applies to all CFM International S.A. (CFM) LEAP–1B21, –1B23, –1B25, –1B27, –1B28, –1B28B1, –1B28B2, –1B28B3, –1B28B2C, –1B28BBJ1, and –1B28BBJ2 model turbofan engines.

(d) Subject

Joint Aircraft System Component (JASC) Code, 7200 (Turbine/Turboprop).

(e) Unsafe Condition

(1) This AD was prompted by multiple reports of engine in-flight shutdowns (IFSDs) and defects in the related applicable systems and one report of a melt-related defect of the high-pressure turbine (HPT) stage 2 disk material. The FAA is issuing this AD to prevent:

(i) Increased fuel flow through certain fuel nozzles leading to distress of the HPT static structures and IFSD of one or more engines;

(ii) Undetected subsurface anomalies formed during the manufacturing process that could lead to uncontained HPT disk failure;

(iii) Icing in the pressure sensor lines, inaccurate pressure sensor readings and loss of thrust control; and

(iv) Inadequate oil flow to the radial drive shaft (RDS) bearing, failure of the bearing, and IFSD of one or more engines.

(2) These unsafe conditions, if not addressed, could result in IFSD or failure of one or more engines, loss of thrust control and loss of the airplane.

(f) Compliance

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

(g) Required Actions

Within 15 days after the effective date of this AD, revise the Airworthiness Limitations Section (ALS) of the applicable CFM LEAP–1B Engine Shop Manual and the operator's existing approved continuous airworthiness maintenance program by inserting the following changes:

(1) Paragraph 6.B.(2) of the CFM Engine Shop Manual (ESM) Data Module LEAP–1B–05–21–03–01A–281B–C, Issue 002, dated January 9, 2020; and

(2) Paragraphs 6.B.(1), 6.B.(2), and 6.C.(1) of the CFM ESM Data Module LEAP–1B–05–29–00–01A–281B–C, Issue 001, dated January 9, 2020.

(h) No Alternative Procedures or Intervals

After the revisions required by paragraph (g) of this AD have been made, no alternative inspections, procedures, or intervals may be used unless approved as an alternative method of compliance in accordance with the procedures specified in paragraph (i) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

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

(j) Related Information

For more information about this AD, contact Christopher McGuire, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7120; fax: 781–238–7199; email: *chris.mcguire@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 the AD specifies otherwise.

(i) CFM International, S.A. (CFM) Engine Shop Manual (ESM) Data Module, LEAP–1B–05–21–03–01A–281B–C, Issue 002, dated January 9, 2020; and

(ii) CFM ESM Data Module LEAP–1B–05–29–00–01A–281B–C, Issue 001, dated January 9, 2020.

(3) For CFM service information identified in this AD, contact CFM International, S.A., Aviation Operations Center, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45125, United States; phone: (877) 432–3272; email: *fleetsupport@ge.com.*

(4) You may view this service information at FAA, Engine & Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759.

(5) 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 March 5, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–04997 Filed 3–11–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 744 and 762

[Docket No. 200310–0074]

RIN 0694–AH97

Temporary General License: Extension of Validity

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: The U.S. Government has decided to extend through May 15, 2020, the temporary general license to Huawei Technologies Co., Ltd. (Huawei) and one hundred and fourteen of its non-U.S. affiliates on the Entity List. In order to implement this decision, this final rule revises the temporary general license to remove the expiration date of April 1, 2020, and substitutes the date of May 15, 2020. In this same issue, BIS is publishing a notification of inquiry titled, *Request for Comments on Future Extensions of Temporary General License (TGL),* requesting comments on future extensions of a temporary general license under the Export Administration Regulations (EAR).

DATES: This rule is effective March 10, 2020, through May 15, 2020. The expiration date of the final rule published on February 18, 2020 (85 FR 8722), is extended until May 15, 2020.

FOR FURTHER INFORMATION CONTACT: Director, Office of Exporter Services, Bureau of Industry and Security, Department of Commerce, Phone: (949) 660–0144 or (408) 998–8806 or email your inquiry to: *ECDOEXS@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

As published on May 22, 2019 (84 FR 23468), extended and amended through a final rule published on August 21, 2019 (84 FR 43487), and as currently extended through a final rule published on February 18, 2020 (85 FR 8722), this temporary general license authorizes certain activities, including those necessary for the continued operations of existing networks and equipment as well as the support of existing mobile services, including cybersecurity research critical to maintaining the integrity and reliability of existing and fully operational networks and equipment. Exporters, reexporters, and transferors are required to maintain certifications and other records, to be made available when requested by BIS, regarding their use of the temporary general license.

As published on May 22, 2019 (84 FR 22961), and as revised and clarified by a final rule published on August 21, 2019 (84 FR 43493), any exports, reexports, or in-country transfers of items subject to the EAR to any of the listed Huawei entities as of the effective date they were added to the Entity List continue to require a license, with the exception of transactions explicitly authorized by the temporary general license and eligible for export, reexport, or transfer (in-country) prior to May 16, 2019 without a license or under a license exception. License applications will continue to be reviewed under a presumption of denial, as stated in the Entity List entries for the listed Huawei entities. No persons are relieved of other obligations under the EAR, including

but not limited to licensing requirements to the People's Republic of China (PRC or China) or other destinations and the requirements of part 744 of the EAR. The temporary general license also does not authorize any activities or transactions involving Country Group E countries (*i.e.,* Cuba, Iran, North Korea, Sudan, and Syria) or foreign nationals.

Extension of Validity

At this time, the U.S. Government has decided to extend the temporary general license until May 15, 2020. In order to implement this U.S. Government decision, this final rule revises the temporary general license to remove the date of April 1, 2020 and substitutes the date of May 15, 2020 in three places in Supplement No. 7 to part 744: The introductory text; paragraph (b)(1); and paragraph (c).

Export Control Reform Act of 2018

On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which included the Export Control Reform Act of 2018 (ECRA) (50 U.S.C. 4801–4852). ECRA provides the legal basis for BIS's principal authorities and serves as the authority under which BIS issues this rule. As set forth in Section 1768 of ECRA, all delegations, rules, regulations, orders, determinations, licenses, or other forms of administrative action that were made, issued, conducted, or allowed to become effective under the Export Administration Act of 1979 (previously, 50 U.S.C. 4601 *et seq.*) (as in effect prior to August 13, 2018 and as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*)) or the Export Administration Regulations, and were in effect as of August 13, 2018, shall continue in effect according to their terms until modified, superseded, set aside, or revoked under the authority of ECRA.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 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 rule has been determined to be not significant for purposes of Executive Order 12866. This rule is not an Executive Order 13771 regulatory action because this rule is not significant under Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to or be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves collections previously approved by OMB under control number 0694–0088, Simplified Network Application Processing System, which includes, among other things, license applications, and carries a burden estimate of 42.5 minutes for a manual or electronic submission. Total burden hours associated with the PRA and OMB control number 0694–0088 are not expected to increase as a result of this rule. You may send comments regarding the collection of information associated with this rule, including suggestions for reducing the burden, to Jasmeet K. Seehra, Office of Management and Budget (OMB), by email to *Jasmeet_K._Seehra@omb.eop.gov,* or by fax to (202) 395–7285.

3. This rule does not contain policies with federalism implications as that term is defined in Executive Order 13132.

4. Pursuant to section 1762 of ECRA, this action is exempt from the Administrative Procedure Act (5 U.S.C. 553) requirements for notice of proposed rulemaking, opportunity for public participation, and delay in effective date.

5. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* are not applicable. Accordingly, no regulatory flexibility analysis is required, and none has been prepared.

List of Subjects in 15 CFR Part 744 and 762

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, part 744 of the Export Administration Regulations (15 CFR parts 730 through 774) is amended as follows:

PART 744—[AMENDED]

■ 1. The authority citation for 15 CFR part 744 continues to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of September 19, 2019, 83 FR 49633 (September 20, 2019); Notice of November 12, 2019, 84 FR 61817 (November 13, 2019).

■ 2. Supplement No. 7 to part 744 is amended by revising the first sentence of the introductory text, paragraph (b)(1), and paragraph (c) introductory text to read as follows:

Supplement No. 7 to Part 744—Temporary General License

Notwithstanding the requirements and other provisions of Supplement No. 4 to this part, which became effective as to Huawei Technologies Co., Ltd. (Huawei), Shenzhen, Guangdong, China on May 16, 2019, and its non-U.S. affiliates listed in Supplement No. 4 to this part on, as applicable, May 16, 2019 or August 19, 2019, the licensing and other requirements in the EAR as of May 15, 2019, are restored in part as of May 20, 2019, and through May 15, 2020, pertaining to exports, reexports, and transfers (in-country) of items subject to the EAR to any of the listed Huawei entities. * * *

* * * * *

(b) * * *

(1) This temporary general license is effective from May 20, 2019, through May 15, 2020.

* * * * *

(c) *Authorized transactions.* This temporary general license allows, from May 20, 2019, through May 15, 2020, the following:

* * * * *

Dated: March 10, 2020.

Richard E. Ashooh,

Assistant Secretary for Export Administration.

[FR Doc. 2020–05190 Filed 3–10–20; 4:15 pm]

BILLING CODE 3510–33–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2019–0214; FRL–10006–31–Region 4]

Air Plan Approval; Alabama: Revisions to Cross-State Air Pollution Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving revisions to the Alabama State Implementation Plan (SIP), submitted by the State of Alabama, through the Alabama Department of Environmental Management (ADEM), via two letters dated August 27, 2018, and October 25, 2018. The SIP revisions make technical amendments to the State's Cross-State Air Pollution Rule (CSAPR) regulations. This action is being taken pursuant to the Clean Air Act (CAA or Act).

DATES: This rule is effective April 13, 2020.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2019–0214. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Steven Scofield, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9034. Mr. Scofield can also be reached via electronic mail at *scofield.steve@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On November 26, 2019 (84 FR 65061), EPA proposed to approve changes to the Alabama SIP that were provided to EPA through two letters dated August 27, 2018, and October 25, 2018.[1] Specifically, EPA proposed to approve two SIP revisions that include changes to Alabama's CSAPR regulations, found in ADEM Administrative Code Rules 335–3–5–.13, 335–3–8–.14, 335–3–8–.40, and 335–3–8–.46.[2]

Alabama's August 27, 2018, SIP revision makes changes to ADEM's CSAPR regulations by adding the term ''Group 2'' in several places to Rule 335–3–8-.40 to make the terminology consistent with EPA's CSAPR NO_X Ozone Season Group 2 Trading Program regulations. Alabama's October 25, 2018, SIP revision changes the CSAPR regulations in Rules 335–3–5-.13, 335–3–8-.14, and 335–3–8-.46 by explicitly addressing the disposition of any allowances that remain after allocations to all existing units have reached their historical emission caps as well as any allowances set aside for new units in Indian country within the State and not used for that purpose. In addition, the October 25, 2018, SIP revision makes minor and administrative changes, such as correcting typographical errors.

The details of the Alabama submission and the rationale for EPA's action are explained in the notice of proposed rulemaking. Comments on the proposed rulemaking were due on or before December 26, 2019. EPA received one adverse comment on the proposed action.

II. Response to Comments

EPA received one adverse comment from an anonymous commenter on the proposed rule published on November 26, 2019. *See* 84 FR 65061. This comment has been included in the docket for this action.

Comment: The Commenter asserts that CSAPR has been vacated by the recent rulings in *Wisconsin* v. *EPA* and *New York* v. *EPA* and states that EPA is therefore precluded from approving Alabama's requested changes because the State's program is based on an illegal federal plan. The Commenter makes several additional statements that are outside the scope of this action, including references to *Aloha Power* v. *EPA.*

Response: EPA disagrees with this comment. In *Wisconsin* v. *EPA,* the court remanded the CSAPR Update to EPA but did not vacate it, and the remand does not concern any aspect of the CSAPR Update rulemaking relevant to the minor SIP changes at issue in this action. 938 F.3d 303, 336 (D.C. Cir. 2019). In *New York* v. *EPA,* the court vacated a related action known as the CSAPR Close-out, but the vacatur does not extend to CSAPR or the CSAPR Update. 781 Fed. Appx. 4 (D.C. Cir. 2019). Thus, the Wisconsin and New York decisions do not bar approval of the requested changes to Alabama's SIP.

With respect to the commenter's discussion on endangerment findings, the comment is out of scope of this action, as EPA's action did not relate to an endangerment finding. Further, to the extent the Commenter intended to raise concerns other than those related to endangerment findings in its discussion of a possible U.S. Supreme Court decision named *Aloha Power* v. *EPA,* the commenter did not provide a citation and EPA is unable to find such a decision based on the description provided by the Commenter.

III. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of ADEM Administrative Code Rules 335–3–5-.13, 335–3–8-.14, and 335–3–8-.46, state effective on December 7, 2018, and 335–3–8-.40, state effective on October 5, 2018, which make the following revisions to Alabama's SIP: Add the term ''Group 2'' to the State's rules, consistent with EPA's CSAPR NO_X Ozone Season Group 2 Trading Program regulations; address the disposition of any allowances that remain after allocations to all existing units have reached their historical emission caps as well as any allowances set aside for new CSAPR NO_X Ozone Season Group 2 units in Indian country within Alabama and not used for that purpose; and make other minor changes. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into

[1] EPA received ADEM's submissions on September 7, 2018 and October 30, 2018, respectively.

[2] EPA notes that the Agency received other revisions to the Alabama SIP submitted with the August 27, 2018, letter. EPA will consider action on the remaining revisions in separate actions.

that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[3]

IV. Final Action

EPA is approving the aforementioned changes to ADEM Administrative Code Rules 335–3–5–.13, 335–3–8–.14, 335–3–8–.40, and 335–3–8–.46. These changes are consistent with the CAA.

V. Statutory and Executive Order Reviews

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

- Are not significant regulatory actions 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);
- Are not Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory actions because SIP approvals are exempted under Executive Order 12866;
- Do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Are certified as not having significant economic impacts on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Do not contain any unfunded mandates or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Are not economically significant regulatory actions based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Are not significant regulatory actions subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Are 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
- Do not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 11, 2020. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. These actions may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: February 27, 2020.

Mary S. Walker,

Regional Administrator, Region 4.

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 B—Alabama

■ 2. In § 52.50 amend the table in paragraph (c) by revising the entries for ''335–3–5–.13, TR SO_2 Allowance Allocations'', ''335–3–8–.14, TR NO_X Annual Allowance Allocations'', ''335–3–8–.40, TR NO_X Ozone Season Group 2 Trading Program—Applicability'', and ''335–3–8–.46, TR NO_X Ozone Season Group 2 Allowance Allocations'' to read as follows:

§ 52.50 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED ALABAMA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
*	*	*	*	*
335–3–5-.13	TR SO_2 Allowance Allocations	12/7/2018	3/12/2020, [Insert citation of publication].	Both sections of 335–3–5–.13 are included in the approved SIP.

[3] *See* 62 FR 27968 (May 22, 1997).

EPA-APPROVED ALABAMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
*	* *	*	* *	* *
335–3–8–.14	TR NO_X Annual Allowance Allocations.	12/7/2018	3/12/2020, [Insert citation of publication].	Both sections of 335–3–8-.14 are included in the approved SIP.
*	* *	*	* *	* *
335–3–8–.40	TR NO_X Ozone Season Group 2 Trading Program—Applicability.	10/5/2018	3/12/2020, [Insert citation of publication].	
*	* *	*	* *	* *
335–3–8–.46	TR NO_X Ozone Season Group 2 Allowance Allocations.	12/7/2018	3/12/2020, [Insert citation of publication].	
*	* *	*	* *	* *

* * * * *

[FR Doc. 2020–04854 Filed 3–11–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2019–0270; FRL–10006–33–Region 4]

Air Plan Approval; Tennessee: Open Burning and Definitions Revisions for Chattanooga

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a revision to the Chattanooga portion of the Tennessee State Implementation Plan (SIP), provided by the State of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC) from the Chattanooga/Hamilton County Air Pollution Control Bureau through a letter dated September 12, 2018. The submission revises the open burning regulations in the Chattanooga portion of the Tennessee SIP. EPA is approving the changes because they are consistent with the Clean Air Act (CAA or Act).

DATES: This rule is effective April 13, 2020.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R04–OAR–2019–0270. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division (formerly the Air, Pesticides and Toxics Management Division), U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Andres Febres, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–8966. Mr. Febres can also be reached via electronic mail at *febres-martinez.andres@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

EPA is taking final action to approve changes to the Chattanooga-Hamilton County portion of the Tennessee SIP that were provided to EPA through a letter dated September 12, 2018.[1] EPA is finalizing approval of the portions of this SIP revision that make changes relating to open burning at Chattanooga Ordinance Part II, Chapter 4, Article II, Section 4–41, Rule 6—''Prohibition of Open Burning.'' [2] [3]

In a notice of proposed rulemaking (NPRM) published on November 25, 2019 (84 FR 64806), EPA proposed to approve changes to open burning at Chattanooga Ordinance Part II, Chapter 4, Article II, Section 4–41, Rule 6—''Prohibition of Open Burning'' in the Chattanooga–Hamilton County portion of the Tennessee SIP.[4] The NPRM provides additional details regarding EPA's action. Comments on the NPRM were due on or before December 26, 2019.

[1] EPA received the SIP revision on September 18, 2018.

[2] In this final action, EPA is also approving substantively identical changes in the following sections of the Air Pollution Control Regulations/Ordinances for the remaining jurisdictions within the Bureau, which were locally effective as of the relevant dates below: Hamilton County—Section 41, Rule 6 (9/6/17); City of Collegedale—Section 14–341, Rule 6 (10/16/17); City of East Ridge—Section 8–41, Rule 6 (10/12/17); City of Lakesite—Section 14–41, Rule 6 (11/2/17); City of Red Bank—Section 20–41, Rule 6 (11/21/17); City of Soddy-Daisy—Section 8–41, Rule 6 (10/5/17); City of Lookout Mountain—Section 41, Rule 6 (11/14/17); City of Ridgeside Section 41, Rule 6 (1/16/18); City of Signal Mountain Section 41, Rule 6 (10/20/17); and Town of Walden Section 41, Rule 6 (10/16/17).

[3] Because the air pollution control regulations/ordinances adopted by the jurisdictions within the Bureau are substantively identical, EPA refers solely to Chattanooga and the Chattanooga rules throughout the notice as representative of the other ten jurisdictions for brevity and simplicity.

[4] In a November 25, 2019, NPRM, EPA provided clarification on its May 20, 2019 (84 FR 22786), proposed approval of part of the September 12, 2018, submittal relating to the SIP-approved definition of ''volatile organic compounds'' at Chattanooga Air Pollution Control Ordinance Part II, Chapter 4, Article I, Section 4–2—''Definitions.'' Specifically, in the November 25, 2019, NPRM, EPA clarified that its proposed approval of Chattanooga's revised definition of ''volatile organic compounds'' also includes substantively identical revisions to the regulations/ordinances of the other ten jurisdictions within the Bureau. EPA is finalizing its proposals related to the definition of volatile organic compounds for Chattanooga in a separate rulemaking.

II. Response to Comments

EPA received one adverse comment and one comment in favor of the proposed action. The comments are provided in the docket for this final rule, and EPA's response to the adverse comment is below.

Comment: The Commenter expresses concerns about the environmental and health impacts of open burning and states that opening burning should be banned in Chattanooga. The Commenter also mentions that people who decide to open burn should be punished and that more education is needed on the consequences of open burning in Chattanooga.

Response: EPA lacks the authority in this CAA section 110 SIP revision approval action to require Chattanooga to take the measures requested by the Commenter. Section 110 functions within a cooperative federalism system in which states propose implementation plans to attain and maintain the national ambient air quality standards (NAAQS), and EPA determines whether their specific plans comply with the CAA's requirements. In determining which emissions limits and other control measures to incorporate into SIPs, section 110(a)(2)(A) provides states with broad discretion to develop and implement the specific controls that ''may be necessary and appropriate'' to meet the Act's requirements. EPA's role is to determine whether a SIP revision meets the minimum criteria of the CAA; where it does, EPA must approve the revision. CAA section 110(k)(3).

Chattanooga developed its SIP—including the submitted revisions to its open burning regulations—within this context. There is no universal prohibition on open burning in section 110. Moreover, the Commenter has not pointed to, and EPA is not aware of, any CAA provision that would require EPA to reconsider its proposed approval of changes included in Tennessee's SIP revision or to require Chattanooga to adopt the requested measures. Because the SIP revision meets the requirements of the CAA, EPA must approve it.

EPA has evaluated the potential air quality impacts from the September 12, 2018 SIP revision and has made the final determination that the revision will not interfere with attainment or maintenance of the NAAQS, reasonable progress or any other applicable requirements of the CAA. As explained in the NPRM, the changes either create additional restrictions on open burning and thus improve air quality or are ministerial in nature. EPA notes that the Chattanooga area is in attainment of all NAAQS, with design values for the 2012 fine particulate matter and 2015 8-hour ozone NAAQS well below the standards.[5]

III. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of Chattanooga Air Pollution Control Ordinance Part II, Chapter 4, Article II, Section 4–41, Rule 6—''Prohibition of Open Burning,'' locally effective on October 3, 2017.[6] [7] EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 4 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[8]

IV. Final Action

EPA is approving changes to Section 4–41, Rule 6—''Prohibition of Open Burning'' into the Chattanooga portion of the Tennessee SIP because the changes are consistent with section 110 of the CAA. The SIP revision adds, clarifies, and updates Rule 6 consistent with applicable requirements.

V. Statutory and Executive Order Reviews

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

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

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a

[5] The 2018 design value is 8.8 micrograms per cubic meter ($\mu g/m^3$) for the 2012 fine particulate matter NAAQS (set at 12 $\mu g/m^3$), and the 2018 design value is 0.66 parts per million (ppm) for the 2015 8-hour ozone NAAQS (set at 0.70 ppm).

[6] EPA's approval also includes regulations/ordinances submitted for the other ten jurisdictions within the Bureau. *See* footnote 2, *supra.*

[7] In the November 25, 2019, NPRM (84 FR 64806), EPA inadvertently misidentified the locally effective date for Chattanooga's Section 4–41, Rule 6, as January 23, 2017. The correct date is October 3, 2017.

[8] *See* 62 FR 27968 (May 22, 1997).

copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 11, 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, Incorporation by reference, Lead, Nitrogen dioxide, Ozone, Particulate matter, Sulfur oxides, Volatile organic compounds.

Dated: February 27, 2020.

Mary S. Walker,

Regional Administrator, Region 4.

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 RR—Tennessee

■ 2. In § 52.2220. in paragraph (c), amend Table 4 by revising the entry for ''Section 4–41, Rule 6'' under the heading ''Article II. Section 4–41 Rules, Regulations, Criteria, Standards'' to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) * * *

TABLE 4—EPA APPROVED CHATTANOOGA REGULATIONS

State section	Title/subject	Adoption date	EPA approval date	Explanation
*	*	*	*	* * *
Article II. Section 4–41 Rules, Regulations, Criteria, Standards				
*	*	*	*	* * *
Section 4–41 Rule 6 ...	Prohibition of Open Burning.	10/3/17	3/12/20, ... [Insert citation of publication].	EPA's approval includes the corresponding sections of the Air Pollution Control Regulations/Ordinances for the remaining jurisdictions within the Chattanooga-Hamilton County Air Pollution Control Bureau, which were locally effective as of the relevant dates below: Hamilton County—Section 41, Rule 6 (9/6/17); City of Collegedale—Section 14–341, Rule 6 (10/16/17); City of East Ridge—Section 8–41, Rule 6 (10/12/17); City of Lakesite—Section 14–41, Rule 6 (11/2/17); City of Red Bank—Section 20–41, Rule 6 (11/21/17); City of Soddy-Daisy—Section 8–41, Rule 6 (10/5/17); City of Lookout Mountain—Section 41, Rule 6 (11/14/17); City of Ridgeside—Section 41, Rule 6 (1/16/18); City of Signal Mountain Section 41, Rule 6 (10/20/17); and Town of Walden Section 41, Rule 6 (10/16/17).
*	*	*	*	* * *

* * * * *

[FR Doc. 2020–04772 Filed 3–11–20; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 85, No. 49
Thursday, March 12, 2020

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0099; Product Identifier 2019–NM–169–AD]

RIN 2120–AA64

Airworthiness Directives; De Havilland Aircraft of Canada Limited (Type Certificate Previously Held by Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2010–23–04, which applies to all De Havilland Aircraft of Canada Limited Model DHC–8–400 series airplanes. AD 2010–23–04 requires repetitive detailed inspections of the nacelle attachment fittings for cracks, a conductivity inspection of the nacelle attachment fittings, and replacement if necessary. Since AD 2010–23–04 was issued, the FAA has determined that it is necessary to do a replacement with new nacelle attachment fittings. This proposed AD would retain the requirements of AD 2010–23–04, remove a certain inspection requirement for certain airplanes, and add a new requirement to replace the rear spar fitting and nacelle attaching structure with a new nacelle attachment fitting. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by April 27, 2020.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact De Havilland Aircraft of Canada Limited, Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd@dehavilland.com;* internet *https://dehavilland.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.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0099; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Andrea Jimenez, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7330; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2020–0099; Product Identifier 2019–NM–169–AD'' at the beginning of your comments. The FAA specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. The FAA will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

The FAA issued AD 2010–23–04, Amendment 39–16493 (75 FR 68174, November 5, 2010) (''AD 2010–23–04''), for all De Havilland Aircraft of Canada Limited Model DHC–8–400 series airplanes. AD 2010–23–04 requires repetitive detailed inspections of the nacelle attachment fittings for cracks, a conductivity inspection of the nacelle attachment fittings, and replacement if necessary. AD 2010–23–04 resulted from reports of cracked nacelle attachment fittings, which a preliminary investigation determined to be caused by stress corrosion. The FAA issued AD 2010–23–04 to address this condition, which, if not detected and corrected, could compromise the structural integrity of the nacelle attachment fitting and possibly result in collapse of the landing gear.

Actions Since AD 2010–23–04 Was Issued

Since AD 2010–23–04 was issued, the FAA has determined that it is necessary to require a replacement with new nacelle attachment fittings, which would be terminating action for the inspections specified in AD 2010–23–04. Additionally, paragraph (i) of AD 2010–23–04 requires repetitive detailed inspections for cracking on each of the four nacelle attachment fittings for airplanes having serial numbers 4305 through 4313 inclusive, and 4316 and subsequent. The FAA has retained this inspection in paragraph (h) of this proposed AD, but serial numbers 4381 and subsequent were modified in production and cannot have the affected part installed, so those airplanes were removed from the retained actions in paragraph (h) of this proposed AD.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF–2010–30R2, dated July 30, 2019 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe

condition for all De Havilland Aircraft of Canada Limited Model DHC–8–400 series 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–2020–0099.

This proposed AD was prompted by a determination that it is necessary to install new nacelle attachment fitting in order to address the unsafe condition. The FAA is proposing this AD to address cracked nacelle attachment fittings, which a preliminary investigation determined to be caused by stress corrosion. This condition, if not detected and corrected, could compromise the structural integrity of the nacelle attachment fitting and possibly result in collapse of the landing gear. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

Bombardier has issued Service Bulletin 84–54–14, Revision K, dated August 7, 2018. This service bulletin describes procedures for a conductivity inspection of the nacelle attachment fittings, repetitive detailed inspections of the nacelle attachment fittings for cracks, and replacement of the fitting.

Bombardier has also issued Service Bulletin 84–54–16, Revision D, dated August 7, 2018. This service information describes procedures for replacing the rear spar nacelle attachment fitting and associated structure with a new nacelle attachment fitting, part number (P/N) 8Z9305. The replacement includes applicable related investigative and corrective actions. The related investigative actions include an inspection of the internal bore and external surface of the main landing gear yoke pins, the drag strut pins, and the stabilizer brace pins for signs of corrosion and damage; an inspection of the inner bore and outer surface of the coat hangar pins for signs of corrosion and damage. The corrective actions include repair, rework, or replacement.

Bombardier has also issued Modification Summary Package IS4Q5400012, Revision B, dated July 11, 2012. This service information describes procedures for applying a fay sealant gasket to the rear spar access fitting access panel.

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.

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 a bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI and service information referenced above. The FAA is proposing this AD because the agency evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed Requirements of This NPRM

This proposed AD would retain all of the requirements of AD 2010–23–04. This proposed AD would also require accomplishing the actions specified in the service information described previously.

Costs of Compliance

The FAA estimates that this proposed AD affects 54 airplanes of U.S. registry.

The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS *

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2010–23–04.	3 work-hours × $85 per hour = $255	$0	$255	$13,770.
New proposed actions	320 work-hours × $85 per hour = $27,200	Up to $104,739	Up to $131,939	Up to $7,124,706.

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 has determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2010–23–04, Amendment 39–16493 (75 FR 68174, November 5, 2010), and adding the following new AD:

De Havilland Aircraft of Canada Limited (Type Certificate Previously Held by Bombardier, Inc.): Docket No. FAA–2020–0099; Product Identifier 2019–NM–169–AD.

(a) Comments Due Date

The FAA must receive comments by April 27, 2020.

(b) Affected ADs

This AD replaces AD 2010–23–04, Amendment 39–16493 (75 FR 68174, November 5, 2010) (''AD 2010–23–04'').

(c) Applicability

This AD applies to De Havilland Aircraft of Canada Limited (Type Certificate Previously Held by Bombardier, Inc.) Model DHC–8–400, –401, and –402 airplanes, certificated in any category, serial numbers 4001 and subsequent.

(d) Subject

Air Transport Association (ATA) of America Code 54, Nacelles/pylons.

(e) Reason

This AD was prompted by reports of cracked nacelle attachment fittings, which a preliminary investigation determined to be caused by stress corrosion. The FAA is issuing this AD to address this condition, which, if not detected and corrected, could compromise the structural integrity of the nacelle attachment fitting and possibly result in collapse of the landing gear.

(f) Compliance

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

(g) Retained Detailed and Conductivity Inspections and Replacement, With Revised Service Information and Revised Replacement Instructions

This paragraph restates the requirements of paragraph (g) of AD 2010–23–04, with revised service information and revised replacement instructions. For airplanes having serial numbers 4001 through 4304 inclusive, 4314, and 4315: Within 100 flight hours after November 22, 2010 (the effective date of AD 2010–23–04), do a detailed inspection for cracking, and a conductivity inspection on each of the 4 nacelle attachment fittings, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–54–14, Revision K, dated August 7, 2018. Repeat the detailed inspection at intervals not to exceed 300 flight hours, except as provided by paragraph (i) of this AD. Accomplishing the replacement specified in paragraph (g)(1)(ii) or (g)(2)(ii)(B) of this AD terminates the inspections required by this paragraph.

(1) If any nacelle attachment fitting is found cracked, before further flight, do the action specified in paragraph (g)(1)(i) or (ii) of this AD. As of the effective date of this AD, only the action specified in paragraph (g)(1)(ii) of this AD may be done.

(i) Replace the fitting with a new fitting in accordance with paragraph (2) of Part A of the Accomplishment Instructions of Bombardier Service Bulletin 84–54–14, Revision K, dated August 7, 2018.

(ii) Replace the rear spar nacelle attachment fitting and associated structure with a new nacelle attachment fitting, part number (P/N) 8Z9305, and do all applicable related investigative and corrective actions, in accordance with Part B of the Accomplishment Instructions of Bombardier Service Bulletin 84–54–16 Revision D, dated August 7, 2018. Do all applicable related investigative and corrective actions before further flight.

(2) If the conductivity of any test points on any fitting is found to be greater than 45.0 percent International Annealed Copper Standard (IACS) or if the conductivity of any test points on any fitting is found to be less than 38.0 percent IACS, do the actions required by paragraphs (g)(2)(i) and (ii) of this AD.

(i) Within 24 hours after accomplishing the conductivity inspection specified in paragraph (g) of this AD, do a detailed inspection of the nacelle attachment fitting for cracking, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–54–14, Revision K, dated August 7, 2018, and repeat thereafter at intervals not to exceed 24 hours. If cracking is found, before further flight, replace the fitting with a new fitting in accordance with the requirements of paragraph (g)(2)(ii) of this AD. Replacement of the fitting terminates the daily detailed inspection requirements of this paragraph.

(ii) Except as required by paragraph (g)(2)(i) of this AD: Within 300 flight hours after accomplishing the conductivity inspection specified in paragraph (g) of this AD, do the action specified in paragraph (g)(2)(ii)(A) or (B) of this AD. As of the effective date of this AD, only the action specified in paragraph (g)(2)(ii)(B) of this AD may be done.

(A) Replace the fitting with a new fitting in accordance with paragraph (2) of Part A of the Accomplishment Instructions of Bombardier Service Bulletin 84–54–14, Revision K, dated August 7, 2018.

(B) Replace the rear spar nacelle attachment fitting and associated structure with a new nacelle attachment fitting, P/N 8Z9305, and do all applicable related investigative and corrective actions, in accordance with Part B of the Accomplishment Instructions of Bombardier Service Bulletin 84–54–16 Revision D, dated August 7, 2018. Do all applicable related investigative and corrective actions before further flight.

(h) Retained Inspections and Replacement, With Revised Service Information, Revised Affected Airplanes, and Revised Replacement Instructions

This paragraph restates the requirements of paragraph (i) of AD 2010–23–04, with revised service information, revised affected airplanes, and revised replacement instructions. For airplanes having serial numbers 4305 through 4313 inclusive, and 4316 through 4380 inclusive, and airplanes that have replaced nacelle attachment fitting(s) with P/N 854146663: Within 1,200 flight hours after November 22, 2010 (the effective date of AD 2010–23–04), do a detailed inspection for cracking on each of the 4 nacelle attachment fittings, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–54–14, Revision K, dated August 7, 2018. If any nacelle attachment fitting is found cracked, before further flight, do the action specified in paragraph (h)(1) or (2) of this AD. As of the effective date of this AD, only the action specified in paragraph (h)(2) of this AD may be done. Thereafter, repeat the detailed inspection at intervals not to exceed 300 flight hours, except as provided by paragraph (i) of this AD. Accomplishing the replacement specified in paragraph (h)(2) of this AD terminates the inspections required by this paragraph.

(1) Replace the fitting with a new fitting in accordance with paragraph (2) of Part A of the Accomplishment Instructions of Bombardier Service Bulletin 84–54–14, Revision K, dated August 7, 2018.

(2) Replace the rear spar nacelle attachment fitting and associated structure with a new nacelle attachment fitting, P/N 8Z9305, and do all applicable related investigative and corrective actions, in accordance with Part B of the Accomplishment Instructions of Bombardier Service Bulletin 84–54–16 Revision D, dated August 7, 2018. Do all applicable related investigative and corrective actions before further flight.

(i) Retained Inspection Compliance Time, With Revised Service Information

This paragraph restates the requirements of paragraph (j) of AD 2010–23–04, with revised service information. For any fitting that is replaced in accordance with paragraph (3) of Part A of the Accomplishment Instructions of Bombardier Service Bulletin 84–54–14, Revision J, dated September 17, 2010; or paragraph (2) of Part A of the Accomplishment Instructions of Bombardier Service Bulletin 84–54–14, Revision K, dated August 7, 2018, as specified in paragraph (g) or (h) of this AD: Within 1,200 flight hours after replacing the fitting, do a detailed inspection of that replaced fitting as specified in paragraph (g) or (h) of this AD, and repeat the detailed inspection thereafter at intervals not to exceed 300 flight hours. Accomplishing the replacement specified in paragraph (g)(1)(ii), (g)(2)(ii)(B), or (h)(2) of this AD terminates the inspections required by this paragraph.

(j) Retained Credit for Previous Actions (Replacing the Fitting), With Revised Paragraph References

This paragraph restates the credit provided in paragraph (k) of AD 2010–23–04, with revised paragraph references. Accomplishing the replacement of the nacelle fittings in accordance with any Bombardier service bulletin identified in figure 1 to paragraphs (j) and (k) of this AD before November 22, 2010 (the effective date of AD 2010–23–04) is also acceptable for compliance with the fitting replacements specified in paragraphs (g)(1)(i), (g)(2)(ii)(A), and (h)(1) of this AD.

Figure 1 to paragraphs (j) and (k) – *Acceptable Service Information*

Bombardier Service Bulletin	Revision	Dated
84-54-14	Original	April 16, 2010
84-54-14	A	April 22, 2010
84-54-14	B	June 11, 2010
84-54-14	C	June 30, 2010
84-54-14	D	July 5, 2010
84-54-14	E	August 19, 2010
84-54-14	F	August 20, 2010
84-54-14	G	September 9, 2010
84-54-14	H	September 10, 2010

(k) Retained Credit for Previous Actions (Inspections), With No Changes

This paragraph restates the credit provided in paragraph (l) of AD 2010–23–04, with no changes. Accomplishment of the inspections required by paragraphs (g) and (h) of this AD before November 22, 2010 (the effective date of AD 2010–23–04) in accordance with any Bombardier service bulletin identified in figure 1 to paragraphs (j) and (k) of this AD is acceptable for compliance with the corresponding actions required by paragraphs (g) and (h) of this AD.

(l) New Requirements of This AD: Modification of the Rear Spar Fitting and Nacelle Attaching Structure

For airplanes with nacelle attachment fitting P/N 85414663: Unless already done as specified in paragraph (g)(1)(ii), (g)(2)(ii)(B), or (h)(2) of this AD: Within 8,000 flight hours or 48 months, whichever occurs first, from the effective date of this AD, replace the rear spar nacelle attachment fitting and associated structure with a new nacelle attachment fitting, P/N 8Z9305, and do all applicable related investigative and corrective actions, in accordance with Part B of the Accomplishment Instructions of Bombardier Service Bulletin 84–54–16, Revision D, dated August 7, 2018. Do all applicable related investigative and corrective actions before further flight.

(m) New Credit for Previous Actions

(1) This paragraph provides credit for actions required by paragraphs (g) and (h) of this AD that are identified in Bombardier Service Bulletin 84–54–14, Revision K, dated August 7, 2018, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 84–54–14, Revision J, dated September 17, 2010, which was incorporated by reference in AD 2010–23–04; except as provided by paragraph (p) of this AD.

(2) This paragraph provides credit for accomplishing the replacement of the rear spar fitting and nacelle attaching structure required by paragraph (l) of this AD, if those actions were performed before the effective date of this AD using the service information specified in paragraphs (m)(2)(i) through (iii) of this AD.

(i) Bombardier Service Bulletin 84–54–16, dated April 29, 2011.

(ii) Bombardier Service Bulletin 84–54–16, Revision A, dated August 1, 2011.

(iii) Bombardier Service Bulletin 84–54–16, Revision C, dated January 31, 2017.

(3) This paragraph provides credit for accomplishing the replacement of the rear spar fitting and nacelle attaching structure required by paragraph (l) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 84–54–16, Revision B, dated October 6, 2016, Although Bombardier Service Bulletin 84–54–16, Revision B, dated October 6, 2016, incorrectly stated that airworthiness limitations (AWLs) or damage tolerance inspections (DTIs) are not affected, they are affected. Refer to the applicable AWLs for Post/Pre-Modification Summary (ModSum) 4–113697 and Bombardier Service Bulletin 84–54–16 in the existing maintenance requirements manual.

(4) This paragraph provides credit for accomplishing the action identified in Bombardier Service Bulletin 84–54–14, Revision K, dated August 7, 2018, that are required by paragraphs (g) and (h) of this AD, if those actions were performed before the effective date of this AD using the service information specified in paragraphs (m)(4)(i) through (iv) of this AD.

(i) Bombardier Service Bulletin 84–54–15, dated August 20, 2010.

(ii) Bombardier Service Bulletin 84–54–15, Revision A, dated October 25, 2010.

(iii) Bombardier Service Bulletin 84–54–15, Revision B, dated February 2, 2017.

(iv) Bombardier Service Bulletin 84–54–15, Revision C, dated August 7, 2018.

(n) Terminating Action for Certain Actions in Paragraphs (g), (h), and (i) of This AD

Accomplishing the modification of the rear spar fitting and nacelle attaching structure required by paragraph (l) of this AD terminates the repetitive inspection required by paragraphs (g), (h), and (i) of this AD for that airplane.

(o) Parts Installation Limitations

As of the effective date of this AD, no person may install a rear spar nacelle attachment fitting P/N 85414663 on any airplane.

(p) Credit for Alternative to Certain Credit Actions

For airplanes on which Bombardier Service Bulletin 84 54 14, Revision J, dated September 17, 2010, was done before the effective date of this AD: As an alternative to applying sealant to each fitting and access panel as specified in paragraph C.(1) of the Accomplishment Instructions of Bombardier Service Bulletin 84–54–14, Revision J, dated September 17, 2010, the use of the instructions of Bombardier Modification Summary Package IS4Q5400012, Revision B, dated July 11, 2012, to apply sealant is also

acceptable if accomplished before the effective date of this AD.

(q) Other FAA AD Provisions

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York 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 ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531.

(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 2010–23–04, are approved as AMOCs for the corresponding provisions of this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or de Havilland's TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(r) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2010–30R2, dated July 30, 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–2020–0099.

(2) For more information about this AD, contact Andrea Jimenez, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7330; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

(3) For service information identified in this AD, contact De Havilland Aircraft of Canada Limited, Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd@dehavilland.com;* internet *https://dehavilland.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.

Issued on February 12, 2020.

Gaetano A. Sciortino,

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

[FR Doc. 2020–03271 Filed 3–11–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0155; Airspace Docket No. 20–ASO–4]

RIN 2120–AA66

Proposed Establishment of Class E Airspace; Wiggins, MS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace extending upward from 700 feet above the surface at Dean Griffin Memorial Airport, Wiggins, MS. Controlled airspace is necessary to accommodate new standard instrument approach procedures developed at Dean Griffin Memorial Airport, for the safety and management of instrument flight rules (IFR) operations.

DATES: Comments must be received on or before April 27, 2020.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2020–0155; Airspace Docket No. 20–ASO–4, 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 establish Class E airspace extending upward from 700 feet above the surface at Dean Griffin Memorial Airport, Wiggins, MS, 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–2020–0155; Airspace Docket No. 20–ASO–4.'' 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 establishing Class E airspace extending upward from 700 feet above the surface at Dean Griffin Memorial Airport, Wiggins, MS. 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.

* * * * *

ASO MS E5 Wiggins, MS [New]

Dean Griffin Memorial Airport, MS
(Lat. 30°54′35″ N, long. 089°09′41″ W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Dean Griffin Memorial Airport, excluding that airspace within Desoto 1 and Desoto 2 MOAs, when active.

Issued in Fort Worth, Texas, on March 5, 2020.

Wayne Eckenrode,

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

[FR Doc. 2020–05021 Filed 3–11–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 744

[Docket No. 200310–0073]

RIN 0694–ZA02

Request for Comments on Future Extensions of Temporary General License (TGL)

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Notification of inquiry.

SUMMARY: The Bureau of Industry and Security (BIS) is requesting comments on future extensions of a temporary general license under the Export Administration Regulations (EAR). BIS is requesting these comments to assist the U.S. Government in evaluating whether the temporary general license should continue to be extended, to evaluate whether any other changes may be warranted to the temporary general license, and to identify any alternative authorization or other regulatory provisions that may more effectively address what is being authorized under the temporary general license.

DATES: Submit comments on or before March 25, 2020.

ADDRESSES: You may submit comments, identified by docket number BIS 2020–0001 or RIN 0694–ZA02, through the *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

All filers using the portal should use the name of the person or entity submitting comments as the name of their files, in accordance with the instructions below. Anyone submitting business confidential information should clearly identify the business confidential portion at the time of submission, file a statement justifying nondisclosure and referencing the specific legal authority claimed, and provide a non-confidential version of the submission.

For comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters ''BC.'' Any page containing business

confidential information must be clearly marked ''BUSINESS CONFIDENTIAL'' on the top of that page. The corresponding non-confidential version of those comments must be clearly marked ''PUBLIC.'' The file name of the non-confidential version should begin with the character ''P.'' The ''BC'' and ''P'' should be followed by the name of the person or entity submitting the comments or rebuttal comments. All filers should name their files using the name of the person or entity submitting the comments. Any submissions with file names that do not begin with a ''BC'' or ''P'' will be assumed to be public and will be made publicly available through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Director, Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, by phone at (202) 482–2440 or email at *rpd2@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

As published on May 22, 2019 (84 FR 23468), extended and amended through a final rule published on August 21, 2019 (84 FR 43487), and as currently extended through a final rule published on February 18, 2020 (85 FR 8722) Commerce has authorized the temporary general license (TGL) to Huawei Technologies and 114 of its non-US affiliates on the Entity List. This extension authorizes support of existing networks and equipment as well as the support of existing mobile services. Exporters, reexporters, and transferors are required to maintain certifications and other records, to be made available when requested by BIS, regarding their use of the temporary general license. This TGL in Supplement No. 7 to part 744 of the Export Administration Regulations (EAR) is limited to authorizing transactions to one or more of the activities described in paragraphs (c)(1) through (3) of the TGL, destined to Huawei Technologies Co., Ltd. (Huawei) or any of its affiliates listed on the Entity List.

As published on May 22, 2019 (84 FR 22961), and as revised and clarified by a final rule published on August 21, 2019 (84 FR 43493), any exports, reexports, or in-country transfers of items subject to the EAR to any of the listed Huawei entities as of the effective date they were added to the Entity List continue to require a license, with the exception of transactions explicitly authorized by the temporary general license and eligible for export, reexport, or transfer (in-country) prior to May 16, 2019 without a license or under a license exception. License applications will continue to be reviewed under a presumption of denial, as stated in the Entity List entries for the listed Huawei entities.

No persons are relieved of other obligations under the EAR, including but not limited to licensing requirements to the People's Republic of China (PRC or China) or other destinations and the requirements of part 744 of the EAR. The temporary general license also does not authorize any activities or transactions involving Country Group E countries (*i.e.,* Cuba, Iran, North Korea, Sudan, and Syria) or nationals.

Request for Comments on Future Extensions of Validity

BIS welcomes comments from the public on the impact on companies, organizations, individuals, and other impacted entities in the following areas.

1. What would be the impact on your company or organization if the temporary general license is not extended?

2. Given the TGL was implemented to prevent the interruption of existing network communication systems and equipment, as set forth in paragraphs (c)(1) through (3) of the TGL, and allow time for companies and persons to shift to other sources of equipment, software and technology (*i.e.,* those not produced by Huawei or one of its listed affiliates), what would be required for your organization or industry to achieve such an end-state? For your industry or organization how long would it take until the authorization(s) in the temporary general license would no longer be required? What are costs associated with this shift and are there issues where the prohibited equipment, software and technology are prevalent and alternative solutions may not be available? Are there specific use cases where cessation of use is not feasible?

3. If the TGL is extended, what potential revisions should BIS consider to enhance effectiveness for both covered transactions and transactions outside of the scope of the temporary general license?

4. What potential alternatives to either extending the TGL or allowing it to expire will facilitate compliance with the supplemental requirements of the Entity List entries for Huawei and its listed affiliates while reducing complexity for implementation purposes?

5. There may be further costs associated with the current extension or non-extension of the current TGL (*e.g.,* lost business opportunities)—what are they and what additional guidance should BIS consider?

Instructions for the submission of comments, including comments that contain business confidential information, are found in the **ADDRESSES** section of this notice.

Dated: March 10, 2020.

Richard E. Ashooh,

Assistant Secretary for Export Administration.

[FR Doc. 2020–05194 Filed 3–10–20; 4:15 pm]

BILLING CODE 3510–33–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900–AP39

Adaptive Equipment Allowance

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Department of Veterans Affairs (VA) regulations governing the provision of a monetary allowance to certain veterans and eligible members of the Armed Forces who require adaptive equipment to operate an automobile or other conveyance. This proposed rule would establish in regulation a VA Adaptive Equipment Schedule for Automobiles and Other Conveyances to calculate the amount of the monetary allowance for adaptive equipment (AE) based on industry standards and our experience administering this program. This rulemaking addresses reimbursement to eligible persons who have paid for AE and payments made by VA directly to registered AE providers, but not the eligibility requirements to receive adaptive equipment.

DATES: Comments must be received by VA on or before May 11, 2020.

ADDRESSES: Written comments may be submitted through *http://www.Regulations.gov*; by mail or hand-delivery to: Director, Office of Regulation Policy and Management (00REG), Department of Veterans Affairs, 810 Vermont Avenue NW, Room 1064, Washington, DC 20420; or by fax to (202) 273–9026. (This is not a toll-free telephone number.) Comments should indicate that they are submitted in response to ''RIN 2900–AP39, Adaptive Equipment Allowance.'' Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1064, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please

call (202) 461–4902 for an appointment. (This is not a toll-free telephone number.) In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *http://www.Regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Penny Nechanicky, National Program Director, Prosthetics Sensory Aids Service (10P4R), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420. (202) 461–0337 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: Section 3902(b) of Title 38, United States Code (U.S.C.) requires VA to provide eligible persons with ''the adaptive equipment deemed necessary to insure that the eligible person will be able to operate [an] automobile or other conveyance in a manner consistent with such person's own safety and the safety of others and so as to satisfy the applicable standards of licensure established by the State of such person's residency or other proper licensing authority.'' Under 38 U.S.C. 3901, eligible persons include veterans and members of the Armed Forces who have been diagnosed with one or more specified disabilities. Under section 3901(2), adaptive equipment is defined to include, but is not limited to, power steering, power brakes, power window lifts, power seats, air conditioning, and other equipment necessary to help the eligible individual enter, exit, or operate the automobile or other conveyance.

VA implements these statutory authorities through regulation at Title 38 Code of Federal Regulations (CFR) sections 17.155–17.159. Because VA does not have the capacity to build or install AE for automobiles or other conveyances, VA instead reimburses eligible persons or pays registered providers for the cost of the AE. See 38 CFR 17.156. This rulemaking addresses reimbursement to eligible persons who have paid for the AE. Additionally, we address payments made to registered providers. VA does not address the eligibility requirements to receive AE in this rulemaking. AE is individually prescribed to assist the eligible person to operate, or ride safely as a passenger, in an automobile or other conveyance. In order to claim AE benefits, an eligible person must complete VA Form 10–1394 after they purchase new (which includes equipment that has been installed or used for one year or less from the date of manufacture) or used AE, and must complete the form if requesting payment or reimbursement for repair to AE. On the form, the eligible person indicates they are seeking reimbursement for AE or that payment should be made directly to a registered provider that pre-installed, modified, or altered the AE.

§ 17.156 Eligibility for Automobile Adaptive Equipment

This section addresses eligibility for automobile adaptive equipment as well as payment or reimbursement by VA for repair, replacement, or reinstallation of such equipment. Consistent with 38 U.S.C. 3902(b), the introductory text for this section states that VA may provide automobile adaptive equipment ''if the Under Secretary for Health or designee determines that such equipment is deemed necessary to insure that the eligible person will be able to operate the automobile or other conveyance in a manner consistent with such person's safety and so as to satisfy the applicable standards of licensure established by the State of such person's residency or other proper licensing authority.'' VA believes that this introductory text does not reflect a definite link between this section and limiting parameters to this benefit found in the two sections that immediately follow. We propose adding at the end of this sentence ''subject to the definitions and limitations in sections 17.157 and 17.158'' to address the issue.

Current paragraph (b) provides that payment or reimbursement of reasonable costs for the repair, replacement, or reinstallation of adaptive equipment deemed necessary for the operation of the automobile may be authorized by VA. Consistent with the proposed change to this section's introductory text, we propose revising this paragraph to state that VA will reimburse or pay for adaptive equipment for automobiles and other conveyances subject to the requirements of 38 CFR 17.158(b).

§ 17.157 Definitions

Current § 17.157 is titled ''Definition—adaptive equipment,'' and the regulatory text defines that term. We would expand this section to define other terms relevant to VA's provision of automobile adaptive equipment and amend the title to read ''Definitions'' consistent with this proposed change. In addition, we would make minor revisions to the definition of ''adaptive equipment'' for purposes of readability and clarity. In the first sentence of that definition, we would change ''claimant'' to ''eligible person'' to harmonize the definition with other proposed changes to the rule. Adaptive equipment is currently defined to include ''any term specified by the Under Secretary for Health or designee.'' Adaptive equipment is generally understood to refer to tangible pieces of equipment rather than words or terms. Accordingly, we would amend the definition to refer to any item.

In addition, we propose to define the types of registered providers VA deems eligible to receive payments from this program along with other definitions appropriate to AE. The Department of Transportation's National Highway Traffic Safety Administration (NHTSA) is the U.S. government agency responsible for developing and enforcing automobile safety standards under U.S.C. Title 49 and its implementing regulations. Since NHTSA develops and enforces automobile safety standards, VA thinks it prudent to utilize their already existing definitions. VA defers to NHTSA's expertise in developing and enforcing safety standards as established in regulations and acknowledges it as a resource for identifying registered providers to accommodate all persons with disabilities. Additionally, VA proposes to rely on NHTSA expertise in order to ensure that installations and equipment meet appropriate quality standards. More information is located on NHTSA's website and brochures at: *http://www.nhtsa.gov/Driving+Safety/Disabled+Drivers*.

The first term VA would define is manufacturer. For the purposes of this program, VA would adopt and use the statutory definition of manufacturer as used in the National Traffic and Motor Vehicle Safety Act (''The Safety Act''). See 49 U.S.C. 30102(a)(6). The Safety Act is an appropriate reference source in our proposed rule because the Act and NHTSA's regulations require vehicle manufacturers to certify that their vehicles comply with all applicable Federal Motor Vehicle Safety Standards (FMVSSs) at the time of manufacture. See 49 U.S.C. 30112; 49 CFR part 567. The Safety Act defines manufacturer as a person manufacturing or assembling motor vehicles or motor vehicle equipment or importing motor vehicles or motor vehicle equipment for resale. VA would not restate the definition of manufacturer in the regulation text in the event the Title 49 definition changes in the future.

VA would also define the term modifier. VA would define modifier to mean ''a motor vehicle repair business that modifies a motor vehicle to enable a person with a disability to operate, or ride as a passenger in, the motor vehicle.'' This language is based on the NHTSA rule that requires any motor vehicle repair business that modifies a motor vehicle to enable a person with a disability to operate, or ride as a passenger in, the motor vehicle and

intends to avail itself of the regulatory exemption related to making motor vehicle safety devices inoperative to furnish certain information to NHTSA. NHTSA administers a program of registering modifiers of AE pursuant to 49 CFR 595.6 as part of its authority to regulate and enforce rules on vehicle safety. Participating modifiers can be found at: *http://www.nhtsa.gov/apps/modifier/index.htm.* The definition would also provide that ''VA does not approve, endorse, or assess the abilities of any modifiers to perform any requested or represented modification services.'' Because modification issues are beyond the scope of our expertise, VA would not approve, endorse, or assess the abilities of any of the listed modifiers to perform any requested or represented modification services.

VA would define altered vehicle by cross-referencing NHTSA regulations in 49 CFR 567.3. Section 567.3 defines altered vehicle as a completed vehicle previously certified in accordance with 49 CFR 567.4 or 567.5 that has been altered other than by the addition, substitution, or removal of readily attachable components, such as mirrors or tire and rim assemblies, or by minor finishing operations such as painting, before the first purchase of the vehicle other than for resale, in such a manner as may affect the conformity of the vehicle with one or more Federal Motor Vehicle Safety Standard(s) or the validity of the vehicle's stated weight ratings or vehicle type classification. VA would not restate the definition of altered vehicle in the regulation text in the event it changes in the future.

VA would define alterer by cross-referencing NHTSA regulations in 49 CFR 567.3. Section 567.3 defines alterer as a person who alters by addition, substitution, or removal of components (other than readily attachable components) a certified vehicle before the first purchase of the vehicle other than for resale. VA would not restate the definition of alterer in the regulation text in the event it changes in the future.

VA would define registered provider and unregistered provider. In the proposed definition section, VA would classify all manufacturers, modifiers, and alterers registered on the NHTSA Modifiers Identification Database, currently available at *http://www.nhtsa.gov/apps/modifier/index.htm,* as registered providers. VA would classify any individual or entity not registered with NHTSA as an unregistered provider.

As discussed below, VA would provide reimbursement for roadside services. The terms roadside assistance or roadside services are commonly used by automobile clubs, automobile dealers, and automobile insurers to refer to a variety of emergency roadside services provided to covered drivers including towing a vehicle, mechanical labor at the breakdown site, changing a flat tire, battery service, providing essential fuels and fluids such as gasoline necessary to operate the vehicle, or providing a locksmith if the driver is locked out of the vehicle. These services focus on vehicle operability, not issues related to problems with adaptive equipment that may arise at the home of an eligible person or when an eligible person is on the road. VA proposes to define roadside service for purposes of this rulemaking to mean emergency roadside services provided to an eligible person performed in connection with the repair, reinstallation, or replacement of adaptive equipment already installed in the automobile or other conveyance. The term would be limited solely to services provided to make the adaptive equipment operational and does not include mechanical repair of the engine or other vehicle systems, towing, providing essential fuels and fluids such as gasoline necessary to operate the vehicle, or providing locksmith services. We note that some adaptive equipment requires electrical power provided by the vehicle battery. Providing battery service in those instances would be included in services provided to make the adaptive equipment operational.

Finally, VA would define the term VA Adaptive Equipment Schedule for Automobiles and Other Conveyances (the Schedule) to mean the VA schedule that contains the maximum allowable reimbursement amounts for the listed adaptive equipment. The Schedule would also include the maximum hourly labor rates for installation, repair, reinstallation, and replacement of this equipment and allowable fees that VA will pay. The amounts listed on the Schedule are based on the National Mobility Equipment Dealers Association's (NMEDA) Average Price Survey for 2018 and represent the historical input of members of the mobility equipment industry across the United States. The Schedule is discussed in greater detail below. VA believes that the Schedule is needed to bring consistency across not only similar jurisdictions but also national consistency for the same products and services.

§ 17.158 Limitations on Assistance

This rulemaking would revise 38 CFR 17.158, which addresses limitations on when VA will pay or reimburse for AE. Current paragraph (a) places a limit on the number of automobiles or other conveyances for which VA will pay or reimburse AE. An eligible person is not entitled to AE for more than two automobiles or other conveyances at any one time or during any four-year period except when, due to circumstances beyond control of such person, one of the automobiles or conveyances for which adaptive equipment was provided during the applicable four-year period is no longer available for the use of such person. Paragraph (a) would remain unchanged except for the insertion of a paragraph header, a minor wording change, and insertion of a comma for purposes of clarity.

Current paragraph (a)(1) addresses when VA considers circumstances to be beyond the control of the eligible person. This subparagraph would remain unchanged with the exception of clarifying punctuation changes and removing the term ''vehicle'' and inserting in its places the phrase ''automobile or other conveyance'' to ensure terminology is consistent with that used in the statute. Current paragraph (a)(2) addresses those instances in which VA considers the eligible person to still retain beneficial use of an automobile or other conveyance even though that mode of transportation has been sold, given or transferred to another person or entity. This subparagraph would remain unchanged except for removing the term ''vehicle'' and inserting in its places the phrase ''automobile or other conveyance'' and removing the term ''such person'' at the end of the subparagraph and inserting in its place ''spouse, family member or other person residing in the same household as the eligible person'' for purposes of clarity. VA believes the proposed changes to paragraph (a) are nonsubstantive in nature.

In proposed paragraph (b)(1) we would address the issue of balance billing for any amounts for adaptive equipment not paid by VA. To ensure that neither the veteran nor their insurer is billed by the provider when VA is responsible for payment, we would state that payments made for adaptive equipment that is authorized under this section shall constitute payment in full and shall extinguish the eligible person's liability to the registered provider. The registered provider may not impose any additional charge on the eligible person for any adaptive equipment that is authorized under this section and for which payment is made by VA. VA has a mandate under 38 U.S.C. 3902(b)(1) to provide each eligible person the adaptive equipment deemed necessary to insure that the

eligible person will be able to operate the automobile or other conveyance in a manner consistent with such person's own safety and the safety of others. By accepting payment for adaptive equipment, the provider agrees that monies received from VA operate as payment in full for the adaptive equipment.

Current paragraph (b) states that the amount VA may reimburse eligible persons for AE is subject to a dollar amount for specific items established from time to time by the Under Secretary for Health. Current VA practice is to update the allowable reimbursable amounts for certain equipment on a biennial basis to reflect changes in retail prices using standard industry pricing. The current rule does not address reimbursement for AE services provided by registered versus unregistered providers. While current paragraph (b) addresses only reimbursement of adaptive equipment to eligible persons, it has been longstanding VA practice to also allow payment to registered providers as discussed below. VA proposes to amend paragraph (b) to address these issues and to establish a standard, publicly available schedule of allowable payments or reimbursable amounts for the calculation and provision of AE payments or reimbursements authorized by 38 U.S.C. 3902.

We propose to amend paragraph (b) to state that VA will reimburse or pay for adaptive equipment that VA determines is needed based on the information submitted and the Schedule. In addition to payment or reimbursement rates for specific types of AE listed in the Schedule, VA would pay or reimburse for roadside service, waste disposal fees, and hourly labor rates listed in the Schedule, subject to this section. Schedule labor rates would be classified as ''In Shop (low technology)'' or ''High Technology'' based on what NMEDA considers low and high technology as explained in the discussion about the proposed Schedule. High Technology would mean labor performed on or modification of adaptive equipment devices or systems that are capable of controlling vehicle functions or driving controls, and operate with a designed logic system, or interface or integrate with an electronic system of the vehicle. In Shop (low technology) would mean labor performed on adaptive equipment or modifications that do not meet the definition of High Technology.

Payment or reimbursement rates would be based on the Schedule in effect on the date installation, reinstallation, replacement, or repair is complete. As discussed below, VA would pay or reimburse the lesser of the Schedule rate, invoice, or estimate. To determine the reimbursement or payment rate VA would use the appropriate amount in the Schedule for comparison. VA believes that it is appropriate to use the Schedule in effect on the date installation, reinstallation, replacement, or repair is complete as the comparator since the right to reimbursement or payment matures on that date. These proposed changes would specify the parameters for reimbursement or payment for AE.

Proposed paragraph (b)(2) would identify the persons who are eligible to receive AE payments or reimbursements and address the type of documentation that must be submitted for payment or reimbursement. We would establish different documentation requirements for reimbursement to eligible persons based on whether services are provided by a registered or unregistered provider. As discussed above, we would define registered provider in § 17.157 to mean a manufacturer, modifier, or alterer registered with the NHTSA Modifiers Identification Database. The purpose of this database is to provide a running and cumulative listing of all businesses that have sought identification as a vehicle modifier under the requirements of 49 CFR part 595. NHTSA does not approve or endorse any of the modifiers who have furnished information under part 595. Any manufacturer, modifier, or alterer who is not registered is considered an unregistered provider.

VA would use the Schedule for calculating the amount reimbursed to eligible persons or payments made to registered providers. VA would review for approval all required documentation (*e.g.,* estimates, invoices, bill of sale, paid receipts, Form 10–1394). VA is providing the Schedule for notice and comment in connection with this rulemaking at *www.prosthetics.va.gov.* The proposed Schedule includes the amounts for all equipment costs (*e.g.,* installations, repairs, reinstallations, replacements) and hourly labor rates. Paragraph (b)(2)(i) through (ii) would authorize reimbursements to persons eligible to receive the AE benefit based on the existing eligibility regulations at 38 CFR 17.156(a). In proposed paragraph (b)(2)(i), eligible persons who have purchased AE from registered providers would receive reimbursement in accordance with (b)(2)(i) after they have paid for the AE. The eligible person must complete and submit to VA for approval a VA Form 10–1394, an itemized estimate, and provide VA with either a final itemized: (1) Invoice, (2) paid receipt, or (3) bill of sale for the purchase.

VA recognizes that not all adaptive equipment would require a registered provider. Paragraph (b)(2)(ii), would authorize VA's reimbursement of eligible persons who purchased AE from unregistered providers. VA would require the eligible person to provide written proof (*e.g.,* final itemized invoice, paid receipt, bill of sale) of their pre-installed or repaired AE in an effort to track costs and prevent waste. Additionally, the eligible person must complete and submit to VA for approval a VA Form 10–1394. Only after the eligible person provides written proof, may VA reimburse the eligible person for the incurred expenses performed by an unregistered provider. This is consistent with current VA practice, and VA believes it reduces transactional costs for eligible persons and unregistered providers along with expediting the administrative aspects of the AE allowance.

In paragraph (b)(2)(iii), VA would address payments to registered providers. Section 3902(b) of Title 38 of the United States Code and current 38 CFR 17.158(b) do not specify whether VA may make payments to the entity installing or otherwise modifying the automobile or other conveyance. However, this has been VA practice because it reduces transactional costs for eligible persons and registered providers. It is current VA practice that either the eligible person or registered provider may submit requests for direct payment to a registered provider. Procedurally, proposed paragraph (b)(2)(iii) would function identically to proposed paragraph (b)(2)(i). VA would pay registered providers for AE (*e.g.,* installations, repairs, reinstallations, replacements, hourly labor rates) furnished to eligible persons identified in 38 CFR 17.156(a). The eligible person or the registered provider would complete VA Form 10–1394 and submit an itemized estimate prior to the completion of work. Note that the eligible person must sign the form as the applicant. Additionally, the eligible person or registered provider would provide VA with a final itemized invoice after the work is completed. The NHTSA Modifiers Identification Database is currently available at *http://www.nhtsa.gov/apps/modifier/index.htm.* This website would assist VA or eligible persons to locate and identify registered providers.

Proposed paragraph (b)(2)(iv) would address those instances where an eligible person files an application for reimbursement or payment for installation, repair or replacement of adaptive equipment performed outside of the United States where an invoice,

estimate, or bill of sale is calculated in a foreign currency. We would state that in this case, the application must include the conversion rate from the foreign currency to U.S. dollars, and calculation of the invoice, estimate, or bill of sale amount in U.S. dollars.

Proposed paragraph (b)(3) would establish how VA would use the Schedule for calculating the amount reimbursed to eligible persons or payments made to registered providers for labor costs. VA proposes creating a Schedule that would set national payment/reimbursement rates utilizing the high cost itemized in NMEDA's Average Price Survey, which is published annually. The 2018 survey was mailed to 324 dealers, and 125 responded. The NMEDA Average Price Survey groups similar types of adaptive equipment installations or conversion into separate categories; provides average, low, and high reported costs for provision of adaptive equipment in different U.S. geographical regions; and provide a U.S. Summary reflecting average costs in the U.S. for each specific type of adaptive equipment installations or conversion. The example Schedule, as would the published VA Schedule, reflects high costs from the U.S. Summary tables in the NMEDA Average Price Survey. VA's proposed Schedule would resemble NMEDA's Average Price Survey for 2018, which represents the historical input of members of the mobility equipment industry across the United States providing fair and representative prices for our program. We note that there may be some regional variation in costing, but VA believes that establishing a Schedule which would be applicable on a national level is the most equitable option. The example Schedule below differs from the NMEDA Average Price Survey in one important aspect, as would the Schedule VA would publish in conjunction with a final rulemaking. The NMEDA Average Price Survey distinguishes between domestic and foreign vehicles adaptive equipment costs for Lower Floor Conversions. NMEDA states that ''domestic'' refers to domestic vehicles built in the U.S. by an American manufacturer, and ''foreign'' refers to vehicles manufactured either inside or outside the U.S. by a foreign based company. However, VA believes that distinguishing between adaptive equipment costs based on this definition is confusing in that many automobile manufacturers that have been historically viewed as foreign now build or assemble vehicles in the U.S, and American automobile manufacturers now assemble vehicles outside the U.S. To avoid confusion, VA would not distinguish between costs related to installation of adaptive equipment performed on domestic or foreign vehicles, and we would list the higher cost for the various types of vehicle configurations (*e.g.,* manual or powered side entry, manual or powered rear entry).

VA will make the Schedule publicly available for usage by eligible persons requesting reimbursements and registered providers requesting payments. VA welcomes the public to submit comments on this Schedule which we set forth below. The Schedule below would be what the Schedule would look like if this proposed rule were effective today. We will publish the final Schedule in the notice section of the **Federal Register** in conjunction with the publication of the final rule. The Schedule would be available [website address to be inserted in final rule] after September 30 of each calendar year to include any cost of living adjustments. This would coincide with the Veterans Benefits Administration's (VBA) annual budget period, which begins on October 1. Additionally, the October 1 date would be after the Consumer Price Indices (CPI) are updated on June 30 of each calendar year to allow for consideration of the increases in the reimbursement amounts in the Schedule.

Example—VA Adaptive Equipment Schedule for Automobiles and Other Conveyances

Notes: 1. NMEDA includes pick up trucks under the mini van conversion schedule.

2. Consistent with NMEDA classifications, Full size Van conversions are reflected under the Raised Top schedule while Mini Van conversions are under Lowered Floor Conversions.

Lowered Floor Conversions (Mini Vans and Pick Up Trucks):	
Manual Side Entry Fold Out	$28,995
Manual Side Entry In-Floor	28,995
Powered Side Entry Fold Out	30,975
Powered Side Entry In Floor	30,675
Manual Rear Entry	26,995
Powered Rear Entry	28,995
Transit Connect Rear Entry	21,000
Structurally Modified Pick Up Truck	31,500
Power Topper Pick Up Truck	18,995
Raised Top Conversions (Full size Vans):	
Reinforced Cage (Roll Cage)	8,500
Raised Door	6,300
Raised Door with Existing High Top	7,500
Vehicle Lifts (Wheelchair, Scooter, Powerchair, Etc.):	
Dual Post Platform	8,900
Dual Post Split Platform	9,500
Under Vehicle Lift	15,995
Suspension and Drive Shaft Modifications	7,800
Wheelchair Tie Downs:	
Manual	4,275
Retractable	3,750
Electric with Bracket	3,900
Scooter Lifts/Carriers:	
Pickup Truck Lift: 200 lb	3,800
Outside Hitch Lift: 250 lbs	4,225
Inside Hoist Lift: Automatic 250 lbs	750
Inside Hoist Lift: Semiautomatic 250 lbs	950
Capacity Platform Style Lift: 350 lbs. or less	2,850
Hand Controls:	
Mechanical	1,650

Pneumatic	18,000
Electronic/Digital Gas and Brake	32,000
Electronic Digital Steering	42,000
Joystick Gas & Brake	80,000
Power Gear Selector	4,700
Spinner Knob	173
Tri-Pin Spinner Knob	375
Switches for Lifts and Openers:	
Dash Switches	1,499
Remote Control Entry	2,400
Hand Held Pendant	500
Outside Magnetic Switches	995
Entry System:	
Power Door Swing	7,127
Magnetic Switches	995
Remote Control	2,400
Sensitized Steering:	
Reduced/Low Effort (Rack & Pinion)	5,500
Zero Effort (Rack and Pinion)	5,500
Emergency Backup System (Rack & Pinion)	4,200
Reduce/Low Effort (Electric)	9,800
Zero Effort (Electric)	9,800
Back Up (Electric Steering)	4,400
Sensitized Braking and Parking Brake:	
Reduced/Low Effort	2,900
Zero Effort	2,950
Emergency Backup System	3,250
Manual Parking	295
Electric Parking	3,600
Driving Aids:	
Adapted Key Holder	350
Pedal Extenders 6–12″	1,500
Pedal Extenders 2″ each	649
Cross Over Gear	389
Turn Signal Extensions	389
Left Foot Accelerator with Pedal Block	1,850
Non-Driving Aids:	
Automatic Transmission	1,363
Air Conditioning	920
Rubber Flooring	800
Seating:	
Turing Seat: Auto	10,800
Power Seat Base: 6 way	4,500
Removable Driver Seat Base	2,300
Leather Seating	1,110
Power Seats	708
Labor Rates:	
In Shop (low technology) Labor (Per Hour)	130
High-Technology Labor (Per Hour)	175
Roadside Service (per incident)	200
Fees:	
Waste Disposal Fee (flat fee per incident)	75

The Schedule reflects two hourly labor rates, In Shop (low technology) and High Technology labor. We would distinguish between what would fall under High Technology and In Shop (low technology) based on what NMEDA considers high technology and low technology, with the In Shop labor rate correlating to labor on a low technology device or system. The NMEDA QAP–103 Guideline 2018 edition states that High Technology devices or systems are those that meet the following conditions: Devices capable of controlling vehicle functions or driving controls, and operate with a designed logic system, or interface or integrate with an electronic system of the vehicle. Examples include powered gas/brake systems; power park brake integrated with a powered gas/brake system; reduced effort steering systems; horizontal steering system; reduced effort brake systems; backups for primary controls. Other examples of High Technology listed by NMEDA are remote panel or switch array interfacing with OEM electronics; wiring extension for OEM electronics; and powered transmission shifter.

NMEDA Guidelines state that Low Technology includes all other devices or modifications that do not meet the definition of High Technology devices or modifications. Examples include a manual gas/brake hand control; left foot accelerator pedal; park brake lever or stand-alone powered park brake; steering terminal device; remote horn button (grounding system); turn signal crossover lever; switch extension on OEM controls; transmission shifter lever; and transfer seat base.

In proposed paragraph (b)(3)(i), for any labor costs associated with the installation of AE by a registered provider, VA will reimburse or pay the lesser of the relevant Schedule hourly labor rate multiplied by the number of hours listed by the registered provider; labor costs included in the itemized estimate; or the hourly labor rate provided by the registered provider in the final itemized invoice multiplied by the number of hours listed by the registered provider. Under current VA practice, the eligible veteran or

registered provider submits an itemized estimate as part of the claims process or a final invoice. However, VA has not previously specified in a rulemaking that we would pay the lesser of the written, itemized estimated labor rate or the labor rate listed in the Schedule.

In proposed paragraph (b)(3)(ii), VA will specify that it will not reimburse or pay labor costs for pre-installed (*i.e.,* original equipment manufacturer) equipment.

Finally, proposed (b)(3)(iii) would state that VA would not reimburse or pay labor costs to unregistered providers. Since VA's definition of registered provider serves as an umbrella for manufacturers, modifiers, and alterers covered by either the Safety Act or NHTSA regulations, there are requisite standards each group must adhere to prior to registration. As stated above, manufacturers certify that their vehicles comply with all applicable FMVSSs at the time of manufacture. See 49 U.S.C. 30112; 49 CFR part 567. NHTSA administers a program of registering modifiers of AE pursuant to 49 CFR 595.6 as part of its authority to regulate and enforce rules on vehicle safety. Moreover, under 49 CFR 567.3, alterer is defined as a person who alters by addition, substitution, or removal of components (other than readily attachable components) a certified vehicle before the first purchase of the vehicle other than for resale. Manufacturers, modifiers, and alterers are formally established business entities. VA believes each registered entity, operating consistent with NHTSA guidelines, possesses well defined cost schemes and uniform labor pricing. Conversely, almost anyone can serve as an unregistered provider, and unregistered providers may not possess the necessary training or access to information that would tend to normalize or standardize expended labor time. To ensure some control over programmatic costs, VA would not reimburse or pay labor costs of unregistered providers.

Proposed paragraph (b)(4) would state that VA will reimburse an eligible person who meets the requirements of (b)(2)(i) or (ii), or pay a registered provider who meets the requirements of (b)(2)(iii) for new adaptive equipment (including equipment that has been installed or used for one year or less from the date of manufacturer) listed in the Schedule as follows: VA will pay the lesser of the amount for the new adaptive equipment listed in either a final itemized invoice, paid receipt, or bill of sale for the purchase, or the amount established in the Schedule; VA will reimburse or pay any labor costs consistent with paragraph (b)(3) of § 17.158. Generally, the timeline for determining whether adaptive equipment is new commences with the date of manufacture, and VA would consider adaptive equipment to be new if installed within one year of manufacture, as it would still be covered under the manufacturer's warranty. We would use a ''lesser of'' formula similar to that used for reimbursement or payment of labor costs.

Proposed paragraph (b)(5) would apply to reimbursement or payment for used adaptive equipment. VA does not believe it is appropriate to reimburse or pay for the cost of used equipment older than five (5) years. As the functional lifespan of AE is generally not more than five (5) years, this is consistent with current practice. However, we have never formally stated this policy in regulation. According to NHTSA, all registered providers must keep in original or photocopied form documentation that a vehicle has been modified in accordance with 49 CFR 595.6 no less than five (5) years after the vehicle has been modified or after being delivered to an individual. See 49 CFR 595.7(b), (d) through (e).

Proposed paragraph (b)(5)(i) would establish that for used equipment listed in the Schedule that is more than one (1) year old from the date of manufacture, VA would depreciate it by twenty (20%) percent per year from the time the equipment was pre-installed or installed as new on an automobile or other conveyance to the time of its reinstallation for which reimbursement or payment is being sought for a period up to five (5) years. VA would reimburse an eligible person, who meets the requirements of (b)(2)(i) or (ii), or pay a registered provider who meets the requirements of (b)(2)(iii) the lesser of the amount of the adaptive equipment listed in the final itemized invoice, paid receipt, or bill of sale for the purchase or the amount established in the Schedule reduced by twenty (20%) percent for each year from the time the equipment was pre-installed or installed on the vehicle for a period up to five (5) years. VA would reimburse or pay any labor costs consistent with paragraph (b)(3) of this section, but will not reimburse or pay labor costs for used equipment that is more than five years old from the date of manufacture because we do not recommend using such equipment (see discussion above regarding the functional lifespan of adaptive equipment).

The proposed rule contemplates an annual 20% depreciation in reimbursement or payment for used adaptive equipment, with no reimbursement or payment for any used equipment more than five years old. In contrast, VA Manual MP4, Part IV, Chapter 18, section 18A.03 paragraph l provides that the maximum equipment reimbursable rate for prescribed adaptive equipment on a used vehicle will be reduced by 10 percent for each year of vehicle age up to a maximum reduction of 90 percent. Installation of new prescribed equipment on a used vehicle will not be prorated. In practice VA Manual MP4, which is utilized by VBA, bases the reimbursement rate for prescribed adaptive equipment on a used vehicle on the age of the vehicle regardless of the age of the adaptive equipment. Annual depreciation for reimbursement or payment for used adaptive equipment reflected in the proposed rule, in contrast, would be based on VA's determination that the adaptive equipment depreciates at a faster rate than the vehicle itself and the functional lifespan of that equipment is five years. Because of the finite functional lifespan of adaptive equipment, VA does not recommend use of any specific adaptive equipment older than five years.

Proposed paragraph (b)(6) would establish that for any AE that does not appear on the Schedule but meets the definition of adaptive equipment in § 17.157, VA would reimburse an eligible person who meets the requirements of (b)(2)(i), (ii), or pay a registered provider, who meets the requirements of (b)(2)(iii), the lesser of the cost of the adaptive equipment when equal to or less than what VA has paid for a similar item in the past or, when available, the commercially available price for a similar item. If the commercially available price for a similar item is not available VA will pay or reimburse the billed charge.

The Schedule is a finite list of AE items that VA frequently reimburses or pays for, thus the means for determining reimbursement or payment rates for items that do not appear on the Schedule is defined. VA would reimburse or pay for items that do not appear on the Schedule provided the equipment still meets the definition of AE under 38 CFR 17.157.

In many cases, VA will have paid for a similar item in the past, or VA will be able to compare the item to other items available commercially. Therefore, authorizing payment of actual cost by obtaining the final invoice, paid receipt, or bill of sale for the purchase would provide VA with information that can be used in future revisions to the Schedule. VA would examine all final invoices, paid receipts, or bills of sale in

order to ensure a measure of cost control and that the estimate is appropriate for the AE item. VA would require that the final invoice, paid receipt, or bill of sale be equal to or lesser than the prices paid by VA or in the commercial sector for similar items. In those cases where there is no commercially available item that can be used for comparison, VA will pay the billed charge. VA can then use that billed charge as an available benchmark for determining reimbursement or payment rates of that or similar items in the future.

Proposed paragraph (b)(6)(ii) would establish that VA will reimburse or pay any labor costs consistent with paragraph (b)(3) of this section.

Proposed paragraph (b)(7) would establish the online location for the Schedule. VA is storing the Schedule on its own website at *www.prosthetics.va.gov*. It would state that VA will establish the Schedule for each fiscal year after September 30, 2019 and publish that Schedule on a publicly accessible page on the *www.prosthetics.va.gov* website. VA intends to also make the Schedule available upon request at any VA medical facility.

We note that some eligible veterans reside outside the United States. The NMEDA Average Price Survey, on which the Schedule would be based, reflects responses on costs in the survey and represents the historical input of NMEDA members of the mobility equipment industry in the United States and Canada. VA is aware of no source for determining average prices for adaptive equipment provided in any foreign country other than Canada. In addition, we note that inclusion in the NHTSA Modifiers Identification Database requires those listed in the database to abide by NHTSA standards, which are only applicable in the United States or U.S. Territories. The NMEDA Average Price Survey reflects responses from adaptive equipment providers within the United States, and the NHTSA Modifiers Identification Database lists adaptive equipment providers located in the United States including those in U.S. Territories. As we base our definition of registered provider on the database, most if not all adaptive equipment providers located outside the United States would likely be unregistered providers. Given that we have no reliable way to determine average prices for adaptive equipment provided in any foreign country other than Canada, VA would use the Schedule as a comparator when an eligible person residing outside the United States seeks reimbursement for adaptive equipment provided by an unregistered provider located outside the United States. The Schedule would apply to all eligible persons meeting the requirements of (b)(2)(i), (ii), as well as registered and unregistered providers.

To assist with determining reimbursement and payment amounts, VA would rely on the Consumer Price Index (CPI) to update the costs on the Schedule for all AE. The Consumer Price Index (CPI) is a measure of the average change over time in the prices paid by urban consumers for a market basket of consumer goods and services (*e.g.,* utilities, automotive fuel, food items, construction). VA believes applying the CPI to payments and reimbursements for adaptive equipment is an appropriate method of adjusting rates as it is a measure of the average change over time in the prices paid by urban consumers for consumer goods and services. Currently, VA uses the CPI as a method of ensuring certain benefits reflect cost of living increases (*e.g.,* automobile allowance, specially adapted housing grants, payments for burial and funeral expenses). This is discussed in further detail below.

The CPI tracks a myriad of different segments of the economy and also provides more global indices based on classes of consumers paired with segments of the economy. VA would increase the reimbursement amounts in the Schedule using the indices for two expenditure categories of the Consumer Price Index (CPI) for All Urban Consumers. The index for the expenditure category for ''motor vehicle parts and equipment'' will be used to calculate the increase in the reimbursement amount for adaptive equipment on the Schedule, and the index for ''motor vehicle maintenance and repair'' will be used to calculate the increase in the reimbursement amount for labor. Such increases to the Schedule for adaptive equipment and labor would be equal to the percentage by which the respective index increased during the 12-month period ending with the last month for which CPI data is available. In the event that such index does not increase during such period, there would be no change to the Schedule for the reimbursement amounts for which the index is used to calculate increases. VA would round up to the whole dollar any amounts for the new fiscal year in the Schedule, because this decreases the administrative burden on VA and creates less data entry errors. Additionally, rounding up in this manner would make it easier for VA to update the Schedule.

Finally, VA proposes changes to paragraph (c). Current paragraph (c) addresses limitations on reimbursement for repair of AE. It limits such reimbursement to AE installed on the current vehicles of record, and only to basic components authorized as AE. It also establishes criteria for what types of expenses are reimbursable. We would amend this paragraph to focus on repair of used AE and address reimbursement standards and documentation required from an eligible person and a registered provider.

We would state that reimbursement or payment for a repair to an item of used adaptive equipment may be provided for adaptive equipment installed on an automobile or other conveyance that meets the limitations of paragraph (a) of this section. VA will pay or reimburse labor costs associated with the repairs in accordance with paragraph (b)(3) of this section. VA will reimburse an eligible person meeting the requirements of (b)(2)(i) or (ii) the lesser of the amount of the adaptive equipment listed in either a final itemized invoice, paid receipt, or bill of sale for the purchase. VA will reimburse a registered provider meeting the requirements of (b)(2)(iii) the lesser of the amount of the adaptive equipment listed in the final itemized invoice, paid receipt, or bill of sale for the purchase. These requirements would be consistent with other proposed provisions addressing reimbursement or payment. VA would not pay for repairs to new equipment (*i.e.,* OEM equipment) because new equipment already possesses warranties and a retailer or manufacturer already has an obligation to replace defective equipment.

Paperwork Reduction Act

Although this action contains provisions constituting collections of information, at proposed 38 CFR 17.158(b) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521), no new or proposed revised collections of information are associated with this proposed rule. The information collection requirements for 38 CFR 17.158(b) are currently approved by the Office of Management and Budget (OMB) and have been assigned OMB control number 2900–0188.

Regulatory Flexibility Act

The Secretary hereby certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612.

On December 14, 2016, the President signed into law the Veterans Mobility Safety Act of 2016, Public Law 114–256 (hereinafter ''the Act''). Section 3 of the Act, codified at 38 U.S.C. 3902 Note,

requires VA to update its policy on adaptive equipment no later than one year after the date of enactment of the Act, and it requires VA to develop a comprehensive policy requiring quality standards for providers who provide modification services to veterans under VA's adaptive equipment program. This policy must include management of the adaptive equipment program, development and consistent application of standards for safety and quality of equipment and installation of equipment through this program, certification of a provider by a manufacturer or third party, nonprofit organization if the Secretary designates the quality standards of such entities as meeting or exceeding VA's standards, education and training for VA personnel who administer this program, compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*) when furnishing adaptive equipment at a facility, and allowance, where technically appropriate, for veterans to receive modifications at their residence or location of choice.

VA conducted public hearings with NHTSA, industry representatives, manufacturers of adaptive equipment, and other entities with expertise in the installation, repair, replacement, and manufacturing of adaptive equipment or development of mobility accreditation standards for adaptive equipment in compliance with section 3 of Public Law 114–256. VA published a **Federal Register** Notice (FRN) requesting information and comments to assist in the development of the program required by the Act on February 2, 2017. See 82 FR 9114. VA received numerous comments from adaptive equipment manufacturers, providers, trade associations, and other interested external stakeholders. Additionally, VA met in person with several parties, including adaptive equipment manufacturers, alterers and modifiers; and adaptive equipment related associations who requested to meet with VA concerning their comments to the FRN. During these discussions, these parties explained their individual interpretations of section 3 of the Act and individual opinions on the implementation of the Act's provisions, including the impact of certain quality and safety standards on small businesses.

The comments and feedback we received during this consultative period informed this rulemaking, and the comments allowed us to understand and consider the various positions different entities had on implementing the requirements of the law along with the impact of certain quality and safety standards on small businesses. As a result of these consultative activities and consistent with the requirements of section 3(b)(1) of the Act, we propose the above rulemaking as a necessary element in management of VA's adaptive equipment program.

In proposed 38 CFR 17.157 we would define Modifier to mean a motor vehicle repair business that modifies a motor vehicle to enable a person with a disability to operate, or ride as a passenger in, the motor vehicle. Alterer would mean the same as in 49 CFR 567.3. Registered provider would mean a manufacturer, modifier, or alterer registered with the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) Modifiers Identification Database (''Database'') currently available at *http://www.nhtsa.gov/apps/modifier/index.htm.* Any manufacturer, modifier, or alterer who is not registered would be considered an unregistered provider. The proposed rule would establish a national schedule for the maximum allowable reimbursement amounts for the listed adaptive equipment. The schedule would also include the maximum hourly labor rates for installation, repair, reinstallation, and replacement of this equipment and allowable fees that VA will pay for. It would also establish standards for applying for reimbursement or payment for items listed in this schedule and delineate limitations on VA's payment for adaptive equipment and related services.

The database, accessed on November 13, 2019, lists a total of 1,047 modifiers. Many modifiers reflected in the database have multiple listings, with some having more than 15 separate listings.

For purposes of information collection under the Paperwork Reduction Act for OMB Control Number 2900–0188, we consider likely respondents to be veterans, servicemembers, and adaptive equipment modifiers who are requesting a payment for adaptive equipment. We estimate the number of respondents to this information collection to be 6,800 annually. Of that number 6,250 would be eligible persons (veterans or servicemembers). In a related proposed rulemaking we stated that VA believes that rulemaking would impact 550 modifiers. In analyzing the Regulatory Flexibility Act effect here we would base our analysis on that number, and based on our proposed definition of modifier we will refer to these 550 as registered providers. The proposed rule also addresses unregistered providers. Unregistered providers are those that are not listed in the NHTSA database, and VA believes it is not possible to determine an accurate number for unregistered providers, some of which may be individuals rather than small entities. NHTSA has advised that it does not know the number of modifiers, alterers, or manufacturers of adaptive equipment that have not registered in the database. For purposes of this analysis we will assume 100 unregistered providers would provide services under this proposed rule.

The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. VA has identified three broad categories of NAICS codes that we believe encompasses the term manufacturer in the proposed rule. We propose to define that term to mean the same as that found at 49 U.S.C. 30102(a)(6), which includes a person manufacturing or assembling motor vehicles or motor vehicle equipment; or importing motor vehicles or motor vehicle equipment for resale. While the definition of manufacturer found at 49 U.S.C. 30102(a)(6) is broad, including the manufacturing, assembly, or import of motor vehicles, the proposed rule focuses narrowly on reimbursement and payment for installation, replacement, or repair of adaptive equipment. Applying the relevant part of the statutory definition of manufacturer, the proposed rule focuses on a person manufacturing or assembling motor vehicle adaptive equipment, or the import of motor vehicle adaptive equipment for resale. We note here that major automobile manufacturers do not convert automobiles or vans for their disabled customers.

NAICS Code 336390—Other Motor Vehicle Parts Manufacturing, comprises establishments primarily engaged in manufacturing and/or rebuilding motor vehicle parts and accessories (except motor vehicle gasoline engines and engine parts, motor vehicle electrical and electronic equipment, motor vehicle steering and suspension components, motor vehicle brake systems, motor vehicle transmissions and power train parts, motor vehicle seating and interior trim, and motor vehicle stampings). NAICS Code 339113, Surgical Appliance and Supplies Manufacturing, comprises establishments primarily engaged in manufacturing surgical appliances and supplies. Examples of products made by these establishments are orthopedic devices, prosthetic appliances, surgical dressings, crutches,

surgical sutures, personal industrial safety devices (except protective eyewear), hospital beds, and operating room tables. NAICS Code 423120—Motor Vehicle Supplies and New Parts Merchant Wholesalers comprises establishments primarily engaged in the merchant wholesale distribution of motor vehicle supplies, accessories, tools, and equipment; and new motor vehicle parts (except new tires and tubes).

These three NAICS codes cover a broad range of manufacturers of either medical equipment or motor vehicle equipment, including manufacturers VA believes would be subject to this proposed rule. While the categories are overinclusive we believe that analysis of the regulatory impact based on these codes will result in a reasonable approximation of costs or impact of the proposed rule on small entities engaged in the manufacture of adaptive equipment.

Applying the small business standards promulgated in 13 CFR 121.201, a small entity for NAICS Code 336390 is 1,000 employees or less; NAICS Code 339113 is 750 employees or less; and NAICS Code 423120 is 200 employees or less. Data compiled by the US Census Bureau from the 2012 Statistics of U.S. Businesses (SUSB) found at *https://www.census.gov/data/tables/2012/econ/susb/2012-susb-annual.html* reflects the following for the NAICS codes:

NAICS code	Enterprise employment size	Number of firms	Estimated receipts ($1,000)	Estimated receipts per firm ($1,000)
336390	<500	1,167	14,448,200	12,380
336390	500+	135	43,660,430	323,410
339113	<500	1,772	9,359,609	5,282
339113	500+	83	26,445,095	318,616
423120	<20	7,403	14,318,962	1,934
423120	20–99	1,260	18,436,535	14,632
423120	100–499	9,060	17,743,583	1,958

As noted, these NAICS codes are very broad, encompassing many aspects of either medical/surgical or automotive supplies. VA does not know with any degree of certainty the total number of these manufacturers who build, manufacture or import adaptive equipment. We have estimated that the number of modifiers who would be impacted by this proposed rule is 550. For purposes of this analysis we will assume that the proposed rule would affect 250 manufacturers of adaptive equipment that would qualify as a small entity. We believe this is most likely a high estimate.

We have identified one six-digit NAISC code that would apply to modifiers. We propose to define alterer to mean the same as provided in 49 CFR 567.3, and modifier to have the same meaning as provided in 49 CFR 595.6(a). NAICS 5 Digit Industry 81112 Automotive Body, Paint, Interior, and Glass Repair comprises establishments primarily engaged in providing one or more of the following: Repairing or customizing automotive vehicles, such as passenger cars, trucks, and vans, and all trailer bodies and interiors; painting automotive vehicle and trailer bodies; replacing, repairing, and/or tinting automotive vehicle glass; and customizing automobile, truck, and van interiors for the physically disabled or other customers with special requirements. We believe NAICS Code 811121 Automotive Body, Paint and Interior Repair and Maintenance most closely reflects what VA, in this proposed rule, refers to as alterer or modifier. Applying the small business standards promulgated in 13 CFR 121.201, a small entity for the NAICS Code series 81112 reflects that an entity with $8,000,000 in annual receipts is considered a small entity.

NAICS code	Enterprise employment size	Number of firms	Estimated receipts ($1,000)	Estimated receipts per firm ($1,000)
811121	ALL	32,427	28,348,303	874,219

Data compiled by the U.S. Census Bureau from the 2012 Statistics of U.S. Businesses (SUSB) found at *https://www.census.gov/data/tables/2012/econ/susb/2012-susb-annual.html* reflects that most, if not all, of the 32,427 entities in NAICS Code 811121 would qualify as a small entity based on 13 CFR 121.201.

As noted with manufacturers who would be affected by this proposed rule, NAISC Code 811121 is very broad, applying to 32,427 business entities. However, only a small percentage of those entities would be subject to the proposed rule as an alterer or modifier of adaptive equipment. We believe that this NAISC code is the appropriate code for any registered providers not already captured by the other three codes listed above as well as unregistered providers that would qualify as a business entity. We believe that number is accurate for purposes of determining whether this proposed rule would have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act.

Proposed 38 CFR 17.158 addresses limitations on payment. Proposed paragraph (b) would state that VA will reimburse or pay for adaptive equipment based on the information submitted and the VA Adaptive Equipment Schedule for Automobiles and Other Conveyances (Schedule). In addition to payment or reimbursement rates for specific types of adaptive equipment listed in the Schedule, VA will pay or reimburse labor costs, roadside service, and waste disposal fees consistent with the Schedule. Payment or reimbursement rates are based on the Schedule in effect on the date installation, reinstallation, replacement, or repair is complete. The Schedule would establish, inter alia, a national monetary limit on payment or reimbursement for adaptive equipment.

The Schedule is based on results of the NMEDA 2018 Annual Price Survey. The survey was mailed to 324 dealers; 125 were returned (39%). Reported returns by region: North 27% (34), South 22% (27), West 27% (34), Midwest 24% (30).The example of the schedule we publish in this proposed rulemaking reflects the high limit for prices reported by the 125 respondents to the survey. The high reported price limit for individual items reflected in the NMEDA survey is significantly higher than the low reported price in some instances. To highlight one example, for lowered floor conversions of mini vans, domestic powered side entry conversions reported by 33 North Region respondents, the high price is $29,818; average is $28,706 and low price is $2,995. The survey results do not reflect variations in the type of specific categories of adaptive equipment that are included in these reported prices. Generally, there is a close correlation between average prices and high prices reported for the individual categories of adaptive equipment. Typically, South and Midwest regions reported lower prices than other regions. VA believes that the survey responses are a valid representation of regional costs and that the number of respondents in each region supports that conclusion.

The proposed rule states that VA will reimburse eligible persons identified in 38 CFR 17.156(a) who have purchased adaptive equipment (*e.g.,* installations, repairs, reinstallations, replacements) from registered providers. The eligible person must sign and submit to VA a completed VA Form 10–1394, an itemized estimate, and provide VA with either a final itemized invoice, paid receipt, or bill of sale for the purchase. VA may reimburse eligible persons identified in 38 CFR 17.156(a) who have purchased adaptive equipment (*e.g.,* installations, repairs, reinstallations, replacements) from unregistered providers. The eligible person must submit to VA a completed VA Form 10–1394 and a final itemized invoice, paid receipt, or bill of sale for the purchase. In addition, VA will pay registered providers for adaptive equipment (*e.g.,* installations, repairs, reinstallations, replacements) furnished to eligible persons identified in 38 CFR 17.156(a). The eligible person or the registered provider must submit to VA a completed VA Form 10–1394 and an itemized estimate prior to the completion of work. The eligible person or registered provider must provide VA with a final itemized invoice after the work is completed. See 38 CFR 17.158(b)(2)(i) through (iii). Labor costs per hour for registered providers would be reimbursed or paid based on the lesser amount of what is reflected in the Schedule, the estimate, or the final invoice. No payment for labor costs would be approved for pre-installed (*i.e.,* original equipment manufacturer) equipment, or labor costs billed by an unregistered provider. See 38 CFR 17.158(b)(3).

For installation of new adaptive equipment, VA would pay or reimburse the lesser of the amount for the new adaptive equipment listed in either a final itemized invoice, paid receipt, or bill of sale for the purchase, or the amount established in the Schedule. 38 CFR 17.158(b)(4).

VA will use two representative categories of adaptive equipment costs from the NMEDA 2018 Annual Price Survey to estimate economic impact on small entities: adaptive equipment under the Lowered Floor Conversion—Mini Van (15 listed options); and adaptive hand controls (8 listed options). VA believes these categories are a reasonable representation of adaptive equipment costs. VA will likewise analyze in-shop and high-tech hourly labor rates.

LOWERED FLOOR CONVERSION—MINI VAN

[Averages of all 15 categories in dollars]

Average cost	24,206	
High cost	25,186	980 above Average cost.
Low cost	13,855	11,331 below High cost, 10,351 below Average.

HAND CONTROLS

[Averages of all 8 categories in dollars]

Average cost	17,070	
High cost	22,362	5,292 above Average.
Low cost	1,727	20,635 below High, 15,343 below Average.

RETAIL LABOR RATES/HR—IN SHOP LABOR

[In dollars]

Average	112	
High	130	18 above Average.
Low	95	35 below High, 17 below Average.

RETAIL LABOR RATES/HR—HIGH-TECH LABOR

[In dollars]

Average	138	
High	175	38 above Average.
Low	95	80 below High, 43 below Average.

As noted above, VA believes that approximately 6,250 eligible persons will apply for adaptive equipment payment or reimbursement annually. For purposes of this analysis we are assuming a total of 550 registered

providers and 100 unregistered providers will provide services under this proposed rule. We do not have accurate information readily available on regional distribution of either eligible persons, registered providers, or unregistered providers. We will assume for purposes of this analysis that adaptive equipment services for eligible persons will be equally distributed between providers, as we believe an analysis based on actual distribution would not impact our conclusions. Rounding up to the whole person, each provider would provide services to 10 eligible persons.

VA would reimburse or pay for adaptive equipment at the amount invoiced or per the Schedule, whichever is less. For mini-van conversions, assuming a provider billed at the Schedule amount, the provider would experience a net gain of $980 to $11,331 per transaction over invoicing at a different amount. Hand control adaptive equipment costs vary from $5,292 to $20,635 from the High cost per transaction. Assuming the maximum difference in invoicing for all 10 assumed clients, each provider would show a total impact of $113,310 to $206,350 annually. Labor costs per hour vary from $95 to $130 per hour for in shop labor, and $95 to $175 for high tech labor. We note that unregistered providers would not be eligible for payment for labor costs and would experience a loss of potential revenue as a result. If we assume a 4-hour assignment requiring high tech labor, that would amount to $700 per transaction.

Given the relatively small number of eligible persons, cost variations for provision of adaptive equipment, and the estimate of gross receipts for affected small entities in the identified NAICS codes, VA believes that this proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. Therefore, pursuant to 5 U.S.C. 605(b), the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604 do not apply.

Executive Orders 12866, 13563, and 13771

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. The Office of Information and Regulatory Affairs has determined that this rule is not a significant regulatory action under Executive Order 12866.

VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's website at *http://www.va.gov/orpm/,* by following the link for ''VA Regulations Published From FY 2004 Through Fiscal Year to Date.''

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

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This proposed rule would have no such effect on State, local, and tribal governments, or on the private sector.

Catalog of Federal Domestic Assistance Numbers

The Catalog of Federal Domestic Assistance numbers and titles for the programs affected by this document are as follows: 64.009, Veterans Medical Care Benefits; 64.013, Veterans Prosthetic Appliances.

List of Subjects in 38 CFR part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs-health, Grant programs—veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Pamela Powers, Chief of Staff, Department of Veterans Affairs, approved this document on March 2, 2020, for publication.

Consuela Benjamin,

Regulation Development Coordinator, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

For the reasons stated in the preamble, the Department of Veterans Affairs proposes to amend 38 CFR part 17 as follows:

PART 17—MEDICAL

■ 1. Amend the authority citation for part 17 by adding the following:

Sections 17.156 and 17.157 are also issued under 38 U.S.C. 3901 and 3902.

Section 17.158 is also issued under 38 U.S.C. 3902 and 3903.

■ 2. Amend § 17.156 by:

■ a. Revising the introductory paragraph;

■ b. Revising paragraph (b); and

■ c. Removing the Authority citation at the end of the section.

The revisions read as follows:

§ 17.156 Eligibility for automobile adaptive equipment.

Automobile adaptive equipment may be authorized if the Under Secretary for Health or designee determines that such equipment is deemed necessary to insure that the eligible person will be able to operate the automobile or other conveyance in a manner consistent with such person's safety and so as to satisfy the applicable standards of licensure established by the State of such person's residency or other proper licensing authority subject to the definitions and limitations in §§ 17.157 and 17.158.

* * * * *

(b) VA will reimburse or pay for adaptive equipment for automobiles and other conveyances subject to the requirements of 38 CFR 17.158(b).

■ 3. Revise § 17.157 to read as follows:

§ 17.157 Definitions.

For the purposes of this part:

Adaptive equipment means equipment which must be part of or added to a conveyance manufactured for sale to the general public to make it safe for use by the eligible person and enable that person and the conveyance to meet the applicable standards of licensure. Adaptive equipment includes any item specified by the Under Secretary for Health or designee as ordinarily

necessary for any of the classes of losses or combination of such losses specified in 38 CFR 17.156, or as deemed necessary in an individual case for an eligible person. Adaptive equipment includes, but is not limited to, a basic automatic transmission, power steering, power brakes, power window lifts, power seats, air-conditioning equipment when necessary for the health and safety of the veteran, and special equipment necessary to assist the eligible person into or out of the automobile or other conveyance, regardless of whether the automobile or other conveyance is to be operated by the eligible person or is to be operated for such person by another person; and any modification of the interior space of the automobile or other conveyance if needed because of the physical condition of such person in order for such person to enter or operate the vehicle.

Manufacturer means the same as in 49 U.S.C. 30102(a)(6).

Modifier means a motor vehicle repair business that modifies a motor vehicle to enable a person with a disability to operate, or ride as a passenger in, the motor vehicle. VA does not approve, endorse, or assess the abilities of any modifiers to perform any requested or represented modification services.

Altered vehicle means the same as in 49 CFR 567.3.

Alterer means the same as in 49 CFR 567.3

Registered provider means a manufacturer, modifier, or alterer registered with the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) Modifiers Identification Database currently available at *http://www.nhtsa.gov/apps/modifier/index.htm.* Any manufacturer, modifier, or alterer who is not registered is considered an *unregistered provider.*

Roadside service means emergency roadside services provided to an eligible person performed in connection with the repair, reinstallation, or replacement of adaptive equipment already installed in the automobile or other conveyance. The term is limited solely to services provided to make the adaptive equipment operational and does not include mechanical repair of the engine or other vehicle systems, towing, providing essential fuels and fluids such as gasoline necessary to operate the vehicle, or providing locksmith services.

VA Adaptive Equipment Schedule for Automobiles and Other Conveyances (''Schedule'') means the VA schedule that contains the maximum allowable reimbursement amounts for the listed adaptive equipment. The Schedule also includes the maximum hourly labor rates for installation, repair, reinstallation, and replacement of this equipment and allowable fees that VA will pay.

■ 4. Revise § 17.158 to read as follows:

§ 17.158 Limitations on assistance.

(a) *General.* An eligible person will not be provided adaptive equipment for more than two automobiles or other conveyances at any one time or during any four-year period except when, due to circumstances beyond the control of such person, one of the automobiles or other conveyances for which adaptive equipment was provided during the applicable four-year period is no longer available for the use of such person.

(1) Circumstances beyond the control of the eligible person are those where the automobile or other conveyance was lost due to fire, theft, accident, or court action; when repairs are so costly as to be prohibitive; or a different automobile or other conveyance is required due to a change in the eligible person's physical condition.

(2) For purposes of paragraph (a)(1) of this section, an eligible person shall be deemed to have access to and use of an automobile or other conveyance for which the Department of Veterans Affairs has provided adaptive equipment if that eligible person has sold, given or transferred the automobile or other conveyance to a spouse, family member or other person residing in the same household as the eligible person; or to a business owned by the eligible person, spouse, family member or other person residing in the same household as the eligible person.

(b) *Basis for payment or reimbursement.* VA will reimburse or pay for adaptive equipment that VA determines is needed in accordance with this section based on the information submitted and the VA Adaptive Equipment Schedule for Automobiles and Other Conveyances (Schedule). In addition to paying or reimbursing for specific types of adaptive equipment listed in the Schedule, VA will pay, or reimburse for roadside service, and waste disposal fees consistent with the Schedule. Determination of payment or reimbursement rates are based on the Schedule in effect on the date installation, reinstallation, replacement, or repair is complete. Schedule labor rates are classified as ''In Shop (low technology)'' or ''High Technology.'' High Technology means labor performed on or modification of adaptive equipment devices or systems that are capable of controlling vehicle functions or driving controls, and operate with a designed logic system, or interface or integrate with an electronic system of the vehicle. In Shop (low technology) means labor performed on adaptive equipment all other devices or modifications that do not meet the definition of High Technology.

(1) Payments made for adaptive equipment that is authorized under this section shall constitute payment in full and shall extinguish the eligible person's liability to the registered provider. The registered provider may not impose any additional charge on the eligible person for any adaptive equipment that is authorized under this section and for which payment is made by VA.

(2) This paragraph sets forth what must be submitted to VA in order for VA to reimburse or pay for adaptive equipment.

(i) Reimbursement when services performed by registered providers. VA will reimburse eligible persons identified in 38 CFR 17.156(a) who have purchased adaptive equipment (*e.g.,* installations, repairs, reinstallations, replacements) from registered providers. The eligible person must submit to VA a completed VA Form 10–1394, an itemized estimate, and provide VA with either a final itemized: (1) Invoice, (2) paid receipt, or (3) bill of sale for the purchase.

(ii) Reimbursement when services performed by unregistered providers. VA will reimburse eligible persons identified in 38 CFR 17.156(a) who have purchased adaptive equipment (*e.g.,* installations, repairs, reinstallations, replacements) from unregistered providers. The eligible person must submit to VA a completed VA Form 10–1394 and a final itemized (1) invoice, (2) paid receipt, or (3) bill of sale for the purchase.

(iii) Payments to registered providers for adaptive equipment. VA will pay registered providers for adaptive equipment (*e.g.,* installations, repairs, reinstallations, replacements) furnished to eligible persons identified in 38 CFR 17.156(a). The following must be submitted before VA will pay. The eligible person or the registered provider must sign and submit to VA a completed VA Form 10–1394 and an itemized estimate prior to the completion of work. The eligible person or registered provider must provide VA with a final itemized invoice after the work is completed.

(iv) In the case of any installation, repair or replacement of adaptive equipment performed outside of the United States where an invoice, estimate, or bill of sale is calculated in a foreign currency, an application submitted under this paragraph must

include the conversion rate from the foreign currency to U.S. dollars, and calculation of the invoice, estimate, or bill of sale amount in U.S. dollars.

(3) VA will reimburse or pay labor costs as follows:

(i) For any labor costs associated with the installation of adaptive equipment by a registered provider, VA will reimburse or pay the lesser of:

(A) The relevant Schedule hourly labor rate, per paragraph (b) of this section, multiplied by the number of hours listed by the registered provider;

(B) The labor costs included in the itemized estimate; or

(C) The hourly labor rate provided by the registered provider in the final itemized invoice multiplied by the number of hours listed by the registered provider.

(ii) VA does not reimburse or pay labor costs for pre-installed (*i.e.,* original equipment manufacturer) equipment.

(iii) VA does not reimburse or pay labor costs of unregistered providers.

(4) New adaptive equipment. VA will reimburse an eligible person who meets the requirements of (b)(2)(i) or (ii) of this section, or pay a registered provider who meets the requirements of (b)(2)(iii) of this section for new adaptive equipment (including equipment that has been installed or used for one year or less from the date of manufacture listed in the Schedule as follows:

(i) VA will pay the lesser of the amount for the new adaptive equipment listed in either a final itemized: (1) Invoice, (2) paid receipt, or (3) bill of sale for the purchase; or (4) the amount listed in the Schedule.

(ii) VA will reimburse or pay any labor costs consistent with paragraph (b)(3) of this section.

(5) Used adaptive equipment. For used adaptive equipment listed in the Schedule that is more than one (1) year old from the date of manufacture:

(i) VA will depreciate it by twenty (20%) percent per year from the time the equipment was pre-installed or installed as new on an automobile or other conveyance to the time of its reinstallation for which reimbursement or payment is being sought for a period up to five (5) years. VA will reimburse an eligible person, who meets the requirements of (b)(2)(i) or (ii) of this section, or pay a registered provider who meets the requirements of (b)(2)(iii) of this section the lesser of the amount of the adaptive equipment listed in the final itemized invoice, paid receipt, or bill of sale for the purchase or the amount listed in the Schedule reduced by twenty (20%) percent for each year from the time the equipment was pre-installed or installed on the automobile or other conveyance for a period up to five (5) years.

(ii) VA will reimburse or pay any labor costs consistent with paragraph (b)(3) of this section, but will not reimburse or pay labor costs for used equipment that is more than five (5) years old from the date of manufacture.

(6) Unlisted adaptive equipment. For adaptive equipment not listed in the Schedule but meeting the definition of adaptive equipment in 38 CFR 17.157, VA will reimburse an eligible person who meets the requirements of (b)(2)(i) or (ii) of this section, or pay a registered provider who meets the requirements of (b)(2)(iii) of this section:

(i) The lesser of the cost of the adaptive equipment when equal to or less than what VA has paid for a similar item in the past or, when available, the commercially available price for a similar item. If the price of a similar commercially available item is not available, or VA has not previously paid for a similar item, VA will pay or reimburse the billed charges.

(ii) VA will reimburse or pay any labor costs consistent with paragraph (b)(3) of this section.

(7) VA will establish the Schedule for each fiscal year after September 30, 2019 and publish that Schedule on a publicly accessible page on the *www.prosthetics.va.gov* website. VA will increase the reimbursement amounts in the Schedule using the indices for two expenditure categories of the Consumer Price Index (CPI) for All Urban Consumers. The index for the expenditure category for ''motor vehicle parts and equipment'' will be used to calculate the increase in the reimbursement amounts for adaptive equipment on the Schedule, and the index for ''motor vehicle maintenance and repair'' will be used to calculate the increase in the reimbursement amounts for labor. Such increases to the Schedule for adaptive equipment and labor will be equal to the percentage by which the respective index increased during the 12-month period ending with the last month for which CPI data is available. In the event that such index does not increase during such period, there will be no change to the Schedule for the reimbursement amounts for which the index is used to calculate increases. The amounts for the new fiscal year will be rounded up to the whole dollar amount.

(c) *Repair of used adaptive equipment.* Reimbursement or payment for a repair to an item of used adaptive equipment may be provided for adaptive equipment installed on an automobile or other conveyance that meets the limitations of paragraph (a) of this section. VA will pay or reimburse labor costs associated with the repairs in accordance with paragraph (b)(3) of this section.

(1) For repairs to used adaptive equipment, VA will reimburse the eligible person meeting the requirements of (b)(2)(i) or (ii) of this section as follows: the lesser of the amount of the adaptive equipment listed in either a final itemized: (1) Invoice, (2) paid receipt, or (3) bill of sale for the purchase.

(2) For repairs to used adaptive equipment, VA will reimburse a registered provider meeting the requirements of (b)(2)(iii) of this section as follows: The lesser of the amount of the adaptive equipment listed in the final itemized (1) invoice, (2) paid receipt, or (3) bill of sale for the purchase.

(The Office of Management and Budget has approved the information collection requirements in this section under control number 2900–0188.)

[FR Doc. 2020–04564 Filed 3–11–20; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2019–0217; FRL–10006–37–Region 4]

Air Plan Approval; Kentucky; Infrastructure Requirements for the 2015 8-Hour Ozone National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve portions of the State Implementation Plan (SIP) submission, provided by the Commonwealth of Kentucky, Energy and Environment Cabinet, Department for Environmental Protection, through the Kentucky Division for Air Quality (KDAQ), on January 9, 2019, to demonstrate that the Commonwealth meets the infrastructure requirements of the Clean Air Act (CAA or Act) for the 2015 8-hour ozone national ambient air quality standard (NAAQS). Whenever EPA promulgates a new or revised NAAQS, the CAA requires that each state adopt and submit a SIP for the implementation, maintenance and enforcement of each such NAAQS. KDAQ certified that the Kentucky SIP contains provisions that ensure the 2015 8-hour ozone NAAQS is implemented, enforced, and maintained in Kentucky.

EPA is proposing to determine that Kentucky's submission addresses certain infrastructure elements for the 2015 8-hour ozone NAAQS.

DATES: Written comments must be received on or before April 13, 2020.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2019–0217 at *http://www.regulations.gov*. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets*.

FOR FURTHER INFORMATION CONTACT: Tiereny Bell, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. Ms. Bell can be reached via electronic mail at *bell.tiereny@epa.gov* or the telephone number (404) 562–9088.

SUPPLEMENTARY INFORMATION:

I. Background

On October 1, 2015, (published on October 26, 2015 (80 FR 65292)), EPA promulgated a revised primary and secondary NAAQS for ozone revising the 8-hour ozone NAAQS from 0.075 parts per million (ppm) to a new more protective level of 0.070 ppm. Pursuant to section 110(a)(1) of the CAA, states are required to submit SIP revisions meeting the applicable requirements of section 110(a)(2) within three years after promulgation of a new or revised NAAQS or within such shorter period as EPA may prescribe. Section 110(a)(2) requires states to address basic SIP elements such as requirements for monitoring, basic program requirements and legal authority that are designed to assure attainment and maintenance of the NAAQS. This particular type of SIP is commonly referred to as an ''infrastructure SIP.'' States were required to submit such SIPs for the 2015 8-hour ozone NAAQS to EPA no later than October 1, 2018.[1]

This rulemaking is proposing to approve portions of Kentucky's January 9, 2019, ozone infrastructure SIP submission for the applicable requirements of the 2015 8-hour ozone NAAQS, with the exception of the interstate transport provisions of section 110(a)(2)(D)(i)(I) pertaining to contribution to nonattainment or interference with maintenance in other states; the prevention of significant deterioration (PSD) provisions related to major sources under sections 110(a)(2)(C), 110(a)(2)(D)(i)(II), and 110(a)(2)(J); and air quality modeling and submission of modeling data under sections 110(a)(2)(K). With respect to the interstate transport provisions of section 110(a)(2)(D)(i)(I), the PSD provisions related to major sources under sections 110(a)(2)(C), 110(a)(2)(D)(i)(II), and 110(a)(2)(J), and the air quality modeling provisions under section 110(a)(2)(K), EPA will address these in separate rulemaking actions.

II. What elements are required under sections 110(a)(1) and (2)?

Section 110(a) of the CAA requires states to submit SIPs to provide for the implementation, maintenance, and enforcement of a new or revised NAAQS within three years following the promulgation of such NAAQS, or within such shorter period as EPA may prescribe. Section 110(a) imposes the obligation upon states to make a SIP submission to EPA for a new or revised NAAQS, but the contents of that submission may vary depending upon the facts and circumstances. In particular, the data and analytical tools available at the time the state develops and submits the SIP for a new or revised NAAQS affects the content of the submission. The contents of such SIP submissions may also vary depending upon what provisions the state's existing SIP already contains.[2]

More specifically, section 110(a)(1) provides the procedural and timing requirements for SIPs. Section 110(a)(2) lists specific elements that states must meet for ''infrastructure'' SIP requirements related to a newly established or revised NAAQS. As mentioned above, these requirements include basic SIP elements such as requirements for monitoring, basic program requirements and legal authority that are designed to assure attainment and maintenance of the NAAQS. The requirements of Section 110(a)(2) are listed below and summarized in Section IV, and in EPA's September 13, 2013, memorandum entitled ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2).'' [3]

- 110(a)(2)(A): Emission Limits and Other Control Measures
- 110(a)(2)(B): Ambient Air Quality Monitoring/Data System
- 110(a)(2)(C): Programs for Enforcement of Control Measures and for Construction or Modification of Stationary Sources [4]
- 110(a)(2)(D)(i)(I) and (II): Interstate Pollution Transport
- 110(a)(2)(D)(ii): Interstate Pollution Abatement and International Air Pollution
- 110(a)(2)(E): Adequate Resources and Authority, Conflict of Interest, and Oversight of Local Governments and Regional Agencies
- 110(a)(2)(F): Stationary Source Monitoring and Reporting
- 110(a)(2)(G): Emergency Powers
- 110(a)(2)(H): SIP Revisions
- 110(a)(2)(I): Plan Revisions for Nonattainment Areas [5]
- 110(a)(2)(J): Consultation with Government Officials, Public

[1] In these infrastructure SIP submissions States generally certify evidence of compliance with sections 110(a)(1) and (2) of the CAA through a combination of state regulations and statutes, some of which have been incorporated into the federally-approved SIP. In addition, certain federally-approved, non-SIP regulations may also be appropriate for demonstrating compliance with sections 110(a)(1) and (2).

[2] Throughout this rulemaking, unless otherwise indicated, the term ''Kentucky Administrative Regulations'' or ''KAR'' indicates that the cited regulation has been approved into Kentucky's federally-approved SIP. The term ''KRS'' indicates cited Kentucky Revised Statutes, which govern the Commonwealth of Kentucky and are not a part of the SIP unless otherwise indicated.

[3] Two elements identified in section 110(a)(2) are not governed by the three-year submission deadline of section 110(a)(1) because SIPs incorporating necessary local nonattainment area controls are not due within three years after promulgation of a new or revised NAAQS, but rather are due at the time the nonattainment area plan requirements are due pursuant to section 172. These requirements are: (1) Submissions required by section 110(a)(2)(C) to the extent that subsection refers to a permit program as required in part D, title I of the CAA; and (2) submissions required by section 110(a)(2)(I) which pertain to the nonattainment planning requirements of part D, title I of the CAA. This proposed rulemaking does not address infrastructure elements related to section 110(a)(2)(I) or the Part D nonattainment permitting requirements of 110(a)(2)(C).

[4] As mentioned above, the Part D permit program for construction and modification of stationary sources is not relevant to this proposed rulemaking.

[5] As also mentioned above, this element is not relevant to this proposed rulemaking.

Notification, and Prevention of Significant Deterioration (PSD) and Visibility Protection

- 110(a)(2)(K): Air Quality Modeling and Submission of Modeling Data
- 110(a)(2)(L): Permitting fees
- 110(a)(2)(M): Consultation and Participation by Affected Local Entities

III. What is EPA's approach to the review of infrastructure SIP submissions?

EPA is acting upon the SIP submission from Kentucky that addresses certain infrastructure requirements of CAA sections 110(a)(1) and 110(a)(2) for the 2015 8-hour ozone NAAQS. Whenever EPA promulgates a new or revised NAAQS, CAA section 110(a)(1) requires states to make SIP submissions to provide for the implementation, maintenance, and enforcement of the NAAQS, commonly referred to as an ''infrastructure SIP.'' These submissions must meet the various requirements of CAA section 110(a)(2), as applicable. Due to ambiguity in some of the language of CAA section 110(a)(2), EPA believes that it is appropriate to interpret these provisions in the specific context of acting on infrastructure SIP submissions. EPA has previously provided comprehensive guidance on the application of these provisions through a guidance document for infrastructure SIP submissions and through regional actions on infrastructure submissions.[6] Unless otherwise noted below, we are following that existing approach in acting on this submission. In addition, in the context of acting on such infrastructure submissions, EPA evaluates the submitting state's SIP for facial compliance with statutory and regulatory requirements, not for the state's implementation of its SIP.[7] EPA has other authority to address any issues concerning a state's implementation of the rules, regulations, consent orders, etc. that comprise its SIP.

[6] EPA explains and elaborates on these ambiguities and its approach to address them in its September 13, 2013 Infrastructure SIP Guidance (available at *https://www3.epa.gov/airquality/urbanair/sipstatus/docs/Guidance_on_Infrastructure_SIP_Elements_Multipollutant_FINAL_Sept_2013.pdf*), as well as in numerous agency actions, including EPA's prior action on Kentucky's infrastructure SIP to address the 2010 Nitrogen Dioxide NAAQS. (81 FR 41488 (June 27, 2016)).

[7] *See Mont. Envtl. Info. Ctr.* v. *Thomas,* 902 F.3d 971 (9th Cir. 2018).

IV. What is EPA's analysis of how Kentucky addressed the elements of the sections 110(a)(1) and (2) ''Infrastructure'' provisions?

Kentucky's January 9, 2019 infrastructure submission addresses the provisions of sections 110(a)(1) and (2) as described below.

1. 110(a)(2)(A) Emission Limits and Other Control Measures: Section 110(a)(2)(A) requires that each implementation plan include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements.

Kentucky's submission cites to numerous SIP-approved regulations that include enforceable emission limits and other control measures found in 401 Kentucky Administrative Regulations (KAR) Chapters 50–53, 59, 61, 63, and 65 to demonstrate that the Commonwealth meets the requirements of this element, including the following:

- *Chapter 50 General Administrative Procedures:* 401 KAR 50:010. *Definitions for 401 KAR Chapter 50;* 401 KAR 50:012. *General application;* 401 KAR 50:015. *Documents incorporated by reference;* 401 KAR 50:020. *Air quality control regions;* 401 KAR 50:025. *Classification of counties;* 401 KAR 50:040. *Air quality models;* 401 KAR 50:042. *Good engineering practice stack height;* 401 KAR 50:045. *Performance tests;* 401 KAR 50:047. *Test procedures for capture efficiency;* 401 KAR 50:050. *Monitoring;* 401 KAR 50:055. *General compliance requirements;* and 401 KAR 50:060. *Enforcement.*
- *Chapter 51 Attainment and Maintenance of the National Ambient Air Quality Standards:* 401 KAR 51:001. *Definitions for 401 KAR Chapter 51;* 401 KAR 51:005. *Purpose and General Provisions;* 401 KAR 51:010. *Attainment Status Designations;* 401 KAR 51:017. *Prevention of significant deterioration of air quality;* 401 KAR 51:052. *Review of new sources in or impacting upon nonattainment areas;* 401 KAR 51:150 *NO_X requirements for stationary and internal combustion engines;* 401 KAR 51:160 *NO_X requirements for large utility and industrial boilers* 401 KAR 51:170 NO_X requirements for cement kilns; 401 KAR 51:180 NO_X credits for early reduction and emergency; 401 KAR 51:190 *Banking and trading NO_X allowances;* 401 KAR 51:195 *NO_X opt-in provisions;* 401 KAR 51:220 *CAIR NO_X Ozone Season Trading Program.*
- *Chapter 52 Permits, Registrations, and Prohibitory Rules:* 401 KAR 52:001. *Definitions for 401 KAR Chapter 52;* 401 KAR 52:020. *Title V permits;*[8] 401 KAR 52:030. *Federally-enforceable permits for nonmajor sources;* 401 KAR 52:090. *Prohibitory rule for hot mix asphalt plants.*
- *Chapter 53 Ambient Air Quality:* 401 KAR 53:005. *General provisions;* 401 KAR 53:010 *Ambient air quality standards.*
- *Chapter 59 New Source Standards:* 401 KAR 59:001 *Definition; 401 KAR 59:005 General provisions; 401 KAR 59:010 New process operations; 401 KAR 59:015 New indirect heat exchangers; 401KAR 59:020 New Incinerators; 401 KAR 59:046 Selected new petroleum refining processes and equipment;* 401 KAR 59:050 *New storage vessels for petroleum liquids;* 401 KAR 59:095 *New oil-effluent water separators;* 401 KAR 59:101 *New bulk gasoline plants;* 401 KAR 59:174 *Stage II controls at gasoline dispensing facilities;* 401 KAR 59:175 *New service stations;* 401 KAR 59:185 *New solvent metal cleaning equipment;* 401 KAR 59:190 *New insulation of magnet wire operations;* 401 KAR 59:210 *New fabric, vinyl and paper surface coating operations;* 401 KAR 59:212 *New graphic arts facilities using rotogravure and flexography;* 401 KAR 59:214 *New factory surface coating operations of flat wood paneling;* 401 KAR 59:225 *New miscellaneous metal parts and products surface coating operations;* 401 KAR 59:230 *New synthesized pharmaceutical product manufacturing operations;* 401 KAR 59:240 *New perchloroethylene dry cleaning systems;* 401 KAR 59:315 *Specific new sources;* 401 KAR 59:760 *Commercial Motor Vehicle and Mobile Equipment Refinishing Operations.*
- *Chapter 61 Existing Source Standards:* 401 KAR 61:001 *Definitions and abbreviations of terms used in 401 KAR Chapter 61;* 401 KAR 61:005 *General provisions;* 401 KAR 61:010 *Existing incinerators;* 401 KAR 61:045 *Existing oil-effluent water separators;* 401 KAR 61:050 *Existing storage vessels for petroleum liquids;* 401 KAR 61:055 *Existing loading facilities at bulk gasoline terminals;* 401 KAR 61:056 *Existing bulk gasoline plants;* 401 KAR 61:060 *Existing sources using organic solvents;* 401 KAR 61:065 *Existing nitric acid plants;* 401 KAR 61:085 *Existing service stations;* 401 KAR 61:090 *Existing automobile and light-duty surface coating operations;* 401 KAR 61:095 *Existing solvent metal cleaning equipment;* 401 KAR 61:100 *Existing*

[8] This rule is not approved into Kentucky's federally-approved SIP.

insulation of magnet wire operations; 401 KAR 61:105 *Existing metal furniture surface coating operations;* 401 KAR 61:110 *Existing large appliance surface coating operations.;* 401 KAR 61:120 *Existing fabric, vinyl and paper surface coating operations;* 401 KAR 61:122 *Existing graphic arts facilities using rotogravure and flexography;* 401 KAR 61:124 *Existing factory surface coating operations of flat wood paneling.;* 401 KAR 61:125 *Existing can surface coating operations;* 401 KAR 61:130 *Existing coil surface coating operations;* 401 KAR 61:132 *Existing miscellaneous metal parts and products surface coating operations;* 401 KAR 61:135 *Selected existing petroleum refining processes and equipment;* 401 KAR 61:137 *Leaks from existing petroleum refinery equipment;* 401 KAR 61:150 *Existing synthesized pharmaceutical product manufacturing operations;* 401 KAR 61:155 *Existing pneumatic rubber tire manufacturing plants;* 401 KAR 61:160 *Existing perchloroethylene dry cleaning systems;* 401 KAR 61:175 *Leaks from existing synthetic organic chemical and polymer manufacturing equipment.*

- *Chapter 63 General Standard of Performance:* 401 KAR 63:001 *Definitions and abbreviations of terms used in 401 KAR Chapter 63;* 401 KAR 63:005 *Open burning;* 401 KAR 63:010 *Fugitive emissions;* 401 KAR 63:025 *Asphalt paving operations;* 401 KAR 63:031 *Leaks from gasoline tank trucks.*
- *Chapter 65 Mobile Source-Related Emissions:* 401 KAR 63:001 *Definitions and abbreviations of terms used in 401 KAR Chapter 63;* 401 KAR 63:005 *Open burning.*

Collectively these regulations establish enforceable emissions limitations and other control measures, means or techniques, for activities that contribute to ozone concentrations in the ambient air and provide authority to establish such limits and measures as well as schedules for compliance to meet the applicable requirements of the CAA. In addition, Kentucky Revised Statute (KRS) Chapter 224 Section 10–100 (KRS 224.10–100), provides the Energy and Environment Cabinet the authority to administer all rules, regulations, and orders promulgated under Chapter 224, and to provide for the prevention, abatement, and control of all water, land, and air pollution.

EPA has made the preliminary determination that the provisions contained in these regulations, and Kentucky's statute are adequate for enforceable emission limitations and other control measures, means, or techniques, as well as schedules and timetables for compliance for the 2015 8-hour ozone NAAQS in the Commonwealth.

2. 110(a)(2)(B) Ambient Air Quality Monitoring/Data System: Section 110(a)(2)(B) requires SIPs to provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to: (i) Monitor, compile, and analyze data on ambient air quality, and (ii) upon request, make such data available to the Administrator. These requirements are met through KRS 224.10–100 (22), which provides the authority to require the installation, maintenance, and use of equipment, devices, or tests and methodologies to monitor the nature and amount of any substance emitted into the ambient air and to provide the information to the Cabinet.

KDAQ also cites to the following regulations to demonstrate that the Commonwealth meets the requirements of this element: 401 KAR 50:050. *Monitoring;* 401 KAR 51:017. *Prevention of significant deterioration of air quality;* and 401 KAR 51:052. *Review of new sources in or impacting upon nonattainment areas;* 401 KAR 53:005. *General provisions;* 401 KAR 53:010. *Ambient air quality standards.*

Annually, states develop and submit to EPA for approval statewide ambient monitoring network plans consistent with the requirements of 40 CFR parts 50, 53, and 58. The annual network plan involves an evaluation of any proposed changes to the monitoring network, includes the annual ambient monitoring network design plan and a certified evaluation of the agency's ambient monitors and auxiliary support equipment.[9] KDAQ's monitoring network plan was submitted on June 28, 2019, and approved by EPA on October 3, 2019. Kentucky's approved monitoring network plan can be accessed at *www.regulations.gov* using Docket ID No. EPA–R04–OAR–2019–0217. These SIP-approved rules and Kentucky's statute, along with Kentucky's Ambient Air Monitoring Network Plan, provide for the establishment and operation of ambient air quality monitors, the compilation and analysis of ambient air quality data, and the submission of these data to EPA upon request. Therefore, EPA has made the preliminary determination that Kentucky's SIP and practices are adequate for the ambient air quality monitoring and data system related to the 2015 8-hour ozone NAAQS.

[9] On occasion, proposed changes to the monitoring network are evaluated outside of the network plan approval process in accordance with 40 CFR part 58.

3. 110(a)(2)(C) Programs for Enforcement of Control Measures and for Construction or Modification of Stationary Sources: This element consists of three sub-elements: Enforcement, state-wide regulation of new and modified minor sources and minor modifications of major sources, and preconstruction permitting of major sources and major modifications in areas designated attainment or unclassifiable for the subject NAAQS as required by CAA title I part C (*i.e.,* the major source PSD program). EPA's analysis of how these provisions of Kentucky's SIP address each sub-element are described below.

Enforcement: KDAQ's SIP-approved regulation, 401 KAR 50:060, *Enforcement,* provides for enforcement of emission limits and control measures associated with ozone through permit terms and conditions, and compliance schedules. This regulation also authorizes the Cabinet to modify and revoke permits and compliance schedules, and authorizes administrative penalties and injunctive relief, citing to statutory civil penalty and injunctive relief provisions of KRS 224.99–010. EPA has made the preliminary determination that Kentucky's SIP is adequate for enforcement related to the 2015 8-hour ozone NAAQS.

Preconstruction PSD Permitting for Major Sources: With regard to section 110(a)(2)(C) related to the programs for preconstruction PSD permitting for major sources, EPA is not proposing any action in this rulemaking. EPA will consider these requirements in relation to Kentucky's 2015 8-hour ozone NAAQS infrastructure submission in a separate rulemaking.

Regulation of minor sources and modifications: Kentucky's SIP-approved rules, 401 KAR 51:005, *Purpose and general provisions* and 401 KAR 52:030, *Federally-enforceable permits for non-major sources* collectively govern the preconstruction permitting of modifications and construction of minor stationary sources, and minor modifications of major stationary sources.

EPA has made the preliminary determination that Kentucky's SIP is adequate for program enforcement of control measures, and regulation of minor sources and modifications related to the 2015 8-hour ozone NAAQS.

4. 110(a)(2)(D)(i)(I) and (II) Interstate Pollution Transport: Section 110(a)(2)(D)(i) has two components: 110(a)(2)(D)(i)(I) and 110(a)(2)(D)(i)(II). Each of these components has two subparts resulting in four distinct components, commonly referred to as

''prongs,'' that must be addressed in infrastructure SIP submissions. The first two prongs, which are codified in section 110(a)(2)(D)(i)(I), are provisions that prohibit any source or other type of emissions activity in one state from contributing significantly to nonattainment of the NAAQS in another state (''prong 1'') and interfering with maintenance of the NAAQS in another state (''prong 2''). The third and fourth prongs, which are codified in section 110(a)(2)(D)(i)(II), are provisions that prohibit emissions activity in one state from interfering with measures required to prevent significant deterioration of air quality in another state (''prong 3''), or to protect visibility in another state (''prong 4'').

110(a)(2)(D)(i)(I)—prongs 1 and 2: EPA is not proposing any action in this rulemaking related to the interstate transport provisions pertaining to the contribution to nonattainment or interference with maintenance in other states of section 110(a)(2)(D)(i)(I) (prongs 1 and 2). EPA will consider these requirements in relation to Kentucky's 2015 8-hour ozone NAAQS infrastructure submission in a separate rulemaking.

110(a)(2)(D)(i)(II)—prong 3: With regard to section 110(a)(2)(D)(i)(II), the PSD element, referred to as prong 3, EPA is not proposing any action in this rulemaking. EPA will consider these requirements in relation to Kentucky's 2015 8-hour ozone NAAQS infrastructure submission in a separate rulemaking.

110(a)(2)(D)(i)(II)—prong 4: Section 110(a)(2)(D)(i)(II) requires that the SIP contain adequate provisions to protect visibility in other States. This requirement is satisfied for any relevant NAAQS when the state has a fully-approved regional haze SIP. Kentucky's SIP contains a fully approved Regional Haze Plan (*see* 84 FR 13800 (April 8, 2019)). EPA's approval of the Kentucky regional haze SIP therefore ensures that emissions from Kentucky are not interfering with measures to protect visibility in other states, satisfying the requirements of prong 4 of section 110(a)(2)(D)(i)(II) for the 2015 8-hour ozone NAAQS. EPA has made the preliminary determination Kentucky's SIPs meet the requirements of prong 4 of section 110(a)(2)(D)(i)(II) for the 2015 8-hour ozone NAAQS.

5. 110(a)(2)(D)(ii) Interstate Pollution Abatement and International Air Pollution: Section 110(a)(2)(D)(ii) requires SIPs to include provisions ensuring compliance with sections 115 and 126 of the Act, relating to interstate and international pollution abatement. Regulation 401 KAR 51:010. *Attainment Status Designations* designates the status of all areas of the Commonwealth of Kentucky with regard to attainment of the NAAQS. Regulation 401 KAR 51:017. *Prevention of significant deterioration of air quality* and Regulation 401 KAR 51:052. *Review of new sources in or impacting upon nonattainment areas,* Section 1, require Kentucky to provide notice to nearby states that may be affected by proposed major source modifications. These regulations cite to Federal notification requirements under 40 CFR Sections 51.166 and to 401 KAR 52:100. *Public, affected state, and the US. EPA review,* Section 6, which requires that public notice for permit actions be provided to affected states. Additionally, Kentucky does not have any pending obligation under sections 115 and 126 of the CAA with respect to the 2015 ozone NAAQS. EPA has made the preliminary determination that Kentucky's SIP is adequate for ensuring compliance with the applicable requirements relating to interstate and international pollution abatement for the 2015 8-hour ozone NAAQS.

6. 110(a)(2)(E) Adequate Resources and Authority, Conflict of Interest, and Oversight of Local Governments and Regional Agencies: Section 110(a)(2)(E) requires that each implementation plan provide: (i) Necessary assurances that the state will have adequate personnel, funding, and authority under state law to carry out its implementation plan, (ii) that the state comply with the requirements respecting state boards pursuant to section 128 of the Act, and (iii) necessary assurances that, where the state has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the state has responsibility for ensuring adequate implementation of such plan provisions. EPA is proposing to approve Kentucky's SIP submission as meeting the requirements of sub-elements 110(a)(2)(E)(i), (ii), and (iii).

In support of elements 110(a)(2)(E)(i) and (iii), Kentucky's infrastructure submission demonstrates that it is responsible for promulgating rules and regulations for the NAAQS, emissions standards, general policies, a system of permits, fee schedules for the review of plans, and other planning needs. With respect to having the necessary funding and authority to implement the Kentucky SIP, Kentucky's State statute 401 KAR 50:038. *Air Emissions Fee,* and the following State statutes support sub-elements (i) and (iii): KRS 224.10–100. *Powers and Duties of the Cabinet* and KRS 224.10–020. *Departments within the cabinet—Offices and divisions within the departments—Appointments.* As evidence of the adequacy of KDAQ's resources with respect to sub-elements (i) and (iii), KDAQ has a performance partnership agreement with EPA outlining 105 grant commitments and current status of these commitments for fiscal year 2018. Annually, the Commonwealth updates this performance partnership agreement based on current SIP requirements, air quality planning, and applicable requirements related to the NAAQS. There were no outstanding issues in relation to the SIP for fiscal year 2018, therefore, KDAQ's grants were finalized and closed out. With respect to (iii) necessary assurances that, where the state has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the state has responsibility for ensuring adequate implementation of such plan provisions, Kentucky's State statute KRS 224.2–130, *Concurrent jurisdiction with local district* provides the Cabinet with oversight authority of local programs and concurrent jurisdiction. EPA has made the preliminary determination that Kentucky has adequate resources for implementation of the 2015 8-hour ozone NAAQS. Accordingly, EPA is proposing to approve Kentucky's infrastructure SIP submission with respect to section 110(a)(2)(E)(i) and (iii).

Section 110(a)(2)(E)(ii) requires that Kentucky comply with section 128 of the CAA. Section 128 requires that (a)(1) the majority of members of the state board or body which approves permits or enforcement orders represent the public interest and do not derive any significant portion of their income from persons subject to permitting or enforcement orders under the CAA; (a)(2) any potential conflicts of interest by such board or body, or the head of an executive agency with similar, powers be adequately disclosed. For purposes of section 128(a)(1), Kentucky has no boards or bodies with authority over air pollution permits or enforcement actions. Such matters are instead handled by the Director of the KDAQ. As such, a ''board or body'' is not responsible for approving permits or enforcement orders in Kentucky, and the requirements of section 128(a)(1) are not applicable. For purposes of section 128(a)(2), Kentucky's SIP has been updated. On October 3, 2012 (77 FR 60307), EPA took final action to approve KRS Chapters 11A.020, 11A.030, 11A.040 and Chapters 224.10–020 and 224.10–100 into the SIP to address the conflict of interest requirements of

section 128. These SIP-approved state statutes establish the powers and duties of the Cabinet, departments within the Cabinet, and offices and divisions within such departments (Chapters 224.10–020 and 224.10–100) and support sub-element (ii) by requiring adequate disclosures of potential conflicts (KRS 11A.020. *Public servant prohibited from certain conduct—Exception—Disclosure of personal or private interest*) and otherwise ensuring that public officers and servants do not engage in activities that may present a conflict of interest (KRS 11A.030 *Considerations in determination to abstain from action on official decision—Advisory opinion;* and KRS 11A.040 *Acts prohibited for public servant or officer—Exception*). With the incorporation of these statutes into the Kentucky SIP, the Commonwealth has adequately addressed the requirements of section 128(a)(2). Thus, EPA is proposing approval of KDAQ's infrastructure SIP submission for the 2015 8-hour ozone NAAQS with respect to section 110(a)(2)(E)(ii).

7. 110(a)(2)(F) Stationary Source Monitoring and Reporting: Section 110(a)(2)(F) requires SIPs to meet applicable requirements addressing: (i) The installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources, (ii) periodic reports on the nature and amounts of emissions and emissions related data from such sources, and (iii) correlation of such reports by the state agency with any emission limitations or standards established pursuant to this section, which reports shall be available at reasonable times for public inspection. EPA's rules regarding how SIPs need to address source monitoring requirements at 40 CFR 51.212 require SIPs to exclude any provision that would prevent the use of credible evidence of noncompliance.

The Kentucky infrastructure submission demonstrates how the major source and minor source emission inventory programs collect emission data throughout the Commonwealth and ensure the quality of such data. Kentucky meets these requirements through Chapter 50 *General Administrative Procedures,* specifically 401 KAR 50:050 *Monitoring.* 401 KAR 50:050, Section 1, *Monitoring Records and Reporting,* states that the Cabinet may require a facility to install, use, and maintain stack gas and ambient air monitoring equipment and to establish and maintain records, and make periodic emission reports at intervals prescribed by the Cabinet. Also, KRS 224.10–100 (23) requires that any person engaged in any operation regulated pursuant to this chapter file with the Cabinet reports containing information as to location, size, height, rate of emission or discharge, and composition of any substance discharged or emitted into the ambient air or into the waters or onto the land of the Commonwealth, and such other information the Cabinet may require. In addition, EPA is unaware of any provision preventing the use of credible evidence in the Kentucky SIP.

Additionally, Kentucky is required to submit emissions data to EPA for purposes of the National Emissions Inventory (NEI), pursuant to Subpart A to 40 CFR part 51,—''Air Emissions Reporting Requirements,'' (AERR). All states are required to submit a comprehensive emission inventory every three years and report emissions for certain larger sources annually through EPA's online Emissions Inventory System. States report emissions data for the six criteria pollutants and the precursors that form them—nitrogen oxides, sulfur dioxides, ammonia, lead, carbon monoxide, particulate matter, and volatile organic compounds. Many states also voluntarily report emissions of hazardous air pollutants. Kentucky's most recently published triennial compiled emissions information is available as part of the 2014 NEI. EPA compiles the emissions data, supplementing it where necessary, and releases it to the general public through the website *https://www.epa.gov/air-emissions-inventories.*[10]

EPA has made the preliminary determination that Kentucky's SIP and practices are adequate for the stationary source monitoring systems related to the 2015 8-hour ozone NAAQS. Accordingly, EPA is proposing to approve Kentucky's infrastructure SIP submission with respect to section 110(a)(2)(F).

8. 110(a)(2)(G) Emergency Powers: This section requires that states demonstrate authority comparable with section 303 of the CAA and adequate contingency plans to implement such authority. Section 303 authorizes EPA to take action seeking to immediately restrain pollution sources if such pollution is presenting an imminent and substantial endangerment to public health, welfare, or the environment. Kentucky's infrastructure SIP submission identifies air pollution emergency episodes and preplanned abatement strategies as outlined in the following Kentucky regulations in Chapter 55 *Emergency Episodes,* specifically: 401 KAR 55:005. *Significant harm criteria,* 401 KAR 55:010. *Episode Criteria,* and 401 KAR 55:015. *Episode Declaration*.401 KAR 55:020, *Abatement,* 401 KAR 55:005. *Significant Harm Criteria,* Section 1, *Purpose,* defines those levels of pollutant concentration which must be prevented in order to avoid significant harm to the health of persons. 401 KAR 55:010. *Episodic Criteria* defines those levels of pollutant concentrations which justify the proclamation of an air pollution alert, air pollution warning, an air pollution emergency. 401 KAR 55:015. *Episode Declaration* provides for the curtailment or reduction of processes or operations which emit an air contaminant or an air contaminant precursor whose criteria has been reached and are located in the affected areas for which an episode level has been declared.

In addition, KRS 224.10–100 *Powers and duties of cabinet* and KRS 224.10–410 *Order for discontinuance, abatement, or alleviation of condition or activity without hearing—Subsequent hearing,* establish the authority for Kentucky's secretary to issue orders to person(s) for discontinuance, abatement, or alleviation of any condition or activity without hearing because the condition or activity presents a danger to the health or welfare of the people of the state, and for the Cabinet to require adoption of any remedial measures deemed necessary. EPA has made the preliminary determination that Kentucky's SIP, and state laws are adequate for emergency powers related to the 2015 8-hour ozone NAAQS. Accordingly, EPA is proposing to approve Kentucky's infrastructure SIP submission with respect to section 110(a)(2)(G).

9. 110(a)(2)(H) SIP Revisions: Section 110(a)(2)(H), in summary, requires each SIP to provide for revisions of such plan: (i) As may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and (ii) whenever the Administrator finds that the plan is substantially inadequate to attain the NAAQS or to otherwise comply with any additional applicable requirements. As previously discussed, KDAQ is responsible for adopting air quality rules and revising SIPs as

[10] EPA compiles the emissions data and releases the National Emissions Inventory (NEI) to the public triennial. According to EPA's 2017 NEI Plan, the 2017 NEI will be available on April 1, 2020, *See https://www.epa.gov/sites/production/files/2019–04/documents/2017nei_plan_addendum_final_apr2019_0.pdf*

needed to attain or maintain the NAAQS. Kentucky has the ability and authority to respond to calls for SIP revisions and has provided a number of SIP revisions over the years for implementation of the NAAQS.

Additionally, 401 KAR 53:010 outlines the ambient air quality standards necessary for the protection of the public health, the general welfare, and the property and people in the Commonwealth and states that within 60 days of promulgation or revision of any NAAQS by EPA, the Cabinet will initiate a process to promulgate or review this administrative regulation. 401 KAR 51:010. *Attainment Status Designations* provides provisions for the Cabinet to review applicable data and submit to EPA proposed revisions to the list of attainment-nonattainment areas. EPA has made the preliminary determination that Kentucky adequately demonstrates a commitment to provide future SIP revisions related to the 2015 8-hour ozone NAAQS when necessary. Accordingly, EPA is proposing to approve Kentucky's infrastructure SIP submission for the 2015 8-hour ozone NAAQS with respect to section 110(a)(2)(H).

10. 110(a)(2)(J) Consultation with Government Officials, Public Notification, and PSD and Visibility Protection: EPA is proposing to approve Kentucky's infrastructure SIP submission for the 2015 8-hour ozone NAAQS with respect to the general requirement in section 110(a)(2)(J) to include a program in the SIP that provides for meeting the applicable consultation requirements of section 121, and the public notification requirements of section 127. EPA's rationale for each sub-element is described below.

Consultation with government officials (121 consultation): Section 110(a)(2)(J) of the CAA requires states to meet the requirements of section 121 relating to consultation with local governments, designated organizations and Federal Land Managers (FLMs) carrying out NAAQS implementation requirements pursuant to section 121 relative to consultation. This requirement is met through the Regional Haze SIP, which provides for continued consultation with government officials, including the FLMs. Kentucky also adopted consultation procedures in coordination with the transportation partners in the Commonwealth, for the implementation of transportation conformity, which includes the development of mobile inventories for SIP development. Implementation of transportation conformity as outlined in the consultation procedures requires KDAQ to consult with Federal, state and local transportation and air quality agency officials on the development of motor vehicle emissions budgets. Also, KDAQ notes in its January 1, 2019, SIP submission that the following Kentucky regulations provide the Commonwealth the authority to meet this requirement: 401 KAR 50:055. *General compliance requirements;* 401 KAR 50:060. *Enforcement;* 401 KAR 50:065. *Conformity of general federal actions;* 401 KAR 50:066. *Conformity of Transportation Plans, Programs, and Projects;* 401 KAR 51:017. *Prevention of Significant Deterioration of Air Quality;* and 401 KAR 51:052. *Review of new sources in or impacting upon nonattainment areas.* EPA has made the preliminary determination that Kentucky's SIP and practices adequately demonstrate consultation with government officials related to the 2015 8-hour ozone NAAQS when necessary for the consultation with government official(s) element of section 110(a)(2)(J).

Public notification (127 public notification): With respect to public notification, section 110(a)(3)(J) of the CAA requires states to notify the public of NAAQS exceedances and associated health hazards, and to enhance public awareness of measures that can prevent such exceedances. These requirements are met through the following Kentucky regulations: 401 KAR 51:001. *Definitions for 401 KAR Chapter 51;* 401 KAR 51:005. *Purpose and General Provisions;* 401 KAR 51:010. *Attainment Status Designations;* 401 KAR 51:017. *Prevention of significant deterioration of air quality;* 401 KAR 51:052. *Review of new sources in or impacting upon nonattainment areas;* and 401 KAR 52:100. *Public, Affected State, and the US EPA Review.* Additionally, Kentucky provides air quality information to the public via its website at: *http://eppcapp.ky.gov/daq/.* EPA has made the preliminary determination that Kentucky's SIP and practices adequately demonstrate the Commonwealth's ability to provide public notification related to the 2015 8-hour ozone NAAQS when necessary for the public notification element of section 110(a)(2)(J).

PSD: With regard to the PSD element of section 110(a)(2)(J), EPA is not proposing any action in this rulemaking. EPA will consider these requirements in relation to Kentucky's 2015 8-hour ozone NAAQS infrastructure submission in a separate rulemaking.

Visibility protection: EPA's 2013 Guidance notes that it does not treat the visibility protection aspects of section 110(a)(2)(J) as applicable for purposes of the infrastructure SIP approval process. KDAQ referenced its regional haze program as germane to the visibility component of section 110(a)(2)(J). EPA recognizes that states are subject to visibility protection and regional haze program requirements under Part C of the Act (which includes sections 169A and 169B). However, there are no newly applicable visibility protection obligations after the promulgation of a new or revised NAAQS. Thus, EPA has determined that states do not need to address the visibility component of 110(a)(2)(J) in infrastructure SIP submittals. As such, EPA has made the preliminary determination that Kentucky's infrastructure SIP submission is approvable for section 110(a)(2)(J) related to the 2015 8-hour ozone NAAQS and that Kentucky does not need to rely on its regional haze program to address this element.

11. 110(a)(2)(K) Air Quality Modeling and Submission of Modeling Data: Section 110(a)(2)(K) of the CAA requires that SIPs provide for performing air quality modeling so that effects on air quality of emissions from NAAQS pollutants can be predicted and submission of such data to EPA can be made. With regard to section 110(a)(2)(K), air quality models, EPA is not proposing any action in this rulemaking. EPA will consider these requirements in relation to Kentucky's 2015 8-hour ozone NAAQS infrastructure submission in a separate rulemaking.

12. 110(a)(2)(L) Permitting Fees: This section requires the SIP to direct the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under the CAA, a fee sufficient to cover: (i) The reasonable costs of reviewing and acting upon any application for such a permit, and (ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under title V.

Kentucky regulation, 401 KAR 50:038 *Air Emissions Fee,*[11] provides for the assessment of fees necessary to fund the state permit program. KDAQ ensures this is sufficient for the reasonable cost of reviewing and acting upon PSD and NNSR permits. Additionally, Kentucky has a fully approved title V operating permit program at 401 KAR 52:020 *Title*

[11] This rule is not approved into the federally approved SIP.

V permits[12] that covers the cost of implementation and enforcement of PSD and NNSR permits after they have been issued. EPA has made the preliminary determination that Kentucky's SIP and practices adequately provide for permitting fees related to the 2015 8-hour ozone NAAQS, when necessary. Accordingly, EPA is proposing to approve Kentucky's infrastructure SIP submission with respect to section 110(a)(2)(L).

13. 110(a)(2)(M) Consultation and Participation by Affected Local Entities: Section 110(a)(2)(M) of the Act requires states to provide for consultation and participation in SIP development by local political subdivisions affected by the SIP. Kentucky regulation, 401 KAR 50:066. *Conformity of transportation plans, programs, and projects,* and the interagency consultation process as directed by Kentucky's approved Conformity SIP and 40 CFR 93.112 provide for consultation with local groups. More specifically, Kentucky adopted state-wide consultation procedures for the implementation of transportation conformity which includes the development of mobile inventories for SIP development and the requirements that link transportation planning and air quality planning in nonattainment and maintenance areas. Required partners covered by Kentucky's consultation procedures include Federal, state and local transportation and air quality agency officials. Further, Kentucky's ozone infrastructure SIP submission notes that the following State regulations and State statutes provide the Commonwealth the authority to meet the requirements of this element; 401 KAR 52:100. *Public, Affected State, and the U.S. EPA Review;* and KRS Chapter 77. *Air Pollution Control.* EPA has made the preliminary determination that Kentucky's SIP and practices adequately demonstrate consultation with affected local entities related to the 2015 8-hour ozone NAAQS when necessary.

V. Proposed Action

With the exception of interstate transport provisions of section 110(a)(2)(D)(i)(I) and (II) (prongs 1 and 2), PSD provisions related to major sources under section 110(a)(2)(C), 110(a)(2)(D)(i)(II) (prong 3) and 110(a)(2)(J), and air quality models of section 110(a)(2)(K), EPA is proposing to approve Kentucky's January 9, 2019, infrastructure SIP submission for the 2015 8-hour ozone NAAQS for the above described infrastructure SIP requirements. EPA is proposing to approve these portions of Kentucky's infrastructure SIP submission for the 2015 8-hour ozone NAAQS because these aspects of the submission are consistent with section 110 of the CAA.

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this proposed action merely proposes to approve state law as meeting federal requirements and would not impose additional requirements beyond those imposed by state law. For that reason, this proposed 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);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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 as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: February 27, 2020.

Mary S. Walker,

Regional Administrator, Region 4.

[FR Doc. 2020–05013 Filed 3–11–20; 8:45 am]

BILLING CODE 6560–50–P

[12] This rule is not approved into the federally approved SIP.

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 299

[Docket No. FRA–2019–0068, Notice No. 2]

RIN 2130–AC84

Texas Central Railroad High-Speed Rail Safety Standards

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Proposed rule; announcement of public hearings.

SUMMARY: On March 10, 2020, FRA published a notice of proposed rulemaking (NPRM) that would establish safety standards for the Texas Central Railroad (TCRR) high speed rail system. FRA is announcing three public hearings to provide members of the public an opportunity to provide oral comments on the proposed safety requirements.

DATES: The public hearings will be conducted on the following dates at the following times (members of the public will be able to access the hearing location 30 minutes prior to the start of each hearing):

- *Dallas, TX:* March 31, 2020, from 4 p.m. (CDT) to 9 p.m. (CDT).
- *Navasota, TX:* April 1, 2020, from 5 p.m. (CDT) to 9 p.m. (CDT).
- *Houston, TX:* April 2, 2020, from 5 p.m. (CDT) to 9 p.m. (CDT).

The comment period for the proposed rule published on March 10, 2020 (85 FR 14036), closes on May 11, 2020. Written comments in response to views or information provided at the public hearings must be received by that date.

ADDRESSES: The public hearings will be at the following locations:

- *Dallas, TX:* Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, TX 75165.
- *Navasota, TX:* Grimes County Fairgrounds and Expo Center, 5220 FM 3455, Navasota, Texas 77868.
- *Houston, TX:* Waller High School Auditorium, 20950 Field Store Rd, Waller, TX 77484.

Written comments in response to views or information provided at the public hearings may be submitted by any of the methods listed in the NPRM. *See* 85 FR 14036.

FOR FURTHER INFORMATION CONTACT: Mr. Kenton Kilgore, Program Analyst, U.S. Department of Transportation, Federal Railroad Administration, Office of Railroad Safety, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone: (202) 493–6286; email: *Kenton.Kilgore@dot.gov*).

SUPPLEMENTARY INFORMATION:

Prior Public Engagement as Part of the Environmental Review Process

During the environmental review process, FRA provided many opportunities for public involvement and engagement, beginning with 12 public scoping meetings held in various locations in Texas in October and December of 2014. On December 22, 2017, FRA published the draft environmental impact statement (EIS) for this project. FRA then conducted 11 public hearings regarding the draft EIS along the proposed alignment. In addition to providing a forum to present oral comments and submit written comments, the public hearings for the draft EIS included an information session where the public had an opportunity to review project exhibits (such as maps of the proposed alignments) and engage with FRA and TCRR regarding the environmental review. During the 77-day comment period on the draft EIS, which closed on March 9, 2018, FRA received a total of 21,173 submissions from approximately 6,000 individuals, agencies, elected officials, businesses and organizations.[1]

[1] FRA is considering all comments received and will provide responses to the comments submitted during the public comment period for the draft EIS in the final EIS. FRA anticipates releasing the final EIS in late spring of this year.

Public Hearings To Receive Oral Comment on the NPRM—Purpose and Scope

As stated above, FRA published the NPRM proposing safety requirements specific to the TCRR high-speed rail system, and opened the public comment period on March 10, 2020. *See* 85 FR 14036. The public comment period for the NPRM is scheduled to close on May 11, 2020. FRA is holding three public hearings to receive oral comment on the provisions proposed in the NPRM; however, no information session will be conducted. During the hearing conducted in Dallas, TX, FRA will also conduct proceedings under 49 U.S.C. 20306, which are discussed further below.

Members of the public are invited to present oral statements, and to offer information and views about the technical safety requirements proposed in the NPRM at the upcoming hearings. Unlike the public hearings conducted for the environmental review, the purpose and scope of these hearings is to receive oral comments on the technical safety requirements proposed in the NPRM, along with the associated economic analysis. The NPRM public hearings are not a forum for debate on the project as a whole or to provide comment on proceedings outside of the NPRM, such as the environmental review process. Rather, the NPRM hearings are meant to help inform FRA's decisions regarding the technical safety requirements proposed in the NPRM, and associated economic analysis. The hearings on the NPRM will be conducted by representatives of FRA designated under FRA's Rules of Practice (49 CFR 211.25). The rules of evidence will not apply. The hearings will be informal, which means that they are non-adversarial proceedings and there will be no cross examination of persons presenting statements or offering evidence. These hearings are an opportunity to provide relevant technical information to FRA regarding the proposed requirements, and associated economic analysis, and a mechanism to place that information on the record for review and consideration by FRA.

Exemption for Technological Improvements—Proceedings Under 49 U.S.C. 20306

As noted above, as part of the hearing conducted in Dallas, TX, FRA will conduct proceedings under 49 U.S.C. 20306 to determine whether to invoke its discretionary authority to provide relief to TCRR from certain requirements of 49 U.S.C. ch. 203 for its planned operation of new high-speed trainsets built to the proposed requirements contained in the NPRM. FRA will conduct these proceedings during the first hour of the hearing.

Under 49 U.S.C. 20306, FRA may exempt TCRR from the above-identified statutory requirements based on evidence received and findings developed at a hearing demonstrating that the statutory requirements ''preclude the development or implementation of more efficient railroad transportation equipment or other transportation innovations under existing law.'' Accordingly, to receive such evidence and develop findings to determine whether FRA should invoke its discretionary authority under 49 U.S.C. 20306 in this instance, proceedings will be conducted as part of the public hearing scheduled for Tuesday, March 31, 2020, at 4:00 p.m. (CDT) at the Waxahachie Civic Center. Interested parties are invited to present oral statements at the hearing regarding the technical information presented in the NPRM addressing the application of 49 U.S.C. ch. 203. Again, as mentioned above, this part of the proceedings will be an informal hearing limited in scope to the technical information presented regarding the proposed requirements concerning safety appliances, and is not a forum to generally debate the project or other proceedings outside of the rulemaking.

In its rulemaking petition, submitted April 16, 2016, TCRR requested FRA exercise its authority under 49 U.S.C. 20306 to exempt its high-speed passenger rail trainsets from the requirements of 49 U.S.C. 20302, mandating that railroad vehicles be equipped with (1) secure sill steps and efficient hand brakes; (2) secure grab irons or handholds on vehicle ends and sides for greater security to individuals coupling and uncoupling vehicles; and (3) the standard height of drawbars. *See* 49 U.S.C. 20302(a)(1)(B), (a)(2), and (a)(3).

In support of its request for an exemption, TCRR noted in its petition that safety appliances such as sill steps or end or side handholds are typically used in conventional North American practice by maintenance personnel who ride the side of trainsets in yards or maintenance facilities for marshalling operations. The N700 series trainset, as proposed in the NPRM, is a fixed-consist trainset where trainset make-up only occurs in defined locations where maintenance personnel can safely climb on, under, or between the equipment, consistent with the protections afforded under 49 CFR part 218. Additionally, the leading and trailing ends of the

N700 series trainset are equipped with an automatic coupler located behind a removable shroud. These couplers, as proposed by TCRR, will only be used for rescue operations in accordance with TCRR's operating rules, and provide for the safe coupling of one trainset to another (*i.e.,* each end will have automatic self-centering couplers that couple to other trainsets on impact and uncouple by mechanisms that do not require a person to go between trainsets or the activation of a traditional uncoupling lever). Further, as proposed, level boarding will be provided at all locations in trainset maintenance facilities where crew and maintenance personnel are normally required to access or disembark trainsets. Moreover, because the equipment is a fixed-consist trainset in which individual vehicles are semi-permanently coupled and, as noted above, individual vehicles can only be disconnected in repair facilities where personnel can work on, under, or between units under protections consistent with 49 CFR part 218, having drawbars at the statutorily prescribed height is unnecessary.

As such, there is not a functional need to equip the ends of the trainsets with sill steps, end or side handholds, or uncoupling levers. As this technology is intended to operate at high-speeds, the inclusion of these appurtenances would have a significant and detrimental impact on the aerodynamics of the trainset. This increase in the aerodynamic footprint would negatively impact both efficiency and aerodynamic noise emissions.

TCRR also noted that trainset securement will be provided by the use of wheel chocks in addition to stringent operating rules and procedures, which will be consistent with the service-proven procedures utilized on the Tokaido Shinkansen. Additionally, as proposed in the NPRM, TCRR will be required to demonstrate, as part of its vehicle qualification procedures, that the procedures effectively secure the trainset (see proposed § 299.607).

In sum, TCRR asserted that requiring compliance with the identified statutory requirements would serve to preclude the development or implementation of more efficient railroad transportation equipment or other transportation innovations under existing law.

Procedures for Public Participation in the Hearings on the NPRM

At each NPRM hearing, FRA representatives will make opening statements reiterating the scope of the hearing as described above, and any relevant procedures to be followed at the hearing. Following FRA's opening statements, there will be an opportunity for members of the public to present a brief oral comment on the record. Time permitting, FRA will allow everyone who desires to provide an oral comment at a hearing the opportunity to do so. Those members of the public wishing to make a statement at the hearing will be required to sign up to do so at the hearing location prior to the commencement of the proceeding.

FRA will generally limit the duration of individual presentations, as necessary, to afford all persons who wish to speak the opportunity to do so. However, during the proceedings under 49 U.S.C. 20306, in Dallas, TX, TCRR may be afforded additional time to present information to support its request for FRA to invoke its discretionary authority under 49 U.S.C. 20306.

FRA will announce additional procedures that may be necessary for the conduct of each hearing, at each hearing, to include the specific time limit for individual presentations, which will be based on the number of people who sign up to provide comment at each hearing. FRA reserves the right to limit participation in the hearing of persons who exceed their allotted time, or who discuss topics or issues outside the scope of the proposed rulemaking.

There will be a court reporter present to record and transcribe oral comments presented at each hearing verbatim. FRA will add the transcripts of the hearings to the public docket in this rulemaking proceeding.

For information on facilities or services for persons with disabilities, or to request special assistance at the hearing, contact FRA Program Analyst, Mr. Kenton Kilgore, by telephone, email, or in writing, at least 5 working days before the date of the hearing by one of the means listed in the **FOR FURTHER INFORMATION CONTACT** section.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2020–05177 Filed 3–10–20; 4:15 pm]

BILLING CODE 4910–06–P

Notices

Federal Register
Vol. 85, No. 49
Thursday, March 12, 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

Animal and Plant Health Inspection Service

[Docket No. APHIS–2020–0012]

Notice of Request for Extension of Approval of an Information Collection; Cooperative Agricultural Pest Survey

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with the Cooperative Agricultural Pest Survey.

DATES: We will consider all comments that we receive on or before May 11, 2020.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2020-0012.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2020–0012, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2020-0012* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the Cooperative Agricultural Pest Survey, contact Mr. John Bowers, National Policy Manager for Pest Detection, Plant Protection and Quarantine, APHIS, 4700 River Road, Unit 40, Riverdale, MD 20737; (301) 851–2087. For additional information about the information collection process, contact Mr. Joseph Moxey, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Cooperative Agricultural Pest Survey.

OMB Control Number: 0579–0010.

Type of Request: Extension of approval of an information collection.

Abstract: Under the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the Secretary of Agriculture is authorized, either independently or in cooperation with the States, to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests and noxious weeds that are new to or not widely distributed within the United States. This authority has been delegated to the Animal and Plant Health Inspection Service (APHIS).

To carry out this mission, APHIS' Plant Protection and Quarantine (PPQ) program has joined forces with the States and other agencies to create a program called the Cooperative Agricultural Pest Survey (CAPS). The CAPS program coordinates efforts through cooperative agreements with the States and other agencies to collect and manage data on plant pests, noxious weeds, and biological control agents, which may be used to control plant pests or noxious weeds.

This program allows the States and PPQ to conduct surveillance activities to detect and measure the presence of exotic plant pests and weeds and to input surveillance data into a uniform national system. Among other things, this allows APHIS to obtain a more comprehensive picture of plant pest conditions in the United States.

The CAPS program involves certain information collection activities, such as cooperative agreements with associated workplans and various financial and disclosure forms, pest detection surveys with data entry, and a form for determination of specimens.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 0.24 hours per response.

Respondents: State cooperators participating in CAPS.

Estimated annual number of respondents: 54.

Estimated annual number of responses per respondent: 271.

Estimated annual number of responses: 14,634.

Estimated total annual burden on respondents: 3,573 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 6th day of March 2020.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2020–05014 Filed 3–11–20; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2018–0004]

Decision To Authorize the Importation of Fresh Jujube From China Into the Continental United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our decision to authorize the importation of fresh jujube fruit from China into the continental United States. Based on the findings of the pest risk analysis, which we made available to the public to review and comment through a previous notice, we have concluded that the application of one or more designated phytosanitary measures will be sufficient to mitigate the risks of introducing or disseminating plant pests or noxious weeds via the importation of fresh jujube fruit from China.

DATES: The articles covered by this notification may be authorized for importation after March 12, 2020.

FOR FURTHER INFORMATION CONTACT: Mr. Tony Román, Senior Regulatory Policy Specialist, Regulatory Coordination and Compliance, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1231; (301) 851–2242.

SUPPLEMENTARY INFORMATION: Under the regulations in ''Subpart L—Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–12, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) prohibits or restricts the importation of fruits and vegetables into the United States from certain parts of the world to prevent plant pests from being introduced into and spread within the United States.

Section 319.56–4 of the regulations contains a notice-based process based on established performance standards for authorizing the importation of fruits and vegetables. The performance standards, known as designated phytosanitary measures, are listed in paragraph (b) of that section. Under the process, APHIS proposes to authorize the importation of a fruit or vegetable into the United States if, based on the findings of a pest risk analysis, we determine that the measures can mitigate the plant pest risk associated with the importation of that fruit or vegetable. APHIS then publishes a notice in the **Federal Register** announcing the availability of the pest risk analysis that evaluates the risks associated with the importation of that fruit or vegetable.

In accordance with that process, we published a notice [1] in the **Federal Register** on March 25, 2019 (84 FR 11046–11047, Docket No. APHIS–2018–0004), in which we announced the availability, for review and comment, of a pest risk assessment (PRA) that evaluated the risks associated with the importation into the continental United States of fresh jujube fruit from China and a risk management document (RMD) prepared to identify phytosanitary measures that could be applied to the commodity to mitigate the pest risk.

We solicited comments on the PRA and RMD for 60 days ending on May 24, 2019. We received 14 comments by that date. They were from private citizens, a State department of agriculture, domestic jujube producers, two cooperative extension services, and a public advocacy group.

Two of the commenters expressed general support for the importation of jujube from China into the United States, while another expressed general opposition to the importation of fruits and vegetables into the United States. The other commenters provided comments regarding the notice and its supporting documentation. Below, we discuss these comments, by topic.

General Comments

One commenter indicated that he was conducting research on refrigeration of jujubes. The commenter did not provide any indication that this research was related to evaluation of refrigeration as a phytosanitary treatment, or whether it should be considered as an alternative to the mitigations of the RMD.

One commenter stated that authorizing the importation of jujubes from China into the continental United States could result in increased carbon emissions due to the means of transportation used to ship the jujubes to the United States.

This falls outside of APHIS' statutory authority.

One commenter stated that jujubes could have trace levels of chemicals or minerals that make them a human health risk to consume.

This is also outside the scope of APHIS' statutory authority. However, we do note that the Food and Drug Administration of the Department of Health and Human Services regulates the residues that may be present on imported fruits and vegetables intended for human consumption.

One commenter requested to participate in any site visits APHIS has planned relative to the importation of jujubes from China.

We respect the commenter's expertise in phytosanitary issues pertaining to jujube and are committed to a transparent process to evaluate the risk associated with the importation of jujubes from China. However, no such site visits are currently planned.

Comments Regarding the Pest Risk Assessment

The PRA that accompanied the proposed rule identified six plant pests of quarantine significance that potentially could follow the pathway on jujubes from China into the continental United States: Four fruit flies (*Bactrocera correcta, Bactrocera cucurbitae, Bactrocera dorsalis,* and *Carpomyia vesuviana*), a mealybug (*Maconellicoccus hirsutus*), and a moth (*Carposina sasakii*).

Several commenters stated that, based on the conclusions of the PRA, the plant pest risk associated with the importation of jujube from China into the continental United States was too great and APHIS should deny China's request to authorize such importation.

As indicated in the RMD that accompanied the March 25, 2019 notice, as well as in the notice itself, we have determined that measures exist that can mitigate the plant pest risk associated with the importation of jujube from China into the continental United States.

One commenter voiced a similar concern, and suggested that jujubes from China be prohibited importation into the State of Florida.

For the reasons specified in the RMD and the March 25, 2019 notice, we have determined that the mitigations of the RMD adequately address the plant pest risk associated with the importation of jujubes from China into the State of Florida. The commenter did not provide information that calls into question the adequacy of these mitigations. Therefore, we do not consider it necessary to prohibit the importation of jujubes from China into the State of Florida.

One commenter stated that jujubes are usually imported seeded, and jujube seed can harbor pathogens and viruses of quarantine significance that are harmful to U.S. dogwood. The commenter questioned why the PRA did not include any such pathogens or viroids.

[1] To view the notice, PRA, RMD, supporting document, and the comments that we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2018-0004.*

During the preparation of the PRA, we found no evidence of pathogens or viroids of quarantine significance that could follow the pathway on jujubes from China imported into the continental United States.

Comments Regarding Risk Mitigations

One commenter stated that all propagative material used to produce jujubes intended for export to the United States should be tested for quarantine pathogens and viroids.

As noted above, we found no evidence of quarantine pathogens or viroids that could follow the pathway on jujubes from China imported into the continental United States.

One commenter stated that all production sites that produce jujubes intended for export to the continental United States should be from accredited places of production.

We agree and note that we proposed that production sites would need to be registered with the national plant protection organization (NPPO) of China.

We proposed that registered places of production would have to be north of the 33rd parallel (APHIS considers China to be free of *Bactrocera* spp. fruit fly above this parallel) or, alternatively, the jujubes would have to be treated for *Bactrocera correcta, B. cucurbitae,* and *B. dorsalis* in accordance with 7 CFR part 305, which contains APHIS' regulations governing phytosanitary treatments.

One commenter inquired how APHIS would prevent diversion of jujubes from southern China to northern China in order to avoid this phytosanitary treatment.

As noted above, we proposed that all production sites would have to be registered with the NPPO of China. One of the primary purposes of requiring registration of production sites is to facilitate traceback of material that is determined to be infested with plant pests to its registered place of production.

However, for this to occur, all lots of jujubes from a registered production site would have to maintain the identity of the registered production site in which the jujubes were produced from the time of harvest until arrival at the port of entry into the United States, and neither the RMD nor the March 25, 2019 notice specified that such lot identification would be required.

In this final notice, we are clarifying that such identification will be required; the specific means of identification that may be used will be specified in an operational workplan entered into by APHIS and the NPPO of China.

Comments on Economic Effects

As a supporting document for the March 25, 2019 notice, we prepared an economic effects assessment (EEA) of the possible economic impact associated with authorizing the importation of jujubes from China into the continental United States. In that notice, we stated that ''there are no commercially operating growers of red jujube dates in the United States.''

A number of commenters, including several domestic jujube producers, indicated that this statement was in error and provided information regarding the domestic jujube industry within the United States.

We have revised the EEA in response to these comments.

Several commenters also expressed concerns about the potential effects of authorizing the importation of jujubes from China into the continental United States on domestic jujube prices.

We respond to this concern in the revised EEA.

Therefore, in accordance with § 319.56–4(c)(3)(iii), we are announcing our decision to authorize the importation of fresh jujube from China into the continental United States subject to the following phytosanitary measures:

- Importation in commercial consignments only.
- Registration of places of production and packinghouses with the NPPO of China.
- Limiting registered places of production to locations north of the 33rd parallel (APHIS considers China to be free of *Bactrocera* spp. fruit flies above this parallel), or alternatively, requiring phytosanitary treatment for *Bactrocera correcta, B. cucurbitae,* and *B. dorsalis* in accordance with 7 CFR part 305, which contains APHIS' phytosanitary treatment regulations.
- Maintenance of the identity of the registered production site in which the jujubes were produced on each lot of jujubes intended for export to the United States from the time of harvest of that lot until arrival of the lot at the port of entry into the United States.
- The NPPO maintaining a national fruit fly monitoring program.
- Grove sanitation and trapping for fruit flies in places of production that are located in a province in which *Carpomyia vesuviana* (Ber fruit fly) is known to be present.
- Recordkeeping of fruit fly detections in registered places of production.
- Pre-export inspection by the NPPO of China and issuance of a phytosanitary certificate.
- Port of entry inspections.
- Importation under a permit issued by APHIS.

These conditions will be listed in the Fruits and Vegetables Import Requirements database (available at *https://epermits.aphis.usda.gov/manual*). In addition to these specific measures, fresh jujubes fruit from China will be subject to the general requirements listed in § 319.56–3 that are applicable to the importation of all fruits and vegetables.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the reporting and recordkeeping requirements included in this notice are covered under the Office of Management and Budget control number 0579–0049. The estimated annual burden on respondents is 1037.65 hours, which will be added to 0579–0049 in the next quarterly update.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the E-Government Act 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. For information pertinent to E-Government Act compliance related to this notice, please contact Mr. Joseph Moxey, APHIS' Information Collection Coordinator, at (301) 851–2483.

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 action as not a major rule, as defined by 5 U.S.C. 804(2).

Authority: 7 U.S.C. 1633, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 6th day of March 2020.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2020–05015 Filed 3–11–20; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2020–0008]

Notice of Request To Renew of an Approved Information Collection: In-Home Food Safety Behaviors and Consumer Education: Annual Observational Study

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and the Office of Management and Budget (OMB) regulations, the Food Safety and Inspection Service (FSIS) is announcing its intention to renew the approved information collection regarding observational studies to inform the development of food safety communication products and an evaluation of public health education and communication activities. The approval for this information collection will expire on June 30, 2020. FSIS has reduced the total burden estimate for the renewal collection by 833 hours because FSIS plans to conclude its research in two years, after the renewal. The original burden estimate was for three years.

DATES: Submit comments on or before May 11, 2020.

ADDRESSES: FSIS invites interested persons to submit comments on this **Federal Register** notice. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This website provides commenters the ability to type short comments directly into the comment field on the web page or to attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- *Mail, including CD–ROMs, etc.:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Mailstop 3758, Room 6065, Washington, DC 20250–3700.
- *Hand- or courier-delivered submittals:* Deliver to 1400 Independence Avenue SW, Room 6065, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2020–0008. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

Docket: For access to background documents or comments received, call (202)720–5627 to schedule a time to visit the FSIS Docket Room at 1400 Independence Avenue SW, Room 6065, Washington, DC 20250–3700.

FOR FURTHER INFORMATION CONTACT: Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Room 6065, South Building, Washington, DC 20250–3700; (202) 720–5627.

SUPPLEMENTARY INFORMATION:

Title: In-Home Food Safety Behaviors and Consumer Education: Annual Observational Study.

OMB Number: 0583–0169.

Expiration Date of Approval: 6/30/2020.

Type of Request: Renewal of an approved information collection.

Abstract: FSIS has been delegated the authority to exercise the functions of the Secretary (7 CFR 2.18 and 2.53), as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*), and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*). These statutes mandate that FSIS protect the public by verifying that meat and poultry products are safe, wholesome, unadulterated, and properly labeled and packaged.

FSIS is announcing its intention to renew the approved information collection regarding observational studies to inform the development of food safety communication products and an evaluation of public health education and communication activities. The approval for this information collection will expire on June 30, 2020. FSIS has reduced the total burden estimate for the renewal collection by 833 hours because FSIS plans to conclude its research in two years, after the renewal. The original burden estimate was for three years.

The U.S. Department of Agriculture's Food Safety and Inspection Service's Office of Public Affairs and Consumer Education (USDA, FSIS, OPACE) ensures that all segments of the farm-to-table chain receive valuable food safety information. The consumer education programs developed by OPACE's Food Safety Education Staff inform the public on how to safely handle, prepare, and store meat, poultry, and processed egg products to minimize incidence of foodborne illness.

OPACE strives to continuously increase consumer awareness of recommended food safety practices with the intent to improve food-handling behaviors at home. OPACE shares its messages through The *Food Safe Families* campaign (a cooperative effort of USDA, Food and Drug Administration, and Centers for Disease Control and Prevention); other outreach; social media; Ask USDA and the Meat and Poultry Hotline (an interactive knowledge management system consumers can use to get answers from USDA employees via phone, chat, email and a frequently asked question database); the FSIS website; publications; and events. These messages are focused on the four core food safety behaviors: Clean, separate, cook, and chill.

To test new consumer messaging and tailor existing messaging, FSIS can help ensure that it is effectively communicating with the public and working to improve consumer food safety practices. Continuing this behavioral research will provide insight into the effect FSIS consumer outreach campaigns have on consumers' food safety behaviors. The results of this research will be used to enhance messaging and accompanying materials to improve their food safety behavior. Additionally, this research will provide useful information for tracking progress toward the goals outlined in the FSIS Fiscal Years 2017–2021 Strategic Plan.[1]

To inform the development of food safety communication products and to evaluate public health education and communication activities, FSIS is requesting approval for a renewal of an information collection to conduct observational studies using an experimental design. Previous research suggests that self-reported data (*e.g.,* surveys) on consumers' food safety practices are unreliable, thus observational studies are a preferred approach for collecting information on consumers' actual food safety practices. These observational studies will help FSIS assess adherence to the four recommended food safety behaviors of clean, separate, cook, and chill, and to determine whether food safety messaging focused on those behaviors affects consumer food safety handling behaviors and whether consumers introduce cross-contamination during food preparation. For this 2-year study, FSIS plans to conduct separate observational studies in Fiscal Year 2020 and Fiscal Year 2021 and to focus on a different behavior, food and food preparation task, and food safety communication product each year. The

[1] The FSIS Fiscal Years 2017–2021 Strategic Plan is available on the FSIS website at: *https://www.fsis.usda.gov/wps/wcm/connect/317d14d6-1759-448e-941a-de3cbff289e5/Strategic-Plan-2017-2021.pdf?MOD=AJPERES.*

2020 study will examine participants' use of a food thermometer to determine if ground beef burgers are cooked to the proper temperature when grilling. The 2021 study will examine participants' food safety practices when preparing kabobs and serving them buffet style.

FSIS has contracted with RTI International to conduct the observational studies. The observational studies will be conducted in North Carolina State University's test kitchen. Participants will be recruited using non-probability convenience sampling, such as through social media and posting signs in Women, Infant, and Children (WIC) clinics, and recruited participants will reflect the demographics of the U.S. population with regard to race, ethnicity, age, education, income, and household size. Using a fully randomized experimental design, participants will be assigned to a treatment or control group. Treatment participants will receive food safety messaging prior to the study, while control participants will receive messaging unrelated to food safety. Participants will be given ingredients and asked to prepare a meal consisting of ready-to-eat products such as salad and raw meat or poultry products. Prior to meal preparation, the raw meat or poultry product will be inoculated with a harmless tracer bacterium to assess the extent of cross-contamination in the kitchen and with the ready-to-eat product. Researchers will video-record meal preparation. Trained researchers will subsequently view the videos and use a coding rubric to assess adherence to recommended practices and notational analysis to assess recorded actions and their frequency.

Following food preparation, trained surface sample collectors will take surface swab samples from multiple sites within the test kitchen. The swabs will be plated at a laboratory to determine presence of the tracer bacterium and concentration of the tracer if any is present. The presence of this tracer will indicate that cross-contamination occurred during food preparation. The level of cross-contamination will be compared across the sampling sites to determine the highest risk areas. Kitchen surfaces, appliances, and other potentially contaminated sites will be cleaned and sanitized after each participant in order to ensure that any bacterial samples collected were from the participant's behaviors.

Participants will be asked to complete an interview after the observation to collect additional information on their experiences in the test kitchen and their attitudes about food safety.

Statistical analysis will be conducted comparing the differences in handling behavior scores between the treatment and control groups for the four food handling behaviors. A comparative analysis will also be conducted on the samples collected from the designated kitchen sites and food samples to determine whether levels of cross-contamination differed between the two groups, as well as to identify the kitchen sites with the highest levels of contamination. This information will help to determine whether the food safety communication products tested in the experimental study affect consumer food handling behavior and thus help OPACE refine existing materials or inform the development of new food safety communication products. Improving consumer food safety practices in the home may help to minimize incidence of foodborne illness.

Estimate of Burden: Each year of the 2-year study, it is expected that 833 individuals will complete the web-based screener and it is assumed that 625 will be eligible and subsequently contacted by phone to schedule an appointment for the observation study. Of these, it is assumed that 500 will agree to take part in the study and schedule an appointment, and of these, it is assumed that 400 will show up and complete the observation study and interview. Each web-screening is expected to take 8 minutes (0.133 hour) and each phone call to schedule an appointment is expected to take 7 minutes (0.116 hour). Taking part in the observation study appointment will take a total of 120 minutes (2 hours): 15 minutes (0.25 hours) to obtain informed consent and provide exposure to the messaging, 90 minutes (1.5 hours) for the meal preparation/observation, and 15 minutes (0.25 hours) for the post-observation interview. For each iteration of the study, the estimated annual reporting burden is 983.289 hours, which is the sum of the burden estimates for each component of the study (including the burden for consumers who initially completed the web-based survey but do not agree to participate or do not show up for the observation study). For a 2-year study the estimated total number of individuals to be screened is 1,666 (833 each year) and the estimated total number of individuals to complete the observation study is 800 (400 each year). The estimated total burden for the 2-year study is 1,966.578 hours (983.289 *2).

ESTIMATED ANNUAL REPORTING BURDEN FOR EACH ITERATION OF THE OBSERVATIONAL STUDY

Study component	Estimated number of respondents	Annual frequency per response	Total annual responses	Hours per Response	Total hours
Web-based screening question-naire	833	1	833	0.133 (8 min.).	110.789
Appointment phone script, confirmation email, reminder phone script.	625	1	625	0.116 (7 min.).	72.5
Consent Form and Messaging	400	1	400	0.25 (15 min.).	100.0
Food Preparation Task/Observa-tion	400	1	400	1.5 (90 min.)	600.0
Post-observation interview	400	1	400	0.25 (15 min.).	100.0
Total					983.289

Respondents: Consumers.

Estimated No. of Respondents: 1,666.

Estimated No. of Annual Responses per Respondent: 1.

Estimated Total Burden on Respondents: 1,966.578 hours.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of FSIS's functions, including whether the information will have practical utility; (b) the accuracy of FSIS's

estimate of the burden of the proposed collection of information, including the validity of the method 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, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20253.

Responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS web page located at: *http://www.fsis.usda.gov/federal-register.*

FSIS will also announce and provide a link to this **Federal Register** publication through the FSIS *Constituent Update,* which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The *Constituent Update* is available on the FSIS web page. Through the web page, FSIS can provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

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Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410, *Fax:* (202) 690–7442, *Email: program.intake@usda.gov*.

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Paul Kiecker,

Administrator.

[FR Doc. 2020–05076 Filed 3–11–20; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Request Revision and Extension of a Currently Approved Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the National Agricultural Statistics Service (NASS) to request revision and extension of a currently approved information collection, the Current Agricultural Industrial Reports (CAIR) program. Revision to burden hours will be needed due to changes in the size of the target population, sampling design, and/or questionnaire length.

DATES: Comments on this notice must be received by May 11, 2020 to be assured of consideration.

ADDRESSES:

- *Email: omboffi cer@nass.usda.gov.* Include the docket number above in the subject line of the message.
- *Efax:* (855) 838–6382.
- *Mail:* Mail any paper, disk, or CD–ROM submissions to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.
- *Hand Delivery/Courier:* Hand deliver to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.

FOR FURTHER INFORMATION CONTACT: Kevin L. Barnes, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720–2707. Copies of this information collection and related instructions can be obtained without charge from David Hancock, NASS—OMB Clearance Officer, at (202) 690–2388 or at *omboffi cer@nass.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Current Agricultural Industrial Reports (CAIR).

OMB Control Number: 0535—0254.

Expiration Date of Approval: August 31, 2020.

Type of Request: To revise and extend a currently approved information collection for a period of three years.

Abstract: NASS began collecting data for the Current Agricultural Industrial Reports (CAIR) in the latter half of 2014. This replaced a portion of the Current Industrial Reports (CIR) program (0607–0476) which was conducted by the U.S. Census Bureau previously. The CIR was discontinued on April 30, 2012. The previous approval (0607–0476) was for 47 different surveys.

Data from the agricultural instruments are used to generate four separate publications.

The data from these surveys supply data users with important information on the utilization of many of the crops, livestock, and poultry produced in the United States. NASS collects crop data on acres planted and harvested, production, price and stocks for these crops (grains, oilseeds, cotton, nuts, etc.), along with livestock data on the number of animals and poultry produced, slaughtered, prices, and the amount of meat kept in cold storage. The CAIR data series provides data users with vital information on how much of these commodities were processed into fuels, cooking oils, flour, fabric, etc. These data are needed to provide a more complete picture of the importance of agriculture to the American population.

In order to maintain a complete and comprehensive list of operations, NASS also conducts an Operation Profile periodically to add new operations to the survey population. This profile is also used to identify operations that do not meet the criteria to be included in this group of surveys also to serve as a

training tool. The training that will be provided is designed to help insure consistent, accurate, and complete data reported on a monthly/annual basis. These surveys will be conducted as a part of the Census of Agriculture and are mandatory as defined under Title 7, Sec. 2204(g).

Publication No.*	Form No.*	Survey title	Reporting status	Frequency	Methodology
		Operation profile	Voluntary	Annual	Universe.
M311N	M311N	Animal & Vegetable Fats and Oil	Mandatory	Monthly	Universe.
M311J	M311C	Corn (Wet and Dry Producers of Ethanol)	Mandatory	Monthly	Universe.
	M311J	Oilseeds, Beans, and Nuts (Primary Producers).	Mandatory	Monthly	Universe
M313P	M311H	Cotton in Private Storage **	Mandatory	Annual	Universe.
	M313P	Consumption on the Cotton System and Stocks.	Mandatory	Monthly	Universe.
MQ311A	MQ311A	Flour Milling Products	Mandatory	Quarterly	Universe.

* The Form numbers and publication numbers appear on the surveys previously conducted by the Census Bureau.
** Cotton in Private Storage is published in the September publication only.

Primary users of these data include government and regulatory agencies, business firms, trade associations, and private research and consulting organizations. The USDA World Agricultural Outlook Board (WAOB) uses the data in many of their indexes. The Bureau of Economic Analysis (BEA) and the Bureau of Labor Statistics (BLS) uses the data in the estimation of components of gross domestic product (GDP) and the estimate of output for productivity analysis, respectively. Many government agencies, such as the Department of Agriculture, Food and Drug Administration, Bureau of Economic Analysis, and International Trade Administration use the data for industrial analysis, projections, and monitoring import penetration.

The National Agricultural Statistics Service will use the information collected only for statistical purposes and will publish the data only as tabulated totals.

Authority: The census of agriculture and subsequent follow-on censuses are required by law under the ''Census of Agriculture Act of 1997,'' 7 U.S.C. 2204(g). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985 as amended, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This Notice is submitted in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13 and Office of Management and Budget regulations at 5 CFR part 1320.

NASS also complies with OMB Implementation Guidance, ''Implementation Guidance for Title V of the E-Government Act, Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA),'' **Federal Register**, Vol. 72, No. 115, June 15, 2007, p. 33362.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 8–40 minutes per response. Publicity materials and instruction sheets will account for about 15 minutes of additional burden per respondent, annually. Respondents who refuse to complete the survey will be allotted 2 minutes of burden per attempt to collect the data.

Respondents: The target population will consist of managers of processing facilities that produce oils and fats from animals, grains, oilseeds, nuts, tree fruits or vegetables; or operations that are involved in the storing, rendering, or marketing of these products. Managers of ethanol plants, cotton gins, and flour mills will also be included in the target population for this group of surveys.

Estimated Number of Respondents: 760.

Estimated Total Annual Burden on Respondents: 2,400 hours.

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 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, technological or other forms of information technology collection methods.

All responses to this notice will become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC, February 19, 2020.

Kevin L. Barnes,

Associate Administrator.

[FR Doc. 2020–05057 Filed 3–11–20; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Broadband Pilot (ReConnect) Program

AGENCY: Rural Utilities Service, Department of Agriculture.

ACTION: Notice; amendment to Funding Opportunity Announcement (FOA) and solicitation of applications for the second round of the ReConnect Program.

SUMMARY: The Rural Utilities Service (RUS) published a Funding Opportunity Announcement (FOA) and solicitation of applications in the **Federal Register** on Thursday, December 12, 2019, announcing its general policy and application procedures for funding under the broadband pilot program (ReConnect) established pursuant to the Consolidated Appropriations Act, 2018 (which became law on February 15, 2019) which provides loans, grants, and loan/grant combinations to facilitate broadband deployment in rural areas. The purpose of this notice is to inform the public of an extension of the application window until midnight, based on the time zone the applicant is located in, on March 31, 2020.

DATES: Actions described in this notice take effect March 12, 2020.

FOR FURTHER INFORMATION CONTACT: For general inquiries regarding the ReConnect Program, contact Laurel Leverrier, Acting Assistant Administrator Telecommunications Program, Rural Utilities Service, U.S. Department of Agriculture (USDA), email: *laurel.leverrier@wdc.usda.gov,*

telephone (202) 720–9554. For inquiries regarding eligible service areas, please contact ReConnect Program Staff at *https://www.usda.gov/reconnect/contact-us.*

SUPPLEMENTARY INFORMATION:

Background

On December 12, 2019, RUS published a Funding Opportunity Announcement (FOA) and solicitation of applications in the **Federal Register** at 84 FR 67913. The FOA provided the policy and application procedures for the ReConnect Program. In support of the ReConnect Program, the agency identified the application closing date and funding amount for each category.

The action taken in this notice will extend the application window until midnight, based on the time zone the applicant is located in, on March 31, 2020. This action is being taken by the Agency to ensure a successful round of funding under the ReConnect Program.

Chad Rupe,

Administrator, Rural Utilities Service.

[FR Doc. 2020–05199 Filed 3–10–20; 4:15 pm]

BILLING CODE 3410–15–P

BROADCASTING BOARD OF GOVERNORS

Sunshine Act Meeting Notice

TIME AND DATE: Thursday, March 12, 2020, 10:30 a.m. EDT.

PLACE: Cohen Building, Room 3321, 330 Independence Ave. SW, Washington, DC 20237.

MATTERS TO BE CONSIDERED: The U.S. Agency for Global Media's (USAGM) Board of Governors (Board) will be meeting at the time and location listed above. The Board will vote on a consent agenda consisting of the minutes of its November 14, 2019 meeting, a resolution honoring the 70th anniversary of Voice of America's (VOA) Ukrainian Service, a resolution honoring the 60th anniversary of VOA's French Service, a resolution honoring the 35th anniversary of Office of Cuba Broadcasting's Radio Marti, and a resolution honoring the 10th anniversary of Radio Free Europe/Radio Liberty's Pashto Language Service for the Pakistan-Afghanistan Border Region—Radio Mashaal. The Board will receive a report from the USAGM's Chief Executive Officer and Director.

This meeting will be available for public observation via streamed webcast, both live and on-demand, on the agency's public website at *www.usagm.gov.* Information regarding this meeting, including any updates or adjustments to its starting time, can also be found on the agency's public website.

The public may also attend this meeting in person at the address listed above as seating capacity permits. Members of the public seeking to attend the meeting in person must register at *https://usagmboardmeeting march2020.eventbrite.com* by 12:00 p.m. (EDT) on March 11. For more information, please contact USAGM Public Affairs at (202) 203–4400 or by email at *publicaffairs@usagm.gov.*

CONTACT PERSON FOR MORE INFORMATION: Persons interested in obtaining more information should contact Oanh Tran at (202) 203–4545.

Oanh Tran,

Executive Director.

[FR Doc. 2020–04849 Filed 3–10–20; 11:15 am]

BILLING CODE 8610–01–P

BROADCASTING BOARD OF GOVERNORS

Sunshine Act Meeting Notice

TIME AND DATE: Thursday, March 12, 2020, 9:00 a.m.–5:00 p.m. EDT.

PLACE: Cohen Building, Room 3321, 330 Independence Ave. SW, Washington, DC 20237.

MATTERS TO BE CONSIDERED: The U.S. Agency for Global Media's (USAGM) Board of Governors (Board) may conduct a special meeting closed to the public at any given time during the periods of time and location listed above to consider a personnel matter. This meeting is closed to the public pursuant to 5 U.S.C. 552b(c)(6) in order to protect the privacy interests of personnel involved in the actions under consideration. The Board also determined that shorter than usual notice for a meeting was required by official agency business and delayed availability of required information. In accordance with the Government in the Sunshine Act and BBG policies, any such meeting will be recorded and a transcript of the proceedings, subject to the redaction of information protected by 5 U.S.C. 552b(c)(6), will be made available to the public. The publicly-releasable transcript will be available for download at *www.usagm.gov* within 21 days of the date of the meeting.

Information regarding member votes to close the meeting and expected attendees can also be found on the Agency's public website.

CONTACT PERSON FOR MORE INFORMATION: Persons interested in obtaining more information should contact Oanh Tran at (202) 203–4545.

Oanh Tran,

Executive Director.

[FR Doc. 2020–05215 Filed 3–10–20; 4:15 pm]

BILLING CODE 8610–01–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, U.S. Department of Commerce.

ACTION: Notice and opportunity for public comment.

SUMMARY: The Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of the firms contributed importantly to the total or partial separation of the firms' workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

SUPPLEMENTARY INFORMATION:

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[2/27/2020 through 3/3/2020]

Firm name	Firm address	Date accepted for investigation	Product(s)
Ben Hughes Communication Products Co., d/b/a Cable Prep.	207 Middlesex Avenue, Chester, CT 06412.	2/27/2020	The firm manufactures hand tools for installing cable and fiber-optic telecommunication systems.

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE—Continued

[2/27/2020 through 3/3/2020]

Firm name	Firm address	Date accepted for investigation	Product(s)
Technodic, Inc	245 Carolina Avenue, Providence, RI 02905.	2/28/2020	The firm provides metal finishing services, primarily anodizing and powder-coating services.
Custom Store Fixtures, LLC ..	118 North 800 West, Building 6D, Suite A, Ogden, UT 84404.	2/28/2020	The firm manufactures wooden cabinetry and display racks.
New York Embroidery Studio, Inc.	327 West 36th Street, 11th Floor, New York, NY 10018.	3/3/2020	The firm provides embroidery, laser-cutting, printing, beading, and pleating services to garment manufacturers.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice. These petitions are received pursuant to section 251 of the Trade Act of 1974, as amended.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Irette Patterson,

Program Analyst.

[FR Doc. 2020–05022 Filed 3–11–20; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–71–2019]

Foreign-Trade Zone (FTZ) 134—Chattanooga, Tennessee, Authorization of Production Activity, Volkswagen Group of America Chattanooga Operations, LLC (Passenger Motor Vehicles), Chattanooga, Tennessee

On November 6, 2019, Volkswagen Group of America Chattanooga Operations, LLC submitted a notification of proposed production activity to the FTZ Board for its facility within FTZ 134, in Chattanooga, Tennessee.

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 63842–63843, November 19, 2019). On March 5, 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: March 5, 2020.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2020–05074 Filed 3–11–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–261–2019]

Approval of Subzone Status, Packard Pipe Terminals, LLC, Belle Chasse, Louisiana

On December 19, 2019, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the Board of Commissioners of the Port of New Orleans, grantee of FTZ 2, requesting subzone status subject to the existing activation limit of FTZ 2, on behalf of Packard Pipe Terminals, LLC, in Belle Chasse, Louisiana.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (84 FR 71895, December 30, 2019). The FTZ staff examiners reviewed the application and determined that it meets the criteria for approval.

Pursuant to the authority delegated to the FTZ Board Executive Secretary (15 CFR Sec. 400.36(f)), the application to establish Subzone 2M was approved on March 6, 2020, subject to the FTZ Act and the Board's regulations, including Section 400.13, and further subject to FTZ 2's 2,000-acre activation limit.

Dated: March 6, 2020.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2020–05073 Filed 3–11–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–13–2020]

Foreign-Trade Zone (FTZ) 124—Gramercy, Louisiana, Notification of Proposed Production Activity, Offshore Energy Services, Inc. (Line Pipe With Weld-On Housings and Connectors), Broussard, Louisiana

The Port of South Louisiana, grantee of FTZ 124, submitted a notification of proposed production activity to the FTZ Board on behalf of Offshore Energy Services, Inc. (Offshore Energy), located in Broussard, Louisiana. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on March 5, 2020.

Offshore Energy already has authority to produce API specification 5L line pipe with welded on pin and box connections within FTZ 124. The current request would add two finished products and three foreign status materials/components to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status materials/components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Offshore Energy from customs duty payments on the foreign-status materials/components used in export production. On its domestic sales, for the foreign-status materials/components noted below and in the existing scope of authority, Offshore Energy would be able to choose the duty

rates during customs entry procedures that apply to API specification 5L steel line pipe with steel weld-on high pressure wellhead housings and pin or box connectors, and to API specification 5L steel line pipe with steel weld-on low pressure wellhead housings and pin or box connectors (2.9%). Offshore Energy 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 materials/components sourced from abroad include steel weld-on pin and box threaded connectors, steel weld-on high pressure wellhead housings, and steel weld-on low pressure wellhead housings, for use in oil and gas drilling operations (duty rate ranges from duty-free to 2.9%). The request indicates that certain materials/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 April 21, 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 Juanita Chen at *juanita.chen@trade.gov* or 202–482–1378.

Dated: March 6, 2020.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2020–05072 Filed 3–11–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–557–816]

Certain Steel Nails From Malaysia: Final Results of the Antidumping Duty Administrative Review; 2017–2018

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) finds that sales of certain steel nails (steel nails) from Malaysia were made at less than normal value during the period of review (POR) July 1, 2017 through June 30, 2018.

DATES: Applicable March 12, 2020.

FOR FURTHER INFORMATION CONTACT: Preston N. Cox, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC, 20230; telephone: (202) 482–5041.

SUPPLEMENTARY INFORMATION:

Background

On September 11, 2019, Commerce published the *Preliminary Results* of the 2017–2018 antidumping duty administrative review of steel nails from Malaysia and invited interested parties to comment.[1] The review covers two producers/exporters of the subject merchandise: Inmax and Region.[2] On October 18, 2019, Commerce received case briefs from Inmax, Region, and Mid Continent Steel & Wire, Inc. (the petitioner).[3] On October 22, 2019, we received a rebuttal brief from Region,[4] and on October 23, 2019, we received a rebuttal brief from the petitioner.[5] On January 2, 2020, Commerce extended the deadline for the final results of the review to no later than March 6, 2020.[6]

For a further discussion of events subsequent to the *Preliminary Results, see* the Issues and Decision Memorandum.[7] Commerce conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

[1] *Certain Steel Nails From Malaysia: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review; 2017–2018,* 84 FR 47933 (September 11, 2019) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[2] Commerce has determined to collapse, and treat as a single entity, affiliates Inmax Sdn. Bhd. and Inmax Industries Sdn. Bhd. (collectively, Inmax), and Region International Co. Ltd. and Region System Sdn. Bhd. (collectively, Region) for these final results of review. For a discussion of this analysis, *see Preliminary Results* PDM.

[3] *See* Inmax's Letter, ''Steel Nails from Malaysia—Case Brief,'' dated October 18, 2019; *see also* Region's Letter, ''Steel Nails from Malaysia: Case Brief,'' dated October 18, 2019; and Petitioner's Letter, ''Certain Steel Nails from Malaysia: Case Brief,'' dated October 18, 2019.

[4] *See* Region's Letter, ''Steel Nails from Malaysia: Case Brief,'' dated October 22, 2019.

[5] See Petitioner's Letter, ''Certain Steel Nails from Malaysia: Rebuttal Brief,'' dated October 23, 2019.

[6] *See* Memorandum, ''Certain Steel Nails from Malaysia: Extension of Deadline for Final Results of Antidumping Duty Administrative Review; 2017–2018,'' dated January 2, 2020.

[7] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Administrative Review of the Antidumping Duty Order on Certain Steel Nails from Malaysia; 2017–2018,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Scope of the Order

The products covered by the scope of the order are certain steel nails from Malaysia. For a complete description of the scope of the order, *see* the Issues and Decision Memorandum.[8]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs are listed in the appendix to this notice and addressed in the Issues and Decision Memorandum. 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 *https://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.

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results,* we made certain changes to the preliminary margin calculations for Inmax and Region. The Issues and Decision Memorandum contains a description of these revisions.[9]

Final Results of the Administrative Review

As a result of this review, Commerce determines that the following weighted-average dumping margin exists for the period July 1, 2017 through June 30, 2018:

Producer/Exporter	Weighted-average dumping margin (percent)
Inmax Sdn. Bhd. and Inmax Industries Sdn. Bhd	0.00

[8] *See* Issues and Decision Memorandum at 2–4.

[9] *See* Issues and Decision Memorandum at 4; *see also* Memorandum, ''Analysis Memorandum for Inmax Sdn. Bhd. and Inmax Industries Sdn. Bhd. in the Final Results of the 2017/2018 Administrative Review of the Antidumping Duty Order on Certain Steel Nails from Malaysia,'' dated concurrently with this notice; Memorandum, ''Analysis Memorandum for Region International Co. Ltd. and Region System Sdn. Bhd. in the Final Results of the 2017/2018 Administrative Review of the Antidumping Duty Order on Certain Steel Nails from Malaysia,'' dated concurrently with this notice.

Producer/Exporter	Weighted-average dumping margin (percent)
Region International Co. Ltd. and Region System Sdn. Bhd	3.12

Disclosure of Calculations

We intend to disclose the calculations performed for these final results within five days of the date of publication of this notice to parties in this proceeding, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b)(1), Commerce has determined, and U.S. Customs and Border Protections (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. We will calculate importer-specific assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for each importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1).

Commerce's ''reseller policy'' will apply to entries of subject merchandise during the POR produced by each respondent for which it did not know that the merchandise it sold to the intermediary (*e.g.,* a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[10]

We intend to issue liquidation instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for the respondents noted above will be equal to the weighted-average dumping margin established in the final results of this review; (2) for merchandise exported by companies not covered in this review but covered in a prior segment of this proceeding, the cash deposit will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review or the original investigation, but the producer is, then the cash deposit rate will be the rate established for the most recently completed segment for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 2.66 percent, the all-others rate established in the less-than-fair-value investigation.[11] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order (APO)

This notice serves as the only reminder to parties subject to APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: March 6, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2020–05065 Filed 3–11–20; 8:45 am]

BILLING CODE 3510–DS–P

[10] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[11] *See Certain Steel Nails From Malaysia: Amended Final Determination of Sales at Less Than Fair Value,* 80 FR 34370 (June 16, 2015).

DEPARTMENT OF COMMERCE

International Trade Administration

North American Free Trade Agreement (NAFTA), Article 1904; Binational Panel Review: Notice of Request for Panel Review

AGENCY: United States Section, NAFTA Secretariat, International Trade Administration, Department of Commerce.

ACTION: Notice of NAFTA Request for Panel Review in the matter of Certain Fabricated Structural Steel from Mexico; final results of antidumping duty administrative review (Secretariat File Number: USA–MEX–2020–1904–01).

SUMMARY: A Request for Panel Review was filed on behalf of Corey S.A. de C.V. (''Corey'') with the United States Section of the NAFTA Secretariat on February 28, 2020, pursuant to NAFTA Article 1904. Panel Review was requested of the Department of Commerce's final antidumping duty determination regarding Certain Fabricated Structural Steel from Mexico. The final determination was published in the **Federal Register** on January 30, 2020. The NAFTA Secretariat has assigned case number USA–MEX–2020–1904–01 to this request.

FOR FURTHER INFORMATION CONTACT: Paul E. Morris, United States Secretary, NAFTA Secretariat, Room 2061, 1401 Constitution Avenue NW, Washington, DC 20230, 202–482–5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of Article 1904 of NAFTA provides a dispute settlement mechanism involving trade remedy determinations issued by the Government of the United States, the Government of Canada, and the Government of Mexico. Following a Request for Panel Review, a Binational Panel is composed to review the trade remedy determination being challenged and issue a binding Panel Decision. There are established NAFTA *Rules of Procedure for Article 1904 Binational*

Panel Reviews, which were adopted by the three governments for panels requested pursuant to Article 1904(2) of NAFTA which requires Requests for Panel Review to be published in accordance with Rule 35. For the complete Rules, please see *https://www.nafta-sec-alena.org/Home/Texts-of-the-Agreement/Rules-of-Procedure/Article-1904.*

The Rules provide that:

(a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is March 30, 2020);

(b) A Party, investigating authority or interested person that does not file a Complaint but that intends to appear in support of any reviewable portion of the final determination may participate in the panel review by filing a Notice of Appearance in accordance with Rule 40 within 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is April 13, 2020); and

(c) The panel review shall be limited to the allegations of error of fact or law, including challenges to the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and to the procedural and substantive defenses raised in the panel review.

Dated: March 9, 2020.

Paul E. Morris,

U.S. Secretary, NAFTA Secretariat.

[FR Doc. 2020–05052 Filed 3–11–20; 8:45 am]

BILLING CODE 3510–GT–P

DEPARTMENT OF COMMERCE

International Trade Administration

North American Free Trade Agreement (NAFTA), Article 1904 Binational Panel Review: Notice of Request for Panel Review

AGENCY: United States Section, NAFTA Secretariat, International Trade Administration, Department of Commerce.

ACTION: Notice of NAFTA Request for Panel Review in the matter of Certain Fabricated Structural Steel from Mexico; Final Results of Affirmative Countervailing Duty Determination (Secretariat File Number: USA–MEX–2020–1904–03).

SUMMARY: A Request for Panel Review was filed on behalf of the Government of Mexico with the United States Section of the NAFTA Secretariat on March 2, 2020, pursuant to NAFTA Article 1904. Panel Review was requested of the Department of Commerce's final countervailing duty determination regarding Certain Fabricated Structural Steel from Mexico. The final determination was published in the **Federal Register** on January 30, 2020. The NAFTA Secretariat has assigned case number USA–MEX–2020–1904–03 to this request.

FOR FURTHER INFORMATION CONTACT: Paul E. Morris, United States Secretary, NAFTA Secretariat, Room 2061, 1401 Constitution Avenue NW, Washington, DC 20230, 202–482–5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of Article 1904 of NAFTA provides a dispute settlement mechanism involving trade remedy determinations issued by the Government of the United States, the Government of Canada, and the Government of Mexico. Following a Request for Panel Review, a Binational Panel is composed to review the trade remedy determination being challenged and issue a binding Panel Decision. There are established NAFTA *Rules of Procedure for Article 1904 Binational Panel Reviews,* which were adopted by the three governments for panels requested pursuant to Article 1904(2) of NAFTA which requires Requests for Panel Review to be published in accordance with Rule 35. For the complete Rules, please see *https://www.nafta-sec-alena.org/Home/Texts-of-the-Agreement/Rules-of-Procedure/Article-1904.*

The Rules provide that:

(a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is April 1, 2020);

(b) A Party, investigating authority or interested person that does not file a Complaint but that intends to appear in support of any reviewable portion of the final determination may participate in the panel review by filing a Notice of Appearance in accordance with Rule 40 within 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is April 16, 2020); and

(c) The panel review shall be limited to the allegations of error of fact or law, including challenges to the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and to the procedural and substantive defenses raised in the panel review.

Dated: March 9, 2020.

Paul E. Morris,

U.S. Secretary, NAFTA Secretariat.

[FR Doc. 2020–05059 Filed 3–11–20; 8:45 am]

BILLING CODE 3510–GT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–825]

Polyethylene Terephthalate Film, Sheet, and Strip From India: Final Results of Countervailing Duty Administrative Review; 2017

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that Jindal Poly Films Limited of India (Jindal) and SRF Limited (SRF), producers and/or exporters of polyethylene terephthalate film, sheet, and strip (PET film) from India, received net countervailable subsidies during the period of review (POR) January 1, 2017 through December 31, 2017.

DATES: Applicable March 12, 2020.

FOR FURTHER INFORMATION CONTACT: Elfi Blum, AD/CVD Operations, Office VII, Enforcement and Compliance, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0197.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the *Preliminary Results* of this review on September 12, 2019.[1] For a history of events that occurred since the *Preliminary Results, see* the Issues and Decision Memorandum.[2] On January 3, 2020, we extended the final results of review by sixty days until March 10, 2020.[3]

Based on an analysis of the comments received and record information, we have revised our calculations for Jindal. The final subsidy rates are listed in the ''Final Results of Administrative Review'' section below.

[1] *See Polyethylene Terephthalate Film, Sheet, and Strip from India: Preliminary Results and Partial Rescission of Countervailing Duty Administrative Review; 2017,* 84 FR 48105 (September 12, 2019) (*Preliminary Results*).

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Countervailing Duty Administrative Review of Polyethylene Terephthalate Film, Sheet, and Strip from India; 2017,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *See* Memorandum, ''Polyethylene Terephthalate Film, Sheet and Strip from India: Extension of Deadline for Final Results of Countervailing Duty Administrative Review,'' dated January 3, 2020.

Scope of the Order

For the purposes of the order, the products covered are all gauges of raw, pretreated, or primed polyethylene terephthalate film, sheet and strip, whether extruded or coextruded. Excluded are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer of more than 0.00001 inches thick. Imports of PET film are classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item number 3920.62.00.90. HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of the order is dispositive.

Analysis of Comments Received

All issues raised by the interested parties in their case and rebuttal briefs are addressed in the Issues and Decision Memorandum. The issues are identified in the appendix to this notice. 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 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 on the internet at *http://enforcement.trade.gov/frn/*. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on the comments received from interested parties, we made changes to the net subsidy rate calculated for one of the two mandatory respondents. Specifically, upon analyzing parties' comments, we noted a ministerial error in the rate calculations for one program. For a discussion of these issues, *see* the Issues and Decision Memorandum.

Methodology

Commerce conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we find that there is a subsidy, *i.e.,* a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[4] For a description of the methodology underlying all of Commerce's conclusions, *see* the Issues and Decision Memorandum.

Companies Not Selected for Individual Review

The statute and Commerce's regulations do not directly address the establishment of rates to be applied to companies not selected for individual examination where Commerce limits its examination in an administrative review pursuant to section 777A(e)(2) of the Act. However, Commerce normally determines the rates for non-selected companies in reviews in a manner that is consistent with section 705(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation.

Section 705(c)(5)(A)(i) of the Act instructs Commerce, as a general rule, to calculate an all-others rate equal to the weighted average of the countervailable subsidy rates established for exporters and producers individually investigated, excluding any zero, *de minimis,* or rates based entirely on facts available. In this review, Commerce calculated weighted average countervailable subsidy rates for Jindal and SRF that are not zero, *de minimis,* or based entirely on facts otherwise available. Therefore, Commerce calculated the all-others rate using a weighted average of the countervailable subsidy rates calculated for Jindal and SRF using each company's publicly-ranged values for the merchandise under consideration.[5]

Final Results of Administrative Review

In accordance with section 777A(e)(1) of the Act and 19 CFR 351.221(b)(5), we determine the total estimated net countervailable subsidy rates for the period January 1, 2017 through December 31, 2017 to be:

Manufacturer/exporter	Subsidy rate (percent *ad valorem*)
Jindal Poly Films Limited of India	10.51
SRF Limited	7.22
Ester Industries Limited	9.30
Garware Polyester Ltd	9.30
Polyplex Corporation Ltd	9.30
Vacmet India Limited	9.30

Disclosure

Commerce intends to disclose the calculations performed for these final results of review within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment and Cash Deposit Requirements

In accordance with 19 CFR 351.212(b)(2), Commerce intends to issue appropriate instructions to U.S. Customs and Border Protection (CBP) 15 days after publication of the final results of this review. Commerce will instruct CBP to liquidate shipments of subject merchandise produced and/or exported by the companies listed above, entered or withdrawn from warehouse, for consumption from January 1, 2017 through December 31, 2017, at the percent rates, as listed above for each of the respective companies, of the entered value.

Commerce intends also to instruct CBP to collect cash deposits of estimated countervailing duties, in the amounts shown above for each of the respective companies shown above, on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits at the most-recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Administrative Protective Order

This notice also serves as a final reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of proceeding. Timely written

[4] *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.

[5] 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, 53663 (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* the All-Others Rate Calculation Memorandum.

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

These final results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: March 6, 2020.

Christian Marsh,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

Issues and Decision Memorandum

[FR Doc. 2020–05064 Filed 3–11–20; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

North American Free Trade Agreement (NAFTA), Article 1904 Binational Panel Review: Notice of Request for Panel Review

AGENCY: United States Section, NAFTA Secretariat, International Trade Administration, Department of Commerce.

ACTION: Notice of NAFTA Requests for Panel Review in the matter of Certain Fabricated Structural Steel from Canada; Final Results of Antidumping Duty Administrative Review (Secretariat File Number: USA–CDA–2020–1904–02).

SUMMARY: Requests for Panel Review were filed on behalf of Canatal Inc. (Industries Canatal) and Les Constructions Beauce-Atlas Inc. (''CBA'') with the United States Section of the NAFTA Secretariat on February 28, 2020, pursuant to NAFTA Article 1904. Panel Reviews were requested of the Department of Commerce's final antidumping duty determination regarding Certain Fabricated Structural Steel from Canada. The final determination was published in the **Federal Register** on January 30, 2020. The NAFTA Secretariat has assigned case number USA–CDA–2020–1904–02 to this request.

FOR FURTHER INFORMATION CONTACT: Paul E. Morris, United States Secretary, NAFTA Secretariat, Room 2061, 1401 Constitution Avenue NW, Washington, DC 20230, 202–482–5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of Article 1904 of NAFTA provides a dispute settlement mechanism involving trade remedy determinations issued by the Government of the United States, the Government of Canada, and the Government of Mexico. Following a Request for Panel Review, a Binational Panel is composed to review the trade remedy determination being challenged and issue a binding Panel Decision. There are established NAFTA *Rules of Procedure for Article 1904 Binational Panel Reviews,* which were adopted by the three governments for panels requested pursuant to Article 1904(2) of NAFTA which requires Requests for Panel Review to be published in accordance with Rule 35. For the complete Rules, please see *https://www.nafta-sec-alena.org/Home/Texts-of-the-Agreement/Rules-of-Procedure/Article-1904.*

The Rules provide that:

(a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is March 30, 2020);

(b) A Party, investigating authority or interested person that does not file a Complaint but that intends to appear in support of any reviewable portion of the final determination may participate in the panel review by filing a Notice of Appearance in accordance with Rule 40 within 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is April 13, 2020); and

(c) The panel review shall be limited to the allegations of error of fact or law, including challenges to the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and to the procedural and substantive defenses raised in the panel review.

Dated: March 9, 2020.

Paul E. Morris,

U.S. Secretary, NAFTA Secretariat.

[FR Doc. 2020–05058 Filed 3–11–20; 8:45 am]

BILLING CODE 3510–GT–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XX045]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit application contains all of the required information and warrants further consideration. This Exempted Fishing Permit would exempt five commercial fishing vessels from limited access sea scallop regulations in support of a study examining the feasibility of transplanting scallops from high density areas to areas of lower density using bottom trawls. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed Exempted Fishing Permits.

DATES: Comments must be received on or before March 27, 2020.

ADDRESSES: You may submit written comments by any of the following methods:

- *Email: nmfs.gar.efp@noaa.gov.* Include in the subject line ''DA19–109 Nordic Fisheries Transplanting EFP.''
- *Mail:* Michael Pentony, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope ''DA19–109 Nordic Fisheries Transplanting EFP.''

FOR FURTHER INFORMATION CONTACT: Shannah Jaburek, Fishery Management Specialist, 978–282–8456.

SUPPLEMENTARY INFORMATION: Nordic Fisheries submitted an initial Exempted Fishing Permit (EFP) application on November 21, 2019, in collaboration with Empire Fisheries, Quinn Fisheries, Fulcher Trawling, and the Coonamessett Farm Foundation (CFF). The application was considered complete on January 23, 2020. The applicant's overarching research objective is to determine the operational and economic feasibility of using bottom trawls to transfer scallops short distances underwater and transplant them from areas of high scallop densities to lower density areas. This is in response to a large cohort of scallops in the Nantucket Lightship South Rotational Area that is currently in deeper water and has shown significantly slower growth compared to similar cohorts in less-dense, shallower areas. The applicant wants to determine if, by moving scallops to areas of lower scallop density, those scallops grow larger due to less competition over food resources. The applicant would research the optimal bottom trawl gear specifications (*e.g.,* sweep length, mesh size, need for chafing gear, etc.) for transporting scallops, as well as determine the optimal quantity of scallops to transfer and associated operational costs.

To enable this research, Nordic Fisheries is requesting exemptions for five commercial fishing vessels from: The Atlantic sea scallop crew size restrictions at § 648.60(c); observer program requirements at § 648.11(g); restrictions on the use of trawl nets at § 648.51(f); maximum sweep, minimum mesh size, chafing gear, and other gear obstructions at § 648.51(a)(1), (2)(ii), (3)(i), and (3)(ii), respectively; Georges Bank regulated mesh area mimum mes size and gear restrictions at § 648.80(a)(4)(i); Nantucket Lightship South Rotational Areas at § 648.60(e); and access area program requirements at § 648.59(a)(1)–(3), (b)(2), (b)(4). The EFP would also grant vessels a temporary exemption from possession limits and minimum size requirements specified in part 648, subsections B and D through O, and § 697.20 for sampling purposes. The applicants need these exemptions to deploy bottom trawl gear in areas where the gear is not allowed. Participating vessels need crew size waivers to accommodate researchers and possession waivers for sampling purposes. The project would be exempt from the sea scallop observer program requirements because activities conducted on the trip are not consistent with normal fishing operations. Researchers from CFF would accompany each trip taken under the EFP.

This project would conduct up to five trips using five different vessels. The length of each trip would be approximately 3 days-at-sea (DAS), for an estimated 15 DAS. Transplanting would occur from April–June 2020. The applicant intends to catch and transplant 10,000,000 scallops.

All tows to harvest scallops for transplanting would be conducted with one trawl for a duration of approximately 10 minutes using an average tow speed of 2.5 knots for an estimated 150 tows. Each codend and extension would be calibrated volumetrically using colored ropes woven in the meshes on top to estimate catch. In addition to the colored ropes, some vessels will use net sensors to indicate net fullness. Meshes on the trawl codend would range between 4 and 5.5 inches (10.2 and 14 cm) and net liners would be no smaller than 1.9 inches (50 mm). The trawl sweep length would vary but would not exceed 150 feet (45.7 m). The scallops would be harvested from the large cohort of slow growing scallops in the deep water portion of the Nantucket Lightship South Rotational Area and transplanted to an area that Atlantic Sea Scallop Framework Adjustment 32 (85 FR 9705; February 20, 2020) is proposing to close to support projects of this nature.

The first tow of each trip would be brought on deck to check the trawl volume calibration, measure and take biological samples of the scallops, and count and measure the bycatch. All remaining tows for the trip would be brought directly to the transplant site. Once there, the nets would be brought to the surface to estimate volume and then the scallops would be released into the water through the codend. With the exception of samples retained for further processing for scientific purposes, no catch would be retained for longer than needed to conduct sampling, and no catch would be landed for sale. All catch estimates for the project are listed in the table below. Bycatch estimates are derived from dredge work in the area, but based on interviews with scallop trawl captains, the bycatch rates are anticipated to be close to zero due to high densities of scallops and short tow duration. All fishing activity would be limited to catching and transplanting scallops.

TABLE 1—ESTIMATED CATCH, BY SPECIES, FOR CFF EFP REQUEST

Common name	Estimated weight (lb)	Estimated weight (kg)
Sea Scallop	12,000	5,443
Yellowtail Flounder	20	9
Winter Flounder	20	9
Windowpane Flounder	60	27
Monkfish	100	45
Other Fish	120	54
Barndoor Skates	20	9
Northeast Skate Complex	500	227

The applicants would work with other research groups funded through the Scallop Research Set-Aside Program and use data collected from both the harvest and transplant sites during routine surveys in May–July 2020 and 2021 to compare growth and abundance.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

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

Dated: March 9, 2020.

Karyl K. Brewster-Geisz,

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

[FR Doc. 2020–05048 Filed 3–11–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Supersession of Vertical Datum for Surveying and Mapping Activities for the Island of Tutuila, American Samoa

AGENCY: The Office of the National Geodetic Survey (NGS), National Ocean Service (NOS), National Oceanic and

Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of vertical datum supersession within American Samoa.

SUMMARY: This Notice announces a decision by the National Geodetic Survey (NGS) to supersede the American Samoa Vertical Datum of 2002 (ASVD 02) and revert back to Local Tidal (LT) as the official civilian vertical datum for surveying and mapping activities for the island of Tutuila, American Samoa. As a member of the Federal Geographic Data Committee, NOAA is responsible for defining, maintaining and providing access to the National Spatial Reference System. Within NOAA, the National Geodetic Survey has the responsibility to accomplish this task. Due to geophysical activity, the ASVD 02 vertical datum is destroyed. To provide for vertical control, it is necessary to revert to heights based on a LT datum. To the extent it is legally allowable and feasible, all surveys performed or financed by the Federal agencies using or producing vertical height information will undertake an orderly transition to LT tied to the tide gauge at Pago Pago. Exceptions are for those with specific military related applications, which will use their own datum.

DATES: Effective date of this supersession is upon publication of this notice.

ADDRESSES: National Geodetic Survey, 1315 East-West Highway, Silver Spring, MD, 20910.

FOR FURTHER INFORMATION CONTACT: Dr. Daniel Roman, Chief Geodesist, National Geodetic Survey, by email at *dan.roman@noaa.gov,* phone at (240) 533–9673 or mail at NOAA/NOS/NGS 1315 East-West Highway, Silver Spring, MD, 20910.

SUPPLEMENTARY INFORMATION: The National Geodetic Survey (NGS), National Ocean Service (NOS), has determined that the bench marks providing geodetic control for ASVD 02 shifted as a result of movements from earthquakes. Additionally, the Primary Bench Mark (PBM) associated with ASVD 02 at the Pago Pago tide gauge (177 0000 S) was determined to be unstable and was later destroyed in 2015. Consequently, neither the leveled bench marks nor the datum point associated with ASVD 02 is suitable for geodetic control. The North American Pacific Vertical Datum of 2022 (NAPGD2022) will replace ASVD 02 in the next few years. Rather than develop an interim product between now and then, Local Tidal (LT) will be used until NAPGD2022 is implemented. This will necessitate, until 2022, the incorporation of the tide gauge at Pago Pago Harbor into surveys requiring vertical control.

The basis for all LT heights is Mean Sea Level (MSL). The current National Tidal Datum Epoch (NTDE) is for the period 1983–2001. The Pago Pago tide gauge record was also disturbed by the earthquakes, and a provisional station datum was established from observations from 2011–2016. The Pago Pago tide station, therefore, is not formally a part of the current NTDE, because it is not based on the specified 18.6 year tidal cycle. A Station Datum (SD) has been determined by the NOS Center for Operational Oceanographic Products and Services (CO–OPS), and published for the National Water Levels Observation Network (NWLON) bench mark number 177 0000 W (4.345 meters above the SD and 2.955 meters above MSL for the 2011–2016 observation period), located in Pago Pago. This bench mark should be occupied to complete geodetic surveys on the island of Tutuila in American Samoa. If occupation of the primary tidal bench mark is not practicable, other tidal bench marks for Pago Pago may be occupied for geodetic control, but they must be listed on the CO–OPS bench mark sheet at the time of the survey (*https://tidesandcurrents.noaa.gov/benchmarks.html?id=1770000*). Note that no other islands of American Samoa are part of ASVD 02, and they remain on their own respective LT datum.

Information for individual geodetic control monuments is available in digital form from the NGS website: *https://geodesy.noaa.gov/datasheets/index.shtml.* Information on Pago Pago tidal bench marks is available at *https://tidesandcurrents.noaa.gov/benchmarks.html?id=1770000.*

(Authority: Coast and Geodetic Survey Act of 1947, 33 U.S.C. 883a *et seq.*)

William B. Kearse,

Acting Director, National Geodetic Survey, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2020–05047 Filed 3–11–20; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XR104]

Marine Mammals; File No. 22382

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that SeaWorld, LLC. (Responsible Party: Christopher Dold, DVM), 9205 Southpark Center Loop, Suite 400, Orlando, Florida, 32819, has applied in due form for a permit to import one stranded, non-releasable adult female Pacific white-sided dolphin (*Lagenorhynchus obliquidens*) for public display.

DATES: Written, telefaxed, or email comments must be received on or before April 13, 2020.

ADDRESSES: The permit application is available for review online at *https://www.fisheries.noaa.gov/action/seaworld-permit-application-import-pacific-white-sided-dolphin* or upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

You may submit comments, identified by NOAA–NMFS–2020–0024, by any of the following methods:

- *Electronic Submission:* Submit electronic public comments via the Federal e-Rulemaking Portal *www.regulations.gov.* To submit comments via the e-Rulemaking Portal, enter NOAA–NMFS–2020–0024 in the keyword search. Locate the document you wish to comment on from the resulting list and click on the ''Comment Now'' icon on the right of that line.
- *Mail:* Comments on the application should be addressed to: Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; ATTN: Jolie Harrison, Chief, Permits and Conservation Division.
- *Fax:* (301) 713–0376; ATTN: Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources.

Instructions: Comments must be submitted by one of the above methods. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter ''N/A'' in

the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Courtney Smith or Jennifer Skidmore, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216).

SeaWorld, LLC. is proposing to import one stranded, non-releasable adult female Pacific white-sided dolphin from Vancouver Aquarium (845 Avison Way, Vancouver, British Columbia, Canada, V6G 3E2) to SeaWorld of Texas (10500 SeaWorld Drive, San Antonio, Texas, 78251) for public display purposes. The requested duration of the permit is three years.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: March 6, 2020.

Amy Sloan,

Acting Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2020–05001 Filed 3–11–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA074]

Marine Mammals; File No. 23310

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Patricia Fair, Ph.D., South Carolina Aquarium, 100 Aquarium Wharf, Charleston, SC 29401, has applied in due form for a permit to conduct research on bottlenose dolphins (*Tursiops truncatus*).

DATES: Written, telefaxed, or email comments must be received on or before April 13, 2020.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 23310 from the list of available applications.

These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov.* Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Carrie Hubard or Jordan Rutland, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant proposes to compare stressors on bottlenose dolphins in two different estuarine habitats: The urbanized Charleston, SC area and the more pristine May River, SC area. Researchers would use biopsy sampling, combined with photo-identification data, to examine stress biomarkers, hormones, proteomics, lipidomics and contaminants. Up to 72 dolphins may be biopsy sampled at each study site annually. An additional 5000 animals may be harassed and photographed annually during vessel surveys. The permit would be valid for five years.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: March 9, 2020.

Amy Sloan,

Acting Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2020–05063 Filed 3–11–20; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 1:00 p.m., Thursday, March 19, 2020.

PLACE: Three Lafayette Centre, 1155 21st Street NW, Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Examinations and enforcement matters. In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at *http://www.cftc.gov.*

CONTACT PERSON FOR MORE INFORMATION: Christopher Kirkpatrick, Secretary of the Commisison, 202–418–5964.

Dated: March 9, 2020.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2020–05124 Filed 3–10–20; 11:15 am]

BILLING CODE 6351–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application Package for AmeriCorps Enrollment and Exit Form

AGENCY: Corporation for National and Community Service (CNCS).

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, CNCS is proposing to renew an information collection.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by May 11, 2020.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) *By mail sent to:* Corporation for National and Community Service, Attention: Sharron Tendai, 250 E Street SW, Washington, DC 20525.

(2) By hand delivery or by courier to the CNCS mailroom at the mail address given in paragraph (1) above, between 9:00 a.m. and 4:00 p.m. Eastern Time, Monday through Friday, except federal holidays.

(3) Electronically through *www.regulations.gov.*

Comments submitted in response to this notice may be made available to the public through *regulations.gov*. 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 comment that may be made available to the public, notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: Sharron Tendai, 202–606–6904, or by email at *stendai@cns.gov.*

SUPPLEMENTARY INFORMATION:

Title of Collection: AmeriCorps Enrollment and Exit Form.

OMB Control Number: 3045–0006.

Type of Review: Renewal.

Respondents/Affected Public: Individuals and Households.

Total Estimated Number of Annual Responses: 296,000.

Total Estimated Number of Annual Burden Hours: 49,333.

Abstract: The AmeriCorps program uses the Enrollment and Exit form to collect information from potential AmeriCorps Members and from Members ending their term of service. CNCS seeks to continue using the currently approved information collection until the revised information collection is approved by OMB. The currently approved information collection is due to expire on August 31, 2020.

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 on *regulations.gov*.

Dated: March 4, 2020.

Sharron Walker-Tendai,

eLearning Training Specialist.

[FR Doc. 2020–05028 Filed 3–11–20; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC20–44–000.

Applicants: SR Terrell, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act, et al. of SR Terrell, LLC.

Filed Date: 3/5/20.

Accession Number: 20200305–5171.

Comments Due: 5 p.m. ET 3/26/20.

Docket Numbers: EC20–45–000.

Applicants: Birdsboro Power LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act, et al. of Birdsboro Power LLC.

Filed Date: 3/6/20.

Accession Number: 20200306–5113; 20200306–5114.

Comments Due: 5 p.m. ET 3/27/20.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG20–89–000.

Applicants: Coyote Wind, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Coyote Wind, LLC.

Filed Date: 3/5/20.

Accession Number: 20200305–5173.

Comments Due: 5 p.m. ET 3/26/20.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2361–010.

Applicants: Wildorado Wind, LLC.

Description: Notice of Non-Material Change in Status of Wildorado Wind, LLC.

Filed Date: 3/4/20.

Accession Number: 20200304–5326.

Comments Due: 5 p.m. ET 3/25/20.

Docket Numbers: ER19–1409–004.

Applicants: Birdsboro Power LLC.

Description: Compliance filing: Settlement Compliance Filing to be effective 5/30/2019.

Filed Date: 3/6/20.

Accession Number: 20200306–5050.

Comments Due: 5 p.m. ET 3/27/20.

Docket Numbers: ER20–786–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Tariff Amendment: 2020–03–06_SA 3408 Ameren Illinois-Glacier Sands Wind Power Sub GIA (J1055) to be effective 12/20/2019.

Filed Date: 3/6/20.

Accession Number: 20200306–5090.

Comments Due: 5 p.m. ET 3/27/20.

Docket Numbers: ER20–790–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Tariff Amendment: 2020–03–06_SA 3409 City of Springfield, IL–ZEP Grand Prairie Wind Sub GIA (J750) to be effective 12/30/2019.

Filed Date: 3/6/20.

Accession Number: 20200306–5105.

Comments Due: 5 p.m. ET 3/27/20.

Docket Numbers: ER20–1187–000.

Applicants: Atlantic City Electric Company, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: ACE submits Revisions to OATT, Att. H–1A re: Accounting Changes for Materials an to be effective 3/6/2020.

Filed Date: 3/6/20.

Accession Number: 20200306–5044.

Comments Due: 5 p.m. ET 3/27/20.

Docket Numbers: ER20–1188–000.

Applicants: Delmarva Power & Light Company, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Delmarva submits Revisions to OATT, Att. H–3D re: Materials and Supplies to be effective 3/6/2020.

Filed Date: 3/6/20.

Accession Number: 20200306–5049.

Comments Due: 5 p.m. ET 3/27/20.

Docket Numbers: ER20–1189–000.

Applicants: Southern California Edison Company.

Description: Notice of Cancellation of Service Agreements (Nos. 1071 and 172) of Southern California Edison Company.

Filed Date: 3/4/20.

Accession Number: 20200304–5323.

Comments Due: 5 p.m. ET 3/25/20.

Docket Numbers: ER20–1190–000.

Applicants: Pacific Gas and Electric Company.

Description: Notice of Termination of Small Generator Interconnection Agreement (No. 432) of Pacific Gas and Electric Company.

Filed Date: 3/5/20.

Accession Number: 20200305–5177.

Comments Due: 5 p.m. ET 3/26/20.

Docket Numbers: ER20–1191–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 2841R1 Smoky Hills/Evergy Kansas Central Meter Agent Cancel to be effective 2/24/2020.

Filed Date: 3/6/20.

Accession Number: 20200306–5073.

Comments Due: 5 p.m. ET 3/27/20.

Docket Numbers: ER20–1192–000.

Applicants: Pacific Gas and Electric Company.

Description: Notice of Termination of Small Generator Interconnection Agreement (No. 433) of Pacific Gas and Electric Company.

Filed Date: 3/5/20.

Accession Number: 20200305–5180.

Comments Due: 5 p.m. ET 3/26/20.

Docket Numbers: ER20–1193–000.

Applicants: Middletown Cogeneration Company LLC.

Description: Compliance filing: baseline refile to be effective 1/1/2020.

Filed Date: 3/6/20.

Accession Number: 20200306–5086.

Comments Due: 5 p.m. ET 3/27/20.

Docket Numbers: ER20–1194–000.

Applicants: Haverhill Cogeneration Company LLC.

Description: Compliance filing: baseline refiling to be effective 1/1/2020.

Filed Date: 3/6/20.

Accession Number: 20200306–5089.

Comments Due: 5 p.m. ET 3/27/20.

Docket Numbers: ER20–1195–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ICSA, SA No. 4952; Queue No. AA2–119/AC1–055/AD2–192 (amend) to be effective 6/25/2019.

Filed Date: 3/6/20.

Accession Number: 20200306–5092.

Comments Due: 5 p.m. ET 3/27/20.

Docket Numbers: ER20–1196–000.

Applicants: American Municipal Power, Inc.

Description: Compliance filing: EL18–185 eTariff Settlement Compliance Filing to be effective 7/1/2018.

Filed Date: 3/6/20.

Accession Number: 20200306–5101.

Comments Due: 5 p.m. ET 3/27/20.

Docket Numbers: ER20–1197–000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: PSC–WAPA–PRPA–BndryMtrGateway–550–0.0.0–Agrmt to be effective 3/7/2020.

Filed Date: 3/6/20.

Accession Number: 20200306–5102.

Comments Due: 5 p.m. ET 3/27/20.

Docket Numbers: ER20–1198–000.

Applicants: Meldahl, LLC.

Description: Compliance filing: EL18–184 eTariff Settlement Compliance Filing to be effective 7/1/2018.

Filed Date: 3/6/20.

Accession Number: 20200306–5108.

Comments Due: 5 p.m. ET 3/27/20.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF20–692–000.

Applicants: Main St NJ CHP, LLC.

Description: Form 556 of Main St NJ CHP, LLC.

Filed Date: 3/3/20.

Accession Number: 20200303–5303.

Comments Due: Non-Applicable.

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: March 6, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–05075 Filed 3–11–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–178–000]

Alaska Gasline Development Corporation; Notice of Availability of the Final Environmental Impact Statement for the Proposed Alaska LNG Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) with the participation of the cooperating agencies listed below, has prepared a final environmental impact statement (EIS) for the Alaska LNG Project (Project) proposed by the Alaska Gasline Development Corporation (AGDC). Under Section 3 of the Natural Gas Act, AGDC requests authorization to construct and operate new gas treatment facilities, an 806.9-mile-long natural gas pipeline and associated aboveground facilities, and a 20 million-metric-ton per annum liquefaction facility to commercialize the natural gas resources of Alaska's North Slope. The Project would have an annual average inlet design capacity of up to 3.7 billion standard cubic feet per day and a 3.9 billion standard cubic feet per day peak capacity.

The EIS assesses the potential environmental effects of Project construction and operation in accordance with the requirements of the National Environmental Policy Act (NEPA). As described in the EIS, FERC staff concludes that approval of the Project would result in a number of significant environmental impacts; however, the majority of impacts would be less than significant based on the impact avoidance, minimization, and mitigation measures proposed by AGDC; AGDC's commitments to additional measures; and measures recommended by staff in the final EIS. However, some of the adverse impacts would be

significant even after the implementation of mitigation measures.

The United States (U.S.) Department of Transportation Pipeline and Hazardous Material Safety Administration, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Coast Guard, Bureau of Land Management (BLM), U.S. Fish and Wildlife Service, National Park Service (NPS), U.S. Department of Energy, and National Marine Fisheries Service participated as cooperating agencies in the preparation of this final EIS. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis. Although the cooperating agencies provided input to the conclusions and recommendations presented in the EIS, the agencies will present their own conclusions and recommendations in their respective Records of Decision for the Project.

The BLM and NPS will adopt and use the EIS to consider issuing a right-of-way grant for the portions of the Project on BLM- and NPS-managed lands, respectively. Other cooperating agencies will use this EIS in their regulatory processes and to satisfy compliance with NEPA and other related federal environmental laws (*e.g.,* the National Historic Preservation Act).

Section 810(a) of the Alaska National Interest Lands Conservation Act, 16 United States Code 3120(a), also requires the BLM to evaluate the effects of the alternatives presented in the EIS on subsistence activities, and to hold public hearings if it finds that any alternative may significantly restrict subsistence uses. The evaluation of subsistence impacts indicates that the cumulative case analyzed in the EIS could significantly restrict subsistence uses for the communities of Nuiqsut, Kaktovik, Utqiagvik, and Anaktuvuk Pass. Therefore, the BLM held public hearings and solicited public testimony for these potentially affected communities.

The Commission mailed a copy of the final EIS to federal, state, and local government representatives and agencies; elected officials; Alaska Native tribal governments and Alaska Native Claims Settlement Act Corporations; and local libraries and newspapers in the area of the Project. The final EIS was also mailed to property owners that could be affected by Project facilities, individuals requesting intervenor status in FERC's proceedings, and other interested parties (*i.e.,* individuals and environmental and public interest groups who provided scoping comments or asked to remain on the mailing list). Paper copy and CD versions of the final EIS were mailed to subsistence communities, libraries, and those specifically requesting them; all others received a CD version.

The final EIS is also available in electronic format. It may be viewed and downloaded from FERC's website (*www.ferc.gov*) on the Environmental Documents page (*http://www.ferc.gov/industries/gas/enviro/eis.asp*). In addition, the final EIS may be accessed by using the eLibrary link on FERC's website. Click on the eLibrary link (*https://www.ferc.gov/docs-filing/elibrary.asp*), then click on General Search and enter the docket number in the Docket Number field, excluding the last three digits (*i.e.,* CP17–178). 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.

Questions

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 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: March 6, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–05071 Filed 3–11–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2880–015]

Cherokee Falls Hydroelectric Project, LLC; Notice Soliciting Scoping Comments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New License.

b. *Project No.:* 2880–015.

c. *Date filed:* July 31, 2019.

d. *Applicant:* Cherokee Falls Hydroelectric Project, LLC.

e. *Name of Project:* Cherokee Falls Hydroelectric Project.

f. *Location:* The existing project is located on the Broad River, in Cherokee County, South Carolina. The project does not affect federal land.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Beth E. Harris, Enel Green Power North America, Inc., 11 Anderson Street, Piedmont, SC 29673; Telephone (864) 846–0042 ext. 100; *Beth.Harris@Enel.com.*

i. *FERC Contact:* Michael Spencer at (202) 502–6093, or at *michael.spencer@ferc.gov.*

j. *Deadline for filing scoping comments:* April 5, 2020.

The Commission strongly encourages electronic filing. Please file scoping 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–2880–015.

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 is not ready for environmental analysis at this time.

Project Description: The Cherokee Falls Project consists of: (1) A 1,819-foot-long granite masonry dam with a 1,701-foot-long spillway and 4-foot-high flashboards; (2) a reservoir with a surface area of 83 acres and a storage capacity of 140 acre-feet; (3) a trash rack intake; (4) a 130-foot-long powerhouse containing one generating unit with a capacity of 4,140 kilowatts and an annual generation of 9,354.9 megawatt-

hours; (5) a 150-foot-long tailrace; (6) 93-foot-long generator leads to three 500-kilovolt transformers and (7) a 200-foot-long transmission line to a point of interconnection with the grid.

The Project is operated in a run-of-river mode with a continuous year-round minimum flow of 65 cubic feet per second (cfs) in the bypassed reach. Project operation starts when inflows exceed 665 cfs, the sum of the minimum hydraulic capacity of the turbine (600 cfs) and the minimum flow. All flows greater than 3,165 cfs, which is the sum of the maximum hydraulic capacity of the turbine (3,100 cfs) and the minimum flow, are passed over the spillway.

l. 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 address the document. For assistance, contact FERC Online Support. A copy is available for inspection and reproduction at the address in Item H above.

m. 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. Scoping Process.

The Commission staff intends to prepare a single Environmental Assessment (EA) for the project in accordance with the National Environmental Policy Act. The EA will consider both site-specific and cumulative environmental impacts and reasonable alternatives to the proposed action.

At this time, we do not anticipate holding on-site public or agency scoping meetings. Instead, we are soliciting your comments and suggestions on the preliminary list of issues and alternatives to be addressed in the EA, as described in scoping document 1 (SD1), issued March 6, 2020.

Copies of SD1 outlining the subject areas to be addressed in the EA were distributed to the parties on the Commission's mailing list and the applicant's distribution list. Copies of SD1 may be viewed on the 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, call 1–866–208–3676 or for TTY, (202) 502–8659.

Dated: March 6, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–05068 Filed 3–11–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL20–24–000]

North Jersey Energy Associates, A Limited Partnership; Notice of Institution of Section 206 Proceeding and Refund Effective Date

On March 6, 2020, the Commission issued an order in Docket No. EL20–24–000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e (2018), instituting an investigation into whether North Jersey Energy Associates, A Limited Partnership's Commission-Approved rate schedule is unjust, unreasonable, unduly discriminatory or preferential. *North Jersey Energy Associates, A Limited Partnership,* 170 FERC 61,185 (2020).

The refund effective date in Docket No. EL20–24–000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Any interested person desiring to be heard in Docket No. EL20–24–000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214 (2019), within 21 days of the date of issuance of the order.

Dated: March 6, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–05070 Filed 3–11–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[P–2698–122]

Duke Energy Carolinas, LLC; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Non-capacity amendment to refurbish turbine-generator unit.

b. Project No.: 2698–122.

c. *Date Filed:* January 27, 2020.

d. *Applicant:* Duke Energy Carolinas, LLC.

e. *Name of Project:* East Fork Hydroelectric Project.

f. *Location:* The project is located on the east fork of the Tuckasegee River in Jackson County, North Carolina.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Mr. Jeffrey G. Lineberger, Director of Water Strategy and Hydro Licensing, Duke Energy, Mail Code EC–12Y, 526 South Church Street, Charlotte NC 28202, (704) 382–5942.

i. *FERC Contact:* Mr. Steven Sachs, (202) 502–8666, *Steven.Sachs@ferc.gov.*

j. Deadline for filing comments, motions to intervene, and protests is 30 days from the issuance 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 number P–2698–122.

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 replace the turbine and rewind the generator at the Tennessee Creek development of the project. The proposal would increase the total installed capacity of the project from 23.973 to 25.848 megawatts, and would raise the hydraulic capacity of the Tennessee Creek development from 261 to 298 cubic feet per second. The applicant does not propose any

operational changes to the project as a result of the rehabilitation.

l. *Locations of the Applications:* 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. The 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 18 CFR 385.2010.

Dated: March 6, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–05066 Filed 3–11–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP20–71–000]

Southern Star Central Gas Pipeline, Inc.; Notice of Request Under Blanket Authorization

Take notice that on February 28, 2020, Southern Star Central Gas Pipeline, Inc. (Southern Star), 4700 Highway 56, Owensboro, Kentucky 42301, filed a prior notice application pursuant to sections 157.205, 157.208(b), and 157.210 of the Federal Energy Regulatory Commission's (Commission) regulations under the Natural Gas Act (NGA), and Southern Star's blanket certificate issued in Docket No. CP82–479–000. Southern Star requests authorization to construct, operate and maintain the natural gas-fired Nash Compressor Station and other appurtenant facilities in Grant County, Oklahoma, known as the Tougaloo Project (Project), all as more fully set forth in the application, which is open to the public for inspection. The filing may also be viewed on the 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, (866) 208–3676 or TTY, (202) 502–8659.

Specifically, Southern Star proposes to construct a new compressor station utilizing rental compressor units on Southern Star's Canadian Blackwell (CB) line that will create up to 40,000 Dth/d incremental firm capacity to Southern Star's Production Market Interface (PMI). That capacity will provide the growing Permian, SCOOP and STACK production plays more access through Southern Star's Production Area to markets across the Southern Star system. The Project is supported by a Precedent Agreement with Spire Marketing, Inc., who will contract for all the incremental firm capacity for an initial primary term of up to five years and three months under Southern Star's Rate Schedule FTS–P.

Any questions regarding this application should be directed to Cindy Thompson Manager, Regulatory, Southern Star Central Gas Pipeline, Inc., 4700 Highway 56, Owensboro, Kentucky 42301 or phone (270) 852–4655, or by email at *cindy.thompson@southernstar.com.*

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

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 final environmental impact statement (FEIS) or 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 FEIS or 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 commenter 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.

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.

Dated: March 6, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–05069 Filed 3–11–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2955–011]

City of Watervliet; Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests and Establishing Procedural Schedule for Relicensing and a Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent Minor License.

b. Project No.: 2955–011.

c. *Date Filed:* February 28, 2020.

d. *Applicant:* City of Watervliet, New York.

e. *Name of Project:* Normanskill Hydroelectric Project.

f. *Location:* The project is located on the Normans Kill in Guilderland, Albany County, New York. The project does not occupy any federal land.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Michele E. Stottler, Gomez and Sullivan Engineers, DPC, 399 Albany Shaker Road, Suite 203, Loudonville, NY 12211; (518) 407–0050; email—*mstottler@gomezandsullivan.com* or Joseph LaCivita, General Manager, The City of Watervliet, 2 Fifteenth Street, Watervliet, NY 12189; (518) 270–3800; email—*jlacivita@watervliet.com.*

i. *FERC Contact:* Woohee Choi at (202) 502–6336; or email at *woohee.choi@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. See, 94 FERC 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. *Deadline for filing additional study requests and requests for cooperating agency status:* April 28, 2020.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* 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–2955–011.

m. This application is not ready for environmental analysis at this time.

n. *The Normanskill Project consists of the following existing facilities:* (1) A 380-foot-long reinforced concrete Ambursen-type dam with a 306-foot-long overflow section having a crest elevation of 259 feet National Geodetic Vertical Datum of 1929 (NGVD29) surmounted by 3-foot flashboards; (2) a 380-acre reservoir with a gross volume of 3,600 acre-feet at the normal maximum pool elevation of 262 feet NGVD29; (3) an intake structure and sluiceway; (4) a 700-foot-long, 6-foot-diameter, concrete-encased steel, buried penstock; (5) a reinforced concrete underground powerhouse containing a single 1,250-kilowatt tube-type generating unit; (6) a 600-foot-long, 2.4-kilovolt (kV) transmission line; (7) a 2.4/13.2–kV transformer bank; and (8) appurtenant facilities.

The Normanskill Project is operated in a run-of-river mode with an average annual generation of 2,863 megawatt-hours between 2010 and 2019.

o. 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.

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.

p. *Procedural schedule and final amendments:* The application will be processed according to the following preliminary schedule. Revisions to the schedule will be made as appropriate.

Issue Deficiency Letter (if necessary).	April 2020.
Request Additional Information ..	April 2020.
Issue Acceptance Letter	July 2020.
Issue Scoping Document 1 for comments.	August 2020.
Request Additional Information (if necessary).	October 2020.
Issue Scoping Document 2	November 2020.
Issue notice of ready for environmental analysis.	November 2020.
Commission issues EA	May 2021.
Comments on EA	June 2021.

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: March 6, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–05067 Filed 3–11–20; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2019–0338; FRL–10006–53–OAR]

Notice of Finding of Failure To Submit State Plans for the Municipal Solid Waste Landfills Emission Guidelines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA) finds that 42 states and territories have failed to submit state plans for the 2016 Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills (MSW Landfills EG). According to the MSW

Landfills EG, states were required to submit state plans to the EPA for review and approval by August 29, 2019. The compliance times in the new implementing regulations for the MSW Landfills EG also establish a deadline of 2 years for the EPA to promulgate a federal plan for states that have failed to submit a state plan. It should be noted that the new implementing regulations do not impose sanctions or set deadlines for imposing sanctions for these states.

DATES: The findings are effective on February 29, 2020.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2019–0338. All documents in the docket are listed on the *https://www.regulations.gov/* website. Although listed, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *https://www.regulations.gov/,* or in hard copy at the EPA Docket Center, WJC West Building, Room Number 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Eastern Standard Time, Monday through Friday. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA Docket Center is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: For questions about this document, contact Andrew Sheppard, Natural Resources Group, Sector Policies and Programs Division (E143–03), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–4161; fax number: (919) 541–0516; and email address: *sheppard.andrew@epa.gov*. For information regarding state plan submissions, contact the appropriate EPA Regional office listed in Table 1 of this preamble.

TABLE 1—EPA REGIONAL OFFICES

Region	Address	States and territories
Region I	5 Post Office Square–Suite 100, Boston, MA 02109–3912.	Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont.
Region II	290 Broadway, New York, NY 10007–1866	New York, New Jersey, Puerto Rico, Virgin Islands.
Region III	Air Protection Division, Mail Code 3AP00, 1650 Arch Street, Philadelphia, PA 19103–1129.	Virginia, Delaware, District of Columbia, Maryland, Pennsylvania, West Virginia.
Region IV	61 Forsyth Street, SW, Atlanta, GA 30303–3104	Florida, Georgia, North Carolina, Alabama, Kentucky, Mississippi, South Carolina, Tennessee.
Region V	Mail Code A–17J, 77 West Jackson Blvd., Chicago, Il 60604–3590.	Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio.
Region VI	1201 Elm Street–Suite 500, Dallas, TX 75270–2102	Arkansas, Louisiana, New Mexico, Oklahoma, Texas.
Region VII	Air and Waste Management Division, 11201 Renner Boulevard, Lenexa, Kansas 66219.	Iowa, Kansas, Missouri, Nebraska.
Region VIII	Director, Air Program, Office of Partnerships and Regulatory Assistance, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, CO 80202–1129.	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.
Region IX	75 Hawthorne Street, San Francisco, CA 94105	Arizona, California, Hawaii, Nevada, American Samoa, Guam, Northern Mariana Islands.
Region X	1200 6th Avenue, Suite 155, Seattle, WA 98101	Washington, Alaska, Idaho, Oregon.

SUPPLEMENTARY INFORMATION:

Organization of This Document. The information in this document is organized as follows:

I. Background

In a **Federal Register** document dated August 29, 2016, the EPA promulgated new EG for MSW Landfills (81 FR 59332). Additionally, on August 26, 2019, the EPA revised the MSW Landfills EG to update the timing requirements for the submission, review, and approval of state plans and promulgation of a federal plan (84 FR 44547). Pursuant to 40 CFR 60.30f(b), states were required to submit state plans for the MSW Landfills EG by August 29, 2019. Furthermore, pursuant to 40 CFR 60.27a(c), the EPA is required to promulgate a federal plan applicable to any states that were found to have failed to submit complete state plans implementing the MSW Landfills EG within 2 years of such a finding. While such findings would typically be included in the preamble to a proposed federal plan, the proposed rule, Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014, and Have Not Been Modified or Reconstructed Since July 17, 2014, was published on August 22, 2019 (84 FR 43748), which preceded the revised state plan due date. Therefore, this notice provides supplemental information to update the list of submitted state plans as of February 29, 2020.

For the purposes of this document, the word ''state'' means any of the 50 United States, local agencies that have been delegated implementation and enforcement authority within those states, and the protectorates of the United States. The word ''protectorate'' means American Samoa, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands.

These findings of failure to submit do not impose sanctions or set deadlines for imposing sanctions. Notably, Clean Air Act (CAA) section 111(d), the new implementing regulations for CAA section 111(d) (84 FR 32564, July 8, 2019), and the MSW Landfills EG adopting the new implementing regulations (84 FR 44547, August 26, 2019) do not contain sanctions provisions. Particularly, the new implementing regulations largely changed the timing of deadlines for submission, review, and approval of state plans and promulgation of a federal plan; as well as clarified the procedures for state plan submission and review. Relevant for this document, the new compliance times established a 2-year deadline from findings of failure to submit state plans for the EPA to promulgate a federal plan to implement the MSW Landfills EG.

II. Status of State Plan Submittals

The EPA previously published a summary of state plan submittals in Table 2 of the proposed rule, Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014, and Have Not Been Modified or Reconstructed Since July 17, 2014, on August 22, 2019 (84 FR 43748). This notice updates that list to reflect the amendments to 40 CFR 60.30f(a) and (b) that changed the deadline for state plan submittals for the MSW Landfills EG to August 29, 2019, and 40 CFR 60.27a(c)(1) that updated the procedures for the promulgation of the federal plan to include findings of failures to submit state plans. As of February 29, 2020, the EPA had received three negative declarations and 11 plans to implement the MSW Landfills EG. These totals include plans submitted under both the old subpart B and the new subpart Ba implementing regulations in 40 CFR part 60. The EPA reviewed and approved eight of the state plans that were submitted, which are listed in section I of Table 2 of this document, and documented the plans in the memorandum, *Approved State Plans Implementing the 2016 MSW Landfills Emission Guidelines,* which is available in the docket for this document. The EPA is currently reviewing the other negative declarations and state plans that were submitted (listed in sections II and III of Table 2 of this document). A summary of the status of all state plans is also provided in Table 2 of this document.

TABLE 2—STATUS OF STATE PLAN SUBMITTALS

Status	States
I. EPA-Approved State Plans	Arizona (one plan covering Pinal County and another covering the state),[1] California (partial approval, partial disapproval), Delaware, New Mexico (one plan covering Albuquerque –Bernalillo County and another covering the state), Virginia, West Virginia.
II. Negative Declarations Submitted to the EPA[2]	Philadelphia, Vermont, Washington DC.
III. Final State Plans Submitted to the EPA[3]	New York, Oregon, South Dakota.
IV. EPA Has Not Received a Final State Plan or Negative Declaration	Alabama,[4] Alaska, Arkansas, Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania,[5] Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virgin Islands, Washington, Wisconsin, Wyoming.
V. Indicated Intent to Submit Negative Declarations to the EPA	Maine, Rhode Island.
VI. Indicated Intent to Submit State Plans to the EPA	Arkansas, Minnesota, Michigan, North Dakota, Ohio, Oklahoma, Texas.
VII. Indicated Intent to Accept Delegation of Federal Plan	Connecticut, Idaho, Maryland, Massachusetts, New Hampshire, Pennsylvania, Washington.

[1] The Arizona State Plan does not cover Maricopa, Pinal, or Pima counties. A plan for Maricopa County was submitted but subsequently withdrawn.

[2] The negative declarations were submitted on the following dates: Philadelphia—March 15, 2018; Vermont—September 10, 2019; Washington, DC—November 15, 2019.

[3] The state plans were submitted on the following dates: New York—December 11, 2019; Oregon—August 2, 2019; South Dakota—January 7, 2020.

[4] A plan for Alabama was submitted but subsequently withdrawn.

[5] The Pennsylvania State Plan does not cover the City of Philadelphia.

The EPA is not making any finding in this document regarding plans from the eight states that have already been approved. These plans are Arizona; Pinal County, Arizona; California (partial approval, partial disapproval); Delaware; New Mexico; Albuquerque—Bernalillo County, New Mexico; Virginia, and West Virginia. Similarly, the EPA is not making any finding in this action for the six states that have submitted negative declarations or state plans that are currently under review: New York, Oregon, Philadelphia, South Dakota, Vermont, and Washington, DC. The EPA intends to publish any applicable findings for the states that submitted state plans after August 29, 2019, in conjunction with future **Federal Register** documents proposing or promulgating a state plan for the applicable states or the federal plan to implement the MSW Landfills EG. The EPA is making findings that certain states, as identified in section III of this document, have failed to submit a state plan by February 29, 2020, that implements the MSW Landfills EG. The EPA is committed to working with these states to expedite the needed submissions and to working with all the states to review and act on their MSW Landfills EG state plan submissions.

III. Findings for State Plan Submittals

The EPA is finding that the 42 states and territories listed in section IV of Table 2 of this document have not met the requirements of 40 CFR 60.23a(a)(1) and 60.30f(b) for the MSW Landfills EG because they have not submitted a negative declaration or a final state plan. The following states and territories failed to make a complete submittal to satisfy the requirements of the MSW Landfills EG: Alabama, Alaska, Arkansas, Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania (except for Philadelphia), Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virgin Islands, Washington, Wisconsin, and Wyoming.

By this action, the EPA is starting a 2-year deadline by which time the EPA must promulgate a federal plan implementing the MSW Landfills EG for these states, unless a state submits, and the EPA approves a state plan prior to promulgation of a federal plan for the MSW Landfills EG. As noted earlier, this finding does not impose sanctions and the EPA is committed to working with these states to expedite the needed submissions and to review and act on their state plan submissions.

Dated: March 6, 2020.

Anne L. Idsal,

Principal Deputy Assistant Administrator, Office of Air and Radiation.

[FR Doc. 2020–05079 Filed 3–11–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R08–OW–2019–0404; FRL–10006–26–Region 8]

Proposed Information Collection Request; Comment Request; Filter Adoption Survey

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), ''Filter Adoption Survey'' (EPA ICR No. 2615.01, OMB Control No. 2008–New) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a request for approval of a new collection. 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: Comments must be submitted on or before May 11, 2020.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OW–2019–0404, to the Federal Rulemaking Portal: *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *www.regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.* Docket: All documents in the docket are listed in the *www.regulations.gov* index. 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, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air and Radiation Division, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. The EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Angelique Diaz, Ph.D., P.E., Section Chief, Drinking Water Section B, Water Division, 8WD–SDB, Environmental Protection Agency Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129 telephone number: (303) 312–6344; email address: *diaz.angelique@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.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) 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. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** document to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: Denver Water is a public water system which must comply with applicable requirements of the lead and copper rule (LCR). On September 6, 2019 Denver Water submitted to the U.S. Environmental Protection Agency Region 8 office a request for a Variance from the optimal corrosion control treatment requirements under the Safe Drinking Water Act's LCR. The request included a multi-pronged approach to result in at least as efficient lead removal to orthophosphate, the designated optimal corrosion control treatment. Three of those prongs of the variance request are: pH and alkalinity adjustments to reduce corrosivity of the water; accelerated lead service line removal; and a filter program where Denver Water will distribute pitcher filters to consumers with known, suspected, and possible lead service lines. Under section 1415(a)(3) of the Safe Drinking Water Act, on December 16, 2019, the U.S. EPA granted Denver Water a variance from the definition of ''optimal corrosion control treatment'' in 40 CFR 141.2. The Variance contains requirements to determine the efficacy the filter program. EPA will use the survey results that Denver Water annually distributes, to determine the consumer filter adoption rate, and to confirm whether customers are using and maintaining the filters correctly, and per manufacturer's instructions. Each year, the filter adoption survey will be sent by Denver Water via postal mail to as many as 20,000 consumers that have known, suspected, and possible lead service lines. Surveys will be sent via direct mailings and will include an online completion option (the survey questions are included below). Direct mailings will be sent with a unique QR code to track which addresses responses have been received from. Surveys will be sent out in both English and Spanish. Additionally, Denver Water will annually conduct, in-person surveys at a minimum of 50 locations in use by customers enrolled in the filter program. Information being collected is information on if, and how,

consumers use the filter (*e.g.,* for drinking, cooking, or making infant-fed formula), whether the customers are using and maintain the filters correctly (*e.g.,* washing, replacing the filters per manufacturer's instructions), as well as demographic information to inform filter adoption rate by neighborhood or demographic group so Denver Water's health equity and environmental justice principles set forth in their variance request can be evaluated.

Form numbers: 6700–009.

Respondents/affected entities: 2,000 people.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 2,000.

Frequency of response: Annually for three years.

Total estimated burden: 1,284 hours per year.

Total estimated cost: $100,886 per year.

Filter Adoption Survey

1. Do you always, or most of the time, use your pitcher provided by Denver Water for drinking water?

· Yes.
· No—I use unfiltered tap water.
· No—I use bottled water or a different type of filtration system certified to remove lead in accordance with NSF/ANSI 53 standards (*e.g.,* fridge, under the sink filter, sink-mounted filter).

2. Do you always, or most of the time, use your pitcher when you are cooking foods where water is a base ingredient (examples: making rice, beans, soup)?

· Yes
· No

2a. If your answer to No. 2 above is no, why are you not using the pitcher for cooking?

· Prefer to use unfiltered tap water.
· Prefer to use bottled water for cooking food.
· Prefer to use a different type of filtration system certified to remove lead in accordance with NSF/ANSI 53 standards (*e.g.,* fridge filter, under the sink filter, sink-mounted filter).
· Do not cook.

Other _____

3. Do you have a formula-fed infant (under 24 months of age) in your household?

· Yes
· No

3a. If yes, what water do you always use to mix the formula (select all that apply)?

· Not applicable (I don't feed formula to my infant, or use pre-mix/ready mix)
· Water from the pitcher filter
· Bottled water
· Water filtered by an alternative filter device (fridge filter, under the sink filter, sink-mounted filter or other filter) certified to remove lead in accordance with NSF/ANSI 53 standards
· Unfiltered tap water

4. Have you or will you be replacing the pitcher's filter with the Denver Water provided replacement filters as recommended by the manufacturer?

· Yes
· No
  ○ If no, why not? (please describe)

5. The filter manufacturer recommends hand-washing the pitcher with a mild detergent. Are you cleaning your pitcher as recommended by the manufacturer?

· Yes
· No

6. What would make you more likely to use the pitcher provided? (Check all that apply)

·· Larger pitcher
·· Lighter pitcher
·· Pitcher that fits in the refrigerator
·· Pitcher that takes less time to fill
·· Pitcher that takes less effort to use
·· Not interested in filtering drinking water
·· Do not cook or use tap water for cooking
·· Other, please specify: (fill in the blank)

The questions below are optional. Denver Water will only use your demographic information for research purposes and to better inform our outreach and communication activities.

7a. Are you of Hispanic, Latino, or of Spanish origin?

Yes
No

7b. How would you describe yourself? (Check all that apply)

White
Black or African American
Native American or Alaska Native
Asian
Native Hawaiian and Other Pacific Islander
Multi-racial
Other (specify)
I do not know
Prefer not to say

8. What is the age of the youngest person in your household?

Someone in the household is expecting
Under 2 years old
2–6 years old
7–17 years old
18–24 years old
25–34 years old
35–44 years old
45–54 years old
Over 55 years old
Prefer not to say

9. What is the primary language of your household? (Check all that apply)

English
Spanish
Other (specify)
Prefer not to say

10. How much total combined money did all members of your household earn in 2018 (gross income)?

≤$0–$29,999
$30,000–49,999
$50,000–79,999
$80,000–99,999
$100,000 or more
Prefer not to say

11. What is the highest level of school you have completed, or the highest degree you have received?

Less than high school degree
High school degree or equivalent (*e.g.,* GED)
Some college but no degree
Associate degree
Bachelor's degree
Graduate degree
Prefer not to say

12. To which gender identity do you most identify?

Female
Male
Other
Prefer not to say

Dated: March 5, 2020.

Sarah Bahrman,

Chief, Safe Drinking Water Branch.

[FR Doc. 2020–05018 Filed 3–11–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2015–0435; FRL–10004–99]

Agency Information Collection Activities; Proposed Renewal of an Existing Collection (EPA ICR No. 0795.16 and OMB Control No. 2070–0030); Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this document announces that EPA is planning to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB). The ICR, entitled: ''Notification of Chemical Exports—TSCA Section 12(b)'' and identified by EPA ICR No. 0795.16 and OMB Control No. 2070–0030, represents

the renewal of an existing ICR that is scheduled to expire on November 30, 2020. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection that is summarized in this document. The ICR and accompanying material are available in the docket for public review and comment.

DATES: Comments must be received on or before May 11, 2020.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–EPA–HQ–OPPT–2015–0435, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Harlan Weir, Chemical Control Division, Mail Code 7405M, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–9885; email address: *weir.harlan@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What information is EPA particularly interested in?

Pursuant to PRA section 3506(c)(2)(A) (44 U.S.C. 3506(c)(2)(A)), EPA specifically solicits comments and information to enable it to:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility.

2. Evaluate the accuracy of the Agency's estimates of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.

3. Enhance the quality, utility, and clarity of the information to be collected.

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

II. What information collection activity or ICR does this action apply to?

Title: ''Notification of Chemical Exports—TSCA Section 12(b)''.

EPA ICR number: EPA ICR No. 0795.16.

OMB control number: OMB Control No. 2070–0030.

ICR status: This ICR is currently scheduled to expire on November 30, 2020. 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 OMB control numbers for EPA's regulations in title 40 of the Code of Federal Regulations (CFR), after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: Section 12(b) of the Toxic Substances Control Act (TSCA) requires any person who exports or intends to export a chemical substance or mixture that is regulated under TSCA sections 4, 5, 6 and/or 7 to notify EPA of such export or intent to export. This requirement is described in more detail in the Code of Federal Regulations (CFR) at 40 CFR part 707, subpart D. Upon receipt of notification, EPA advises the government of the importing country of the U.S. regulatory action that required the notification with respect to that substance. EPA uses the information obtained from the submitter via this collection to advise the government of the importing country. This information collection addresses the burden associated with industry reporting of export notifications. The respondent may claim all or part of a notice confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA and 40 CFR part 2.

Burden statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 0.62 hours per response. Burden is defined in 5 CFR 1320.3(b).

The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized here:

Respondents/Affected Entities: Entities potentially affected by this ICR are exporters of chemical substances or mixtures from the United States to foreign countries, which are mostly chemical companies classified under NAICS Codes 325 and 324.

Estimated total number of potential respondents: 198.

Frequency of response: On occasion.

Estimated total average number of responses for each respondent: 24.

Estimated total annual burden hours: 2,934 hours.

Estimated total annual costs: $230,198, includes no annualized capital investment or maintenance and operational costs.

III. Are there changes in the estimates from the last approval?

There is a decrease of 1,098 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This decrease reflects a net change with a large decrease in burden due to the anticipated use of e-reporting and a small increase in burden due to a greater number of submissions (decrease in number of firms responding, but increase in number of reports per firm), CBI substantiation, and an administrative adjustment (+7 hours). Based on 63 percent of exporters reporting electronically, there is a decrease in burden of approximately 811 hours relative to the case in which all submissions were paper-based.

IV. What is the next step in the process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR

1320.12. EPA will issue another **Federal Register** document pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: March 8, 2020.

Alexandra Dapolito Dunn,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2020–05078 Filed 3–11–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2020–0087; FRL–10006–42–OAR]

Proposed Baseline Approval of the Contact-Handled Transuranic Waste Characterization Program Implemented at the Department of Energy's Lawrence Livermore National Laboratory

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability; opening of a 45-day public comment period.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is announcing the availability of, and soliciting public comments on, the proposed ''baseline'' approval of the contact-handled (CH) transuranic (TRU) debris waste characterization program implemented by the Central Characterization Program (CCP) at the U.S. Department of Energy's (DOE) Lawrence Livermore National Laboratory (LLNL), in Livermore, California. On June 26, 2019, the DOE made a formal request for an EPA baseline inspection for LLNL CH TRU Waste Characterization Operations. The inspection supporting this proposed baseline approval took place on August 5–7, 2019, at LLNL and remotely. The EPA identified no findings or concerns and proposes to approve the LLNL CH TRU debris waste characterization program.

The EPA's report documenting the inspection results and proposed baseline approval is available for review in the public docket listed in the **ADDRESSES** section of this document. Until the Agency finalizes its baseline approval decision, the DOE Carlsbad Field Office may not certify LLNL's waste characterization program and the site may not ship transuranic waste to the Waste Isolation Pilot Plant for disposal.

DATES: Comments must be received on or before April 27, 2020.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2020–0087, to the *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. The EPA may publish any comment received to its public docket. Do not electronically submit any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit: *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Edward Feltcorn (202)–343–9422) or Jerry Ellis (202–564–2766), Radiation Protection Division, Center for Waste Management and Regulations, Mail Code 6608T, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, Washington, DC 20460; fax number: 202–343–2305; email addresses: *feltcorn.ed@epa.gov* or *ellis.jerry@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to the EPA through *www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to the EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the files on the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number EPA–HQ–OAR–2020–0087 and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions: The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

II. Background

The DOE operates the Waste Isolation Pilot Plant (WIPP) facility near Carlsbad in southeastern New Mexico as a deep geologic repository for disposal of defense-related TRU radioactive waste. TRU waste contains more than 100 nanocuries of alpha-emitting TRU isotopes, with half-lives greater than twenty years, per gram of waste. Much of the existing TRU waste, which may also be contaminated with hazardous chemicals, consists of items contaminated during the production of nuclear weapons, such as debris waste (rags, equipment, tools) and solid waste (sludges, soil).

Section 8(d)(2) of the WIPP Land Withdrawal Act (LWA) of 1992 provided that the EPA would certify whether the WIPP facility will comply with the Agency's final disposal regulations, later codified at 40 CFR part 191, subparts B and C. On May 13, 1998, the Agency announced its final compliance certification to the Secretary of Energy (published May 18, 1998; 63 FR 27354), certifying that the WIPP will comply with the disposal regulations. The EPA's certification of the WIPP was subject to various conditions, including

conditions concerning quality assurance and waste characterization relating to EPA inspections, evaluations and approvals of the site-specific TRU waste characterization programs to ensure compliance with various EPA regulatory requirements, including those at 40 CFR 194.8, 194.22(a)(2)(i), 194.22(c)(4), 194.24(c)(3), and 194.24(c)(5). In addition, under the LWA, the initial WIPP certification was subject to quinquennial (every five years) recertification by the Agency.

The EPA's inspection and approval processes for waste generator sites, including quality assurance and waste characterization programs, are described at 40 CFR 194.8. The Agency has discretion in establishing technical priorities, the ability to accommodate variation in the site's waste characterization capabilities, and flexibility in scheduling site waste characterization inspections.

In accordance with the conditions in the WIPP compliance certification and relevant regulatory provisions, including 40 CFR 194.8, the EPA conducts ''baseline'' inspections at waste generator sites, as well as subsequent inspections to confirm continued compliance. As part of a baseline inspection, the EPA evaluates each waste characterization process component (equipment, procedures and personnel training and experience) for adequacy and appropriateness in characterizing TRU waste intended for disposal at the WIPP. During the inspection, the site demonstrates its capabilities to characterize TRU waste(s) and its ability to comply with the regulatory limits and tracking requirements under § 194.24. The baseline inspection can result in approval with limitations and conditions or may require follow-up inspection(s) before approval. Within the approval documentation, the EPA specifies what subsequent program changes should be reported to the Agency, referred to as Tier 1 (T1) or Tier 2 (T2) changes, depending largely on the anticipated effect of the changes on data quality.

A T1 designation requires that the DOE Carlsbad Field Office (CBFO) provide to the EPA documentation on proposed changes to the approved components of an individual site-specific waste characterization process (such as radioassay equipment), which the Agency must approve before the change can be implemented. T2 designated changes are minor changes to the approved components of individual waste characterization processes (such as visual examination procedures) which must also be reported to the EPA, but the site may implement such changes without awaiting Agency approval. After receiving notification of T1 changes, the EPA may choose to inspect the site to evaluate technical adequacy. The inspections conducted to evaluate T1 or T2 changes are under the authority of the EPA's WIPP compliance certification conditions and regulations, including 40 CFR 194.8 and 194.24(h). In addition to follow-up inspections, the EPA may opt to conduct continued compliance inspections at TRU waste sites with a baseline approval under the authority of the WIPP compliance certification regulations, including § 194.24(h).

In accordance with 40 CFR 194.8, the EPA issues a **Federal Register** notice proposing a baseline compliance decision, dockets the inspection report for public review, and seeks public comment on the proposed decision for a minimum period of 45 days. The report describes the waste characterization processes the Agency inspected at the site, as well as their compliance with 40 CFR 194.8 and 194.24 requirements.

A. Proposed Baseline Decision

This notice announces the EPA's proposed baseline approval of the CH TRU waste characterization program implemented by the CCP at the DOE's LLNL, in Livermore, California. In accordance with 40 CFR 194.8(b), the EPA conducted Baseline Inspection No. LLNL–CCP–CH–Baseline–2019 on August 5–7, 2019, remotely and at LLNL. Upon EPA's final approval, DOE may emplace LLNL–CCP CH TRU waste in the WIPP.

LLNL consists of two sites: Livermore Main Site, approximately 40 miles east of San Francisco, California, adjacent to the city of Livermore, and Site 300, a remote, high explosives testing facility, approximately 15 miles southeast of the Main Site. All references to LLNL in this notice refer to the Livermore Main Site. Historically, LLNL generated TRU waste primarily during nuclear weapons research and development and support operations in numerous buildings at the laboratory Main Site. LLNL was established in 1952 with its primary mission to conduct research and development on nuclear weapons fabrication and materials research and development. Since then, other major research programs have been added and the current mission of LLNL is to function as a multi-program laboratory conducting research testing and development, focusing on national defense and security, energy, the environment, and biomedicine. Current major programs at LLNL include defense weapons activities and related programs in laser fusion and inertial confinement fusion, laser isotope separation, magnetic fusion energy, biomedical and environmental research, energy and resources, environmental restoration, and waste management. LLNL also conducts a variety of projects for other federal agencies, including weapons research and tracer studies for the Department of Defense.

The EPA has not previously approved a waste characterization program at LLNL under the current baseline inspection process. Historically, the EPA approved a CH TRU waste characterization program at LLNL in August 2004 that operated for a short time until the implementation of the baseline inspection process in October 2004 (Docket No. A–98–49, Item A4–45). After October 2004, LLNL shipped CH TRU waste to Idaho National Laboratory for characterization by an EPA-approved waste characterization program as Idaho National Laboratory or Advanced Mixed Waste Treatment Project waste streams, which were characterized and emplaced at the WIPP.

On June 26, 2019, the DOE requested that the Agency take steps to approve the LLNL–CCP CH TRU waste characterization program to support direct shipment of waste from LLNL to the WIPP. The EPA conducted this baseline inspection in August 2019, evaluating LLNL–CCP's CH TRU waste characterization program for technical adequacy. Once approved, LLNL–CCP will be allowed to use the program components to characterize CH waste in accordance with the conditions and restrictions discussed in the inspection report. The EPA is proposing to approve the LLNL–CCP waste characterization program implemented to characterize CH TRU waste as documented in the inspection report. Specifically, the proposed approval includes:

(1) The Acceptable Knowledge process for characterizing LLNL CH TRU waste.

(2) The nondestructive assay systems for measuring the radioactivity in LLNL CH TRU waste.

(3) The Visual Examination nondestructive examination process to identify waste material parameters (WMPs) and the physical form of LLNL CH TRU waste.

(4) The Real-Time Radiography (RTR) nondestructive examination process to identify WMPs and the physical form of LLNL CH TRU waste using the RTR2 unit.

Any changes to the waste characterization activities after the date

of the baseline inspection must be reported to and, if applicable, approved by the EPA according to Table 1 below. All T1 changes must be submitted for approval before their implementation and will be evaluated by the EPA. Upon approval, the Agency will post the results of the evaluations in the EPA's general WIPP docket at *regulations.gov* (Docket No. EPA–HQ–OAR–2001–0012). LLNL–CCP must submit T2 changes at the end of the fiscal year quarter in which they were implemented.

The EPA's final approval decision regarding the LLNL–CCP CH waste characterization program will be conveyed to the DOE separately by letter following the EPA's review of public comments received in response to this notice and proposed approval discussed in the inspection report. This information will be provided through the EPA's WIPP docket provided for this action at *regulations.gov* (Docket No. EPA–HQ–OAR–2020–0087), in accordance with 40 CFR 194.8(b)(3). A summary table of all WIPP-related EPA inspection statuses can also be found on the EPA website at *https://www.epa.gov/radiation/waste-isolation-pilot-plant-wipp-inspections,* and any interested party can get these and other WIPP updates via the Agency's WIPP–NEWS website (*https://www.epa.gov/radiation/wipp-news*). Individuals may also subscribe to the WIPP–NEWS email listserv using the instructions on the website.

TABLE 1—TIERING OF CONTACT-HANDLED TRANSURANIC WASTE CHARACTERIZATION PROCESSES IMPLEMENTED BY LLNL–CCP

[Based on August 5–7, 2019, baseline inspection LLNL–CCP–CH-Baseline-2019]

Process elements	LLNL–CCP CH waste characterization process—T1 changes	LLNL–CCP CH waste characterization process—T2 changes *
Acceptable Knowledge (AK)	Implementation of payload management	Submission of a list of active LLNL–CCP CH AK Experts and Site Project Managers. Notification to the EPA upon availability of or substantive modification ** to: • AK summary reports (*e.g.,* CCP–AK–LLNL–002). • AK accuracy reports (annually, at a minimum). • Waste stream profile forms and any associated change notices. • Add container memoranda. • Site AK procedures requiring CBFO approval.*** • Enhanced AK documents such as CCP–TP–005, Attachment 9, forms and AK Assessment, chemical compatibility evaluation and basis of knowledge memoranda (including addition of new figures or attachments).
Nondestructive Assay (NDA)	New equipment or substantive physical modifications ** to approved equipment.	Submission of a list of LLNL–CCP NDA operators, expert analysts and independent technical reviewers that performed work during the previous quarter.
	Extension of or changes to approved calibration ranges for approved equipment. Segmented gamma scanner: Relocation of system.	Notification to the EPA upon substantive modification ** to: • Software for approved equipment. • Operating ranges upon CBFO approval. • Site NDA procedures requiring CBFO approval.***
Visual Examination (VE)	VE for non-debris waste	Submission of a list of LLNL–CCP VE operators, VE experts and independent technical reviewers that performed work during the previous quarter.
	VE by any process other than LLNL–CCP VE operators observing LLNL waste handlers package the waste in a glovebox, as demonstrated during the August 2019 baseline inspection.	Notification to the EPA upon substantive modification ** to site VE procedures requiring CBFO approval.***
Real-time Radiography (RTR)	RTR by any process other than CCP–TP–053	New RTR equipment operated in accordance with procedure CCP–TP–053. Submission of a list of LLNL–CCP RTR operators and independent technical reviewers that performed work during the previous quarter. Notification to the EPA upon substantive modification ** to site RTR procedures requiring CBFO approval.***

New T1s, T2s and significant modifications to existing T1s or T2s are in bold text; T1s or T2s that were only revised for style are not shown in bold.

* LLNL–CCP will report all unmarked T2 changes to the EPA every three months.

** ''Substantive modification'' refers to a change with the potential to affect LLNL–CCP's CH waste characterization processes or documentation of them, excluding changes that are solely related to the environment, safety and health; nuclear safety; or the Resource Conservation and Recovery Act; or that are editorial in nature or are required to address administrative concerns. The EPA may request copies of new references that the DOE adds during a document revision.

*** Site procedures include any procedures used by LLNL–CCP personnel that require Carlsbad Field Office (CBFO) approval. This includes LLNL–CCP-specific procedures as well as applicable CCP-wide procedures.

III. Availability of the Baseline Inspection Report and Proposed Approval for Public Comment

The EPA has placed the report discussing the results of the inspection of the CH TRU waste characterization program at LLNL in the public docket as described in the **ADDRESSES** section of this document. In accordance with 40 CFR 194.8, the Agency is providing the public 45 days to comment on this and other documents and the EPA's proposed decision to approve the LLNL CH TRU waste characterization program. The Agency will accept public comment on this notice and supplemental information as described in Section I above. At the end of the public comment period, the EPA will evaluate all relevant public comments and, as the Agency may deem appropriate and necessary, revise the report and proposed decision or take other appropriate action. If the EPA concludes that there are no unresolved issues after the public comment period, the Agency will issue an approval letter and the final report. The letter of approval will authorize the DOE to use the approved waste characterization processes to characterize CH TRU waste at LLNL.

Information on the approval decision will be filed in the official public docket opened for this action on *www.regulations.gov,* Docket ID No. EPA–HQ–OAR–2020–0087 (as listed in the **ADDRESSES** section of this document).

Dated: March 3, 2020.

Jonathan D. Edwards,

Director, Office of Radiation and Indoor Air.

[FR Doc. 2020–05006 Filed 3–11–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2020–0078; FRL–10005–46]

Agency Information Collection Activities; Proposed Renewal of an Existing Collection (EPA ICR No. 2613.02; OMB Control No. 2070–0212); Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this document announces that EPA is planning to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB). The ICR, entitled: 'Toxic Chemical Release Reporting' and identified by EPA ICR No. 2613.02 and OMB Control No. 2070–0212, represents a renewal of an existing ICR that is scheduled to expire on July 31, 2020. EPA is also consolidating this existing ICR with another currently approved ICR, also entitled 'Toxic Chemical Release Reporting' and identified by EPA ICR No. 1363.28 and OMB Control No. 2025–0009. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection that is summarized in this document. The ICR and accompanying material are available in the docket for public review and comment.

DATES: Comments must be received on or before May 11, 2020.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2020–0078, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Cassandra Vail, Toxics Release Inventory Program Division, 7410M, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: 202–566–0753; email address: *vail.cassandra@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What information is EPA particularly interested in?

Pursuant to PRA section 3506(c)(2)(A) (44 U.S.C. 3506(c)(2)(A)), EPA specifically solicits comments and information to enable it to:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility.

2. Evaluate the accuracy of the Agency's estimates of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.

3. Enhance the quality, utility, and clarity of the information to be collected.

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

II. What information collection activity or ICR does this action apply to?

Title: Toxic Chemical Release Reporting.

ICR number: EPA ICR No. 2613.02.

OMB control number: OMB Control No. 2070–0212.

ICR status: This ICR is for a renewal of an existing information collection activity. 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 OMB control numbers for EPA's regulations in title 40 of the Code of Federal Regulations (CFR), after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: Pursuant to section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA, 42 U.S.C. 11001 *et seq.*), certain facilities that manufacture, process, or otherwise use specified toxic chemicals in amounts above reporting threshold levels as provided in 40 CFR 372.25 must submit annually to EPA and to their designated state or Indian country officials toxic chemical release forms containing information specified by EPA; see 42 U.S.C. 11023. In addition, pursuant to section 6607 of the Pollution Prevention Act (PPA, 42 U.S.C. 13101 *et seq.*), facilities reporting under section 313 of EPCRA must also report pollution prevention and waste management data, including recycling information, for such chemicals; see 42 U.S.C. 13106. EPA compiles and stores these reports in a publicly accessible database known as the Toxics Release Inventory (TRI). Regulations at 40 CFR part 372, subpart B, require facilities that meet all of the following criteria to report:

- The facility has 10 or more fulltime employee equivalents (*i.e.,* a total of 20,000 hours worked per year or greater; see 40 CFR 372.3);
- The facility is included in a North American Industry Classification System (NAICS) Code listed at 40 CFR 372.23 or under Executive Order 13693, federal facilities regardless of their industry classification; and
- The facility manufactures (defined to include importing), processes, or otherwise uses any EPCRA section 313 (TRI) chemical in quantities greater than the established thresholds for the

specific chemical in the course of a calendar year.

Facilities that meet these criteria must file a Form R report or, in some cases, may submit a Form A Certification Statement, for each listed toxic chemical for which the criteria are met. The Form R Schedule 1 is an adjunct to the Form R that mirrors the data elements from Form R Part II Chemical-Specific Information sections 5, 6, and 8 (current year only) and requires the reporting of the individual grams data for each member of the dioxin and dioxin-like compounds category present. As specified in EPCRA section 313(a), facilities must submit report(s) for any calendar year on or before July 1 of the following year. For example, reporting year 2015 data should have been submitted and certified on or before July 1, 2016.

EPA maintains the list of toxic chemicals subject to TRI reporting at 40 CFR 372.65 and the Agency publishes this list each year as Table II in the Toxics Release Inventory Reporting Forms and Instructions. The current TRI chemical list contains 595 chemicals and 31 chemical categories. Environmental agencies, industry, and the public use TRI data for a wide variety of purposes. EPA program offices use TRI data, along with other data, to help establish programmatic priorities, evaluate potential hazards to human health and the natural environment, and undertake appropriate regulatory and/or enforcement activities. Environmental and public interest groups use the data to better understand toxic chemical releases at the community level and to work with industry, government agencies, and others to promote reductions in toxic chemical releases. Industrial facilities use the TRI data to evaluate the efficiency of their production processes and to help track and communicate their progress in achieving pollution prevention goals.

The TRI data are unique in providing a multi-media (air, water, and land) picture of toxic chemical releases, transfers, and other waste management activities by covered facilities on a yearly basis. While other environmental media programs provide some toxic chemical data and related permit data, TRI data are unique with regard to the types of chemicals and industry sectors covered as well as the frequency of reporting. Facilities subject to TRI reporting must submit reports for each calendar year to EPA and the State or Indian Country in which they are located by July 1 of the following year.

Respondents may claim trade secrecy for a chemical's identity as described in EPCRA Section 322 and its implementing regulations in 40 CFR part 350. EPA will disclose information covered by a claim of trade secrecy only to the extent permitted by and in accordance with the procedures in 40 CFR part 350 and 40 CFR part 2.).

Burden statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to range between 22.0 hours and 35.7 hours per response, depending upon the nature of the response. Burden is defined in 5 CFR 1320.3(b).

The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized here:

Respondents/Affected Entities: Entities potentially affected by this ICR are facilities that submit annual reports under section 313 of EPCRA and section 6607 of PPA.

Burden statement: The annual public reporting and recordkeeping burden for this collection is 3,615,127 hours. Burden is defined in 5 CFR 1320.3(b).

The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized here:

Respondents/Affected Entities: Entities potentially affected by this ICR are:

Regulations at 40 CFR part 372, subpart B, require facilities that meet all of the following criteria to report:

- The facility has 10 or more full-time employee equivalents (*i.e.,* a total of 20,000 hours worked per year or greater; see 40 CFR 372.3); and
- The facility is included in a North American Industry Classification System (NAICS) Code listed at 40 CFR 372.23 or under Executive Order 13148, Federal facilities regardless of their industry classification; and
- The facility manufactures (defined to include importing), processes, or otherwise uses any EPCRA section 313 (TRI) chemical in quantities greater than the established thresholds for the specific chemical in the course of a calendar year.

Estimated total number of potential respondents: 76,534.

Frequency of response: Annual.

Estimated total average number of responses for each respondent: 76,534.

Estimated total annual burden hours: 3,615,128 hours.

Estimated total annual costs: $0.

III. What is the next step in the process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** document pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: March 8, 2020.

Alexandra Dapolito Dunn,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2020–05077 Filed 3–11–20; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Notice

TIME AND DATE: 10:00 a.m., Thursday, March 19, 2020.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW, Washington, DC 20004 (enter from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following in open session: *Secretary of Labor* v. *Northshore Mining Co.,* Docket Nos. LAKE 2017–224, *et al.* (Issues include whether the Judge erred in concluding that a violation of the walkway standard resulted from an unwarrantable failure and the operator's reckless disregard.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR § 2706.150(a)(3) and § 2706.160(d).

CONTACT PERSON FOR MORE INFO: Emogene Johnson (202) 434–9935/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

PHONE NUMBER FOR LISTENING TO MEETING: 1–(866) 236–7472; Passcode: 678–100.

Authority: 5 U.S.C. 552b.

Dated: March 10, 2020.

Sarah L. Stewart,

Deputy General Counsel.

[FR Doc. 2020–05209 Filed 3–10–20; 4:15 pm]

BILLING CODE 6735–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Notice

TIME AND DATE: 10:00 a.m., Wednesday, March 18, 2020.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW, Washington, DC 20004 (enter from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument in the matter *Secretary of Labor* v. *Northshore Mining Co.,* Docket Nos. LAKE 2017–224, et al. (Issues include whether the Judge erred in concluding that a violation of the walkway standard resulted from an unwarrantable failure and the operator's reckless disregard.)

Any person attending this oral argument who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

CONTACT PERSON FOR MORE INFO: Emogene Johnson (202) 434–9935/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

PHONE NUMBER FOR LISTENING TO MEETING: 1 (866) 236–7472, Passcode: 678–100.

Authority: 5 U.S.C. 552b.

Dated: March 10, 2020.

Sarah L. Stewart,

Deputy General Counsel.

[FR Doc. 2020–05208 Filed 3–10–20; 4:15 pm]

BILLING CODE 6735–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th and Constitution Avenue NW, Washington, DC 20551–0001, not later than April 10, 2020.

A. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *The SLHC Trust, The Mark and Pamela Okada Family Trust, and NexBank Capital, Inc., all of Dallas, Texas;* to become bank holding companies through the conversion of the charter of the existing wholly owned subsidiary state savings bank, NexBank, SSB, Dallas, Texas, to a commercial bank.

Board of Governors of the Federal Reserve System, March 6, 2020.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2020–05016 Filed 3–11–20; 8:45 am]

BILLING CODE P

FEDERAL TRADE COMMISSION

Granting of Requests for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination—on the dates indicated—of the waiting period provided by law and the premerger notification rules. The listing for each transaction includes the transaction number and the parties to the transaction. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

EARLY TERMINATIONS GRANTED

February 1, 2020 thru February 29, 2020

02/03/2020		
20200563	G	SIG Growth Equity Funds Limited Partnership, LLLP; HighRadius Corporation; SIG Growth Equity Funds Limited Partnership, LLLP.
20200611	G	Marlin Equity V, L.P.; Marlin Heritage II, L.P.; Marlin Equity V, L.P.
20200641	G	R1 RCM Inc.; Clearsight Group Holdings, LLC; R1 RCM Inc.
20200649	G	PACMAN UK TOPCO LTD; Novacap TMT IV, L.P.; PACMAN UK TOPCO LTD.
02/05/2020		
20200620	G	PurchaserCo; AIPCF VI Global Corp Holding LP; PurchaserCo.
20200644	G	Marc Grandisson; Arch Capital Group Ltd.; Marc Grandisson.
02/07/2020		
20200589	G	RPI International Holdings 2019, LP; Epizyme, Inc.; RPI International Holdings 2019, LP.
20200638	G	Solaris Midstream Holdings, LLC; Concho Resources Inc.; Solaris Midstream Holdings, LLC.

EARLY TERMINATIONS GRANTED—Continued

February 1, 2020 thru February 29, 2020

20200646	G	Oaktree Special Situations Fund II AIF (Cayman), L.P.; Tailored Brands, Inc.; Oaktree Special Situations Fund II AIF (Cayman), L.P.
20200650	G	Aspen Cayman Holdings, LLC; Aptos (Cayman) LP; Aspen Cayman Holdings, LLC.
20200655	G	Moody's Corporation; Vista Foundation Fund III, L.P.; Moody's Corporation.
20200657	G	Stillfront Group AB; Storm8, Inc.; Stillfront Group AB.
20200669	G	Bright Health, Inc.; Allied Physicians of California, A Professional Medical Corp; Bright Health, Inc.
20200670	G	NMS III AIV, LP; Siguler Guf Small Buyout Opportunities Fund III, LP; NMS III AIV, LP.
		02/10/2020
20200663	G	AMN Healthcare Services, Inc.; Kinderhook Capital Fund IV, L.P.; AMN Healthcare Services, Inc.
20200672	G	Pentland Group Limited; PVH Corp.; Pentland Group Limited.
20200678	G	Lee Enterprises, Incorporated; Berkshire Hathaway Inc.; Lee Enterprises, Incorporated.
20200684	G	Apollo Investment Fund VII, L.P.; EP Energy Corporation; Apollo Investment Fund VII, L.P.
20200685	G	AOP VII, (EPE Intermediate), L.P.; EP Energy Corporation; AOP VII, (EPE Intermediate), L.P.
20200687	G	Elliott International Limited; EP Energy Corporation; Elliott International Limited.
20200688	G	Elliott Associates, L.P.; EP Energy Corporation; Elliott Associates, L.P.
		02/13/2020
20200642	G	Clarivate Analytics Plc; Piramal Enterprises Limited; Clarivate Analytics Plc.
20200671	G	Clearlake Capital Partners V, L.P.; Olympus Growth Fund VI, L.P.; Clearlake Capital Partners V, L.P.
20200686	G	North Haven Infrastructure Partners III SCSp; AI Aqua (Cayman) Holdings Limited; North Haven Infrastructure Partners III SCSp.
		02/14/2020
20191568	S	Agnaten SE; Ares Corporate Opportunities Fund IV, L.P.; Agnaten SE.
20200607	G	Mr. Zhiqiang Lu; Genworth Financial, Inc.; Mr. Zhiqiang Lu.
20200690	G	Intercontinental Exchange, Inc.; B2S Holdings, Inc.; Intercontinental Exchange, Inc.
20200692	G	Bank of Montreal; Clearpool Group, Inc.; Bank of Montreal.
20200693	G	Premier Healthcare Alliance, L.P.; Greater New York Hospital Association; Premier Healthcare Alliance, L.P.
20200697	G	W.L. Hunt; William F. Simmons; W.L. Hunt.
20200698	G	Cushman & Wakefield plc; Woody L. Hunt; Cushman & Wakefield plc.
20200700	G	Penn National Gaming, Inc.; The Chernin Group, LLC; Penn National Gaming, Inc.
20200701	G	Resolution Life Group Holdings L.P.; Voya Financial, Inc.; Resolution Life Group Holdings L.P.
20200703	G	Mizuho Leasing Company, Limited; Marubeni Corporation; Mizuho Leasing Company, Limited.
20200707	G	Odyssey Investment Partners Fund V, LP; Blue Sea Capital Fund I LP; Odyssey Investment Partners Fund V, LP.
20200708	G	AP IX Euro Leverage, SCSp; Cerberus Institutional Partners, L.P.; AP IX Euro Leverage, SCSp.
20200710	G	Toyota Motor Corporation; Pony.ai, Inc.; Toyota Motor Corporation.
20200714	G	AffiniPay Parent, LLC; Amy Porter; AffiniPay Parent, LLC.
20200719	G	EQT Mid Market Europe Limited Partnership; Christian Fauvelais; EQT Mid Market Europe Limited Partnership.
		02/18/2020
20200621	G	Neptune Acquisitions Limited Partnership; Maxar Technologies Inc.; Neptune Acquisitions Limited Partnership.
20200709	G	IDEX Corporation; Flow Management Devices, LLC; IDEX Corporation.
20200712	G	David C. Dickerson; 2297984 Ontario Limited; David C. Dickerson.
20200716	G	Stone Canyon Industries Holdings LLC; Kissner Co-Investment Holdings LP; Stone Canyon Industries Holdings LLC.
20200718	G	CD&R Fund X Energy B, L.P.; CenterPoint Energy, Inc.; CD&R Fund X Energy B, L.P.
20200722	G	ABRY Partners IX, L.P.; Hersha Partners, LLC; ABRY Partners IX, L.P.
		02/19/2020
20200682	G	Westrock Coffee Holdings, LLC; Cott Corporation; Westrock Coffee Holdings, LLC.
		02/21/2020
20190995	S	One Rock Capital Partners II, LP; Bain Capital Fund XI, L.P.; One Rock Capital Partners II, LP.
		02/24/2020
20200720	G	Computershare Limited; Frank A. Rodriguez; Computershare Limited.
20200721	G	Dhragus Foundation; McDermott International; Dhragus Foundation.
20200723	G	Beaumont Health; Summa Health System Community; Beaumont Health.
20200735	G	Nautic Partners IX, L.P.; Stichting Bravak; Nautic Partners IX, L.P.
20200737	G	Ferrari Group Holdings, L.P.; Forescout Technologies, Inc.; Ferrari Group Holdings, L.P.
20200750	G	Vifor Pharma Ltd.; Sarepta Therapeutics, Inc.; Vifor Pharma Ltd.
20200753	G	Vertex Aggregator LP; Francisco Partners III (Cayman), L.P.; Vertex Aggregator LP.
		02/25/2020
20200652	G	Mudrick Capital Acquisition Corporation; Hycroft Mining Corporation; Mudrick Capital Acquisition Corporation.
20200662	G	The Toro Company; Steiner Family Dynasty Trust; The Toro Company.

EARLY TERMINATIONS GRANTED—Continued

February 1, 2020 thru February 29, 2020

20200730	G	Legrand S.A.; Focal Point, L.L.C.; Legrand S.A.
20200738	G	First American Financial Corporation; Docutech Transfer, LLC; First American Financial Corporation.
02/26/2020		
20200699	G	Rayonier Inc.; Pope Resources, A Delaware Limited Partnership; Rayonier Inc.
20200736	G	Nokia Corporation; Marlin Equity IV, L.P.; Nokia Corporation.
20200742	G	CD&R Fund X Waterworks B, L.P.; Edward Reed Mack, III; CD&R Fund X Waterworks B, L.P.
02/28/2020		
20200765	G	Troutman Sanders LLP; Pepper Hamilton LLP; Troutman Sanders LLP.
20200767	G	Kameda Seika Co., Ltd.; Mitsubishi Corporation; Kameda Seika Co., Ltd.
20200768	G	Infosys Limited; Outbox Systems, Inc.; Infosys Limited.
20200770	G	ICV Partners IV, L.P.; WV AIV III (MG), LLC; ICV Partners IV, L.P.
20200774	G	Apax X USD L.P.; North Haven Cadence Aggregator, LLC; Apax X USD L.P.
20200775	G	Mondelez International, Inc.; Agnaten SE; Mondelez International, Inc.

FOR FURTHER INFORMATION CONTACT: Theresa Kingsberry (202–326–3100), Program Support Specialist, Federal Trade Commission Premerger Notification Office, Bureau of Competition, Room CC–5301, Washington, DC 20024.

By direction of the Commission.

April J. Tabor,

Acting Secretary.

[FR Doc. 2020–05053 Filed 3–11–20; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project ''Evaluation of Learning Health Systems K12 Training Program.''

DATES: Comments on this notice must be received by 60 days after date of publication.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@AHRQ.hhs.gov*.

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project: Evaluation of Learning Health Systems K12 Training Program

AHRQ, in partnership with the Patient-Centered Outcomes Research Institute (PCORI), supports an innovative institutional mentored career development program (K12) to train clinician and research scientists to conduct patient-centered outcomes research within learning health systems (LHSs). LHSs provide an environment where science generated from health services research, patient-centered outcomes research (PCOR), and clinical research; informatics; incentives; and culture are aligned for continuous improvement and innovation. In addition, in an LHS, best practices are seamlessly embedded in the care process, in which stakeholders (*i.e.,* providers, patients, and families) are active participants in all elements, and new knowledge is captured as an integral by-product of the care experience. The following are the LHS K12 training program objectives:

- Develop and implement a training program that includes both didactic and experiential learning and embeds the scholars in training at the interface of research, informatics, and clinical operations within LHSs
- Identify, recruit, and train clinician and research scientists who are committed to conducting PCOR in healthcare settings that generate new evidence to facilitate rapid implementation of practices that will improve quality of care and patient outcomes
- Establish Centers of Excellence (COEs) in LHS Research Training, focusing on the application and mastery of the newly developed *core LHS researcher competencies*
- Promote cross-institutional scholar-mentor interactions, cooperation on multisite projects, dissemination of project findings, methodological advances, and development of a shared curriculum

The purpose of this evaluation is to assess the overall achievement of the LHS K12 training program's objectives, outcomes, and impact, as well as the program's value to its stakeholders. The information collected through this data collection will allow AHRQ to improve the LHS K12 program and identify whether results correspond to intentional changes in program strategy and implementation.

This study is being conducted by AHRQ through its contractor, 2M Research, pursuant to AHRQ's statutory authority to ''build capacity for comparative clinical effectiveness research by establishing a grant program that provides for the training of researchers in the methods used to conduct such research.'' 42 U.S.C. 299b–37(e).

Method of Collection

The evaluation will include two types of data collection: (1) Semi-structured interviews with scholars who are close to completing the LHS K12 training program, their health system advisors, and program directors of each of the 11 institutions; and (2) surveys with health system advisors. The proposed data collection spans three years (2020–2023).

To achieve the goals of this project the following data collections will be implemented.

1. *Scholar Interview:* Interviews with LHS K12 scholars assess the degree of scholar embeddedness in their respective health systems and understand which aspects of the training program were most and least successful. Telephone interviews will be conducted one time with scholars who are currently enrolled but close to (within 2 to 3 months of) completing the LHS K12 training program. The total number of scholars interviewed will be approximately up to 137 (or approximately 46 scholars annually).

2. *Health System Advisor Interview:* Interviews with scholars' health system advisors assess the perceived value of the LHS K12 training program to the health system and the role of health system advisors in supporting the research conducted by LHS K12 scholars. One health system advisor from each scholar's advisory committee will be interviewed by telephone. Health system advisors selected for interviews will include those with direct involvement with or knowledge of the LHS K12 scholars' research projects. Health system advisors will be interviewed once around the same time that the scholar is interviewed. The total number of health system advisors interviewed will be approximately up to 137 (or approximately 46 health system advisors annually).

3. *Program Director Interview:* Interviews with LHS K12 program directors assess the perceived value of the LHS K12 training program to the health system and the role of health system advisors in supporting the LHS K12 training program. The program director of each of the 11 grantee institutions participating in the LHS K12 program will be interviewed by telephone in the final year of the LHS K12 program. The total number of program directors interviewed will be 11 (or approximately 4 program directors annually).

4. *Health System Advisor Survey:* Pre-post surveys with scholars' health system advisors measure change in attitudes toward the role of health systems research and the importance of patient, family, and other stakeholder engagement in research. A brief survey will be administered electronically to health system advisors at two time points: Once at the beginning and conclusion of their respective scholar's training. The total number of health system advisors surveyed will be approximately up to 237 (or approximately 79 health system directors annually).

AHRQ will use the information collected through this Information Collection Request to assess the program progress of the LHS K12 training program, and impact to its LHS stakeholders in a prospective manner. The information collected will facilitate program planning.

Estimated Annual Respondent Burden

Table 1 shows the estimated annualized burden hours for the respondents' time to participate in this evaluation. Interviews will be conducted with a total of 285 respondents (137 scholars, 137 health system advisors, and 11 program directors), which is approximately 95 respondents interviewed each year (46 scholars, 46 health system advisors, and 4 program directors). Each interview is expected to be approximately 60 minutes. Surveys will be conducted with a total of 237 health system advisors (or approximately 79 health system advisors each year). The survey is expected to take approximately 10 minutes. The total hour burden is expected to be 328.29 hours (or approximately 109.43 hours each year) for this participant data collection effort.

TABLE 1—ESTIMATED ANNUALIZED BURDEN HOURS

Instrument	Estimated number of respondents	Frequency of response	Average time per response (hours)	Total annual burden estimate (hours)
Scholar Interviews	46	1	1.00	46.00
Health System Advisor Interviews	46	1	1.00	46.00
Program Director Interviews	4	1	1.00	4.00
Health System Advisor Surveys	79	1	0.17	13.43
Estimated Annual Total	175			109.43

Table 2 shows the estimated annualized cost burden based on the respondents' time to participate in this project. This cost was calculated using average hourly earnings for May 2018, obtained from the Bureau of Labor Statistics' estimates for occupational employment wages. The total estimated annualized cost burden for this data collection is $7,649.07. The following hourly wages were used in the annualized cost calculations: $37.38 per hour for a scholar, $96.22 per hour for a health system advisor, and $52.81 per hour for a program director.

TABLE 2—ESTIMATED ANNUALIZED COST BURDEN

Instrument	Estimated number of respondents	Total annual burden estimate (hours)	Hourly rate	Total cost
Scholar Interviews *	46	46.00	$37.38	$1,719.48
Health System Advisor Interviews **	46	46.00	96.22	4,426.12
Program Director Interviews ***	4	4.00	52.81	211.24
Health System Advisor Surveys **	79	13.43	96.22	1,292.23
Estimated Annual Total	175	109.43		7,649.07

Bureau of Labor Statistics (BLS), U.S. Department of Labor. (2018). *Occupational employment statistics May 2018 national wages. https://www.bls.gov/oes/home.htm.*

* The hourly wage for scholars varies depending on the scholar's degree. AHRQ averaged hourly wages using the following occupations code to develop an estimate that represents the mix of medical and academic degrees: 29–0000, 29–1000, 21–0000.

** AHRQ anticipates that many health system advisors will be C-suite leaders. The hourly wage for BLS's occupation code 11–1010 (chief executive) was used for this estimate.

*** Program directors hold various roles and responsibilities and, therefore, have varied salaries. For the purpose of this estimate, the hourly wages for the following managerial and post-secondary occupational codes were averaged: 11–3131,11–1021,11–9030,11–9033,11–9039, and 11–9199.

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ's health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (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 upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: March 6, 2020.

Virginia L. Mackay-Smith,

Associate Director.

[FR Doc. 2020–05027 Filed 3–11–20; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Refugee Support Services (RSS) and RSS Set Aside Sub-Agency List (New Collection)

AGENCY: Office of Refugee Resettlement; Administration for Children and Families; HHS.

ACTION: Request for public comment.

SUMMARY: The Administration for Children and Families (ACF) seeks approval for a new information collection requesting Refugee Support Services (RSS) grantees and RSS Set Aside grantees to provide the agency name, city, state, phone number, and funding amount for each contracted sub-grantee.

DATES: *Comments due within 60 days of publication.* In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: Copies of the proposed collection of information can be obtained and comments may be forwarded 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 (OPRE), 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: This new data collection will request RSS grantees and RSS Set Aside grantees to provide the agency name, city, state, phone number, and funding amount for each contracted sub-grantee. Without having this information regarding RSS sub-grantees, the ACF Office of Refugee Resettlement (ORR) does not know whether an agency is, or is not, receiving ORR funds. This makes it difficult to ensure communications with, provide access to targeted assistance for, and keep abreast of the activities of all ORR-funded refugee service providers.

Respondents: State governments and replacement designees.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total burden hours	Annual burden hours
RSS and RSS Set Aside Sub-grantee List	56	3	2	336	112

Estimated Total Annual Burden Hours: 112.

Comments: The Department specifically requests 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 shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: Refugee Act of 1980 [Immigration and Nationality Act, Title IV, Chapter 2 Section 412 (e)] and 45 CFR 400.28.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2020–05035 Filed 3–11–20; 8:45 am]

BILLING CODE 4184–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–D–2565]

The 510(k) Third Party Review Program; Guidance for Industry, Food and Drug Administration Staff, and Third Party Review Organizations; 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 ''510(k) Third Party Review Program.'' This guidance provides a comprehensive look into FDA's current thinking regarding the 510(k) Third Party (3P510k) Review Program authorized under the Federal Food, Drug, and Cosmetic Act (FD&C Act). Under the FDA Reauthorization Act of 2017 (FDARA), FDA was directed to issue guidance on the factors that will be used in determining whether a class I or class II device type, or subset of such device types, is eligible for review by an accredited person. The 3P510k Review Program is intended to allow review of devices by 3P510k Review Organizations in order to provide manufacturers of these devices an alternative review process that allows FDA to best utilize our resources on higher risk devices.

DATES: The announcement of the guidance is published in the **Federal Register** on March 12, 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–2016–D–2565 for ''510(k) Third Party Review Program.'' 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)).

An electronic copy of the guidance document is available for download from the internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the guidance document entitled ''510(k) Third Party Review Program'' to the Office of Policy, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

FOR FURTHER INFORMATION CONTACT: Gregory Pishko, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 3441, Silver Spring, MD 20993–0002, 240–402–6635.

SUPPLEMENTARY INFORMATION:

I. Background

FDA's implementation of section 523 of the FD&C Act (21 U.S.C. 360m) establishes a process for recognition of qualified third parties to conduct the initial review of premarket notification (510(k)) submissions for certain low-to-moderate risk devices eligible under the 3P510k Review Program. Under FDARA (Pub. L. 115–52), the criteria used to establish device eligibility in the 3P510k Review Program changed and FDA was directed to issue guidance on the factors that will be used in determining whether a class I or class II device type, or subset of such device types, is eligible for review by an accredited person. The objectives of this guidance are to describe the factors FDA will use in determining device type eligibility for review by 3P510k Review Organizations; to outline FDA's process for the recognition, rerecognition, suspension and withdrawal of recognition for 3P510k Review Organizations; and to ensure consistent quality of work among 3P510k Review Organizations through Medical Device User Fee Amendments IV commitments authorized under FDARA in order to eliminate the need for routine, substantive re-review by FDA. This guidance also outlines FDA's current thinking on leveraging the International Medical Device Regulators Forum's requirements for Regulatory Reviewers under the Good Regulatory Review Practices and the Medical Device Single Audit Program.

FDA considered comments received on the draft guidance that appeared in the **Federal Register** of September 14, 2018 (83 FR 46742). FDA revised the

guidance as appropriate in response to the comments. This guidance supersedes ''Implementation of Third Party Programs Under the FDA Modernization Act of 1997; Final Guidance for Staff, Industry, and Third Parties'' issued on February 2, 2001, and ''Guidance for Third Parties and FDA Staff; Third Party Review of Premarket Notifications'' issued on September 28, 2004.

II. Significance of Guidance

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 the 510(k) Third Party Review Program. 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.

III. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by downloading an electronic copy from the internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *https://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.* This guidance document is also available at *https://www.regulations.gov.* Persons unable to download an electronic copy of ''510(k) Third Party Review Program'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 17–028 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

This guidance refers to previously approved 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 the following FDA regulations and guidance have been approved by OMB as listed in the following table:

21 CFR part or guidance	Topic	OMB control No.
807	Medical Devices: Third-Party Review under FDAMA.	0910–0375
807, subpart E	Premarket notification	0910–0120
''Center for Devices and Radiological Health (CDRH) Appeals Processes''	CDRH Appeals Process	0910–0738
''Requests for Feedback on Medical Device Submissions: The Pre-Submission Program and Meetings with Food and Drug Administration Staff''.	Q-submissions	0910–0756

Dated: March 9, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–05080 Filed 3–11–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0990–0419]

Agency Information Collection Request; 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before May 11, 2020.

ADDRESSES: Submit your comments to *Sherrette.Funn@hhs.gov* or by calling (202) 795–7714.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 0990–0419 60D, and project title for reference, to Sherrette Funn, the Reports Clearance Officer, *Sherrette.funn@hhs.gov,* or call 202–795–7714.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: Acquisition Regulation Clause Patent Rights and Rights and Data.

Type of Collection: Extension.

OMB No. 0990–0419.

Abstract: The Department of Health and Human Services; Office of the Assistant Secretary for Financial Resources and Office of Grants and Acquisition Policy and Accountability, Division of Acquisition is requesting an approval by OMB for an extension of a previously approved information collection request, Acquisition Regulation Clause Patent rights and Rights in Data. HHS found that systematically, over a period of several years, when Determination of Exceptional Circumstances(DEC) were executed, additional legal protection for the patent and data rights of third parties beyond those covered by FAR 27.306 were necessary A DEC is executed consistent with the policy and objectives of the Bayh-Dole Act, 35 U.S.C. 200, *et seq.,* to ensure that subject inventions made under contracts and subcontracts (at all tiers) are used in a manner to promote free competition and enterprise without unduly encumbering future research and discovery; to encourage maximum participation of small business firms in federally supported research and development efforts; to promote collaboration between commercial concerns and nonprofit organizations including universities; to ensure that the Government obtains sufficient rights in federally supported inventions to meet its needs; to protect the public against nonuse or unreasonable use of inventions; and in the case of fulfilling the mission of the U.S. Department of Health and Human Services, to ultimately to benefit the public health.

Likely Respondents: Administrative, technical, legal and management personnel.

ANNUALIZED BURDEN HOUR TABLE

Type of respondent and hours for each	Number of respondents	Number of responses per respondent	Average burden per response (hours)	Total burden hours
Technical (4), Legal (2), Management (2)	63	1	8	504
Technical (8), Legal (2), Management (2)	63	1	12	756
Technical (8), Legal (3), Management (1)	63	3	12	2,268
Technical (8), Legal (4), Management (2)	63	3	14	2,646
Technical (6), Legal (2), Management (2)	63	1	10	630
Technical (4), Legal (2), Management (2)	63	1	8	504
Administrative (8)	63	3	8	1,512
Administrative (2), Management (1)	63	3	3	567
Technical (4), Legal (2), Management (2)	63	3	8	1,512
	.....	.....	.....	10,899

Dated: March 6, 2020.

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2020–05023 Filed 3–11–20; 8:45 am]

BILLING CODE 4150–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute on Aging Special Emphasis Panel, March 20, 2020, 8:00 a.m. to 6:00 p.m., Hyatt Regency, Bethesda, Conference Room Cabinet Suite, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814 which was published in the **Federal Register** on January 15, 2020, 85 FR 2431.

The meeting notice is amended to change the Meeting Format from Regular Meeting on March 20, 2020 to a Teleconference Meeting on March 20, 2020. The meeting is closed to the public.

Dated: March 6, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–05039 Filed 3–11–20; 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; Member Conflict: Neuropharmacology.

Date: April 2, 2020.

Time: 12:00 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Dr., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Richard D. Crosland, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4190, MSC 7850, Bethesda, MD 20892, 301–694–7084, *crosland@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: AIDS and Related Research.

Date: April 3, 2020.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Dr., Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Barna Dey, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, Bethesda, MD 20892, 301–451–2796 *bdey@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Endocrinology, Metabolism, Nutrition and Reproductive Science.

Date: April 3, 2020.

Time: 10:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Dr., Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Antonello Pileggi, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6166, Bethesda, MD 20892, (301) 402–6297, *pileggia@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflicts: Biobehavioral Applications in Substance Abuse and Pain Management.

Date: April 3, 2020.

Time: 3:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Dr., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Andrea B. Kelly, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC 7770, Bethesda, MD 20892, (301) 455–1761, *kellya2@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–18–669: SPF Macaque Colonies.

Date: April 3, 2020.

Time: 3:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Dr., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Shiv A. Prasad, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, 301–443–5779, *prasads@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Epilepsy and Neuroprotective Drug Development.

Date: April 6, 2020.

Time: 10:30 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Dr., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Seetha Bhagavan, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5194, MSC 7846, Bethesda, MD 20892, (301) 237–9838, *bhagavas@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Tobacco Use and HIV in Low and Middle Income Countries.

Date: April 6, 2020.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Dr., Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Mark P. Rubert, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1775, *rubertm@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Endocrinology, Metabolism and Reproductive Biology.

Date: April 6, 2020.

Time: 11:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Dr., Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Yunshang Piao, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive Room 6184, Bethesda, MD 20892, 301.402.8402, *piaoy3@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Molecular Oncogenesis.

Date: April 6, 2020.

Time: 12:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Dr., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Nywana Sizemore, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6189, MSC 7804 Bethesda, MD 20892, 301–408–9916, *sizemoren@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: March 8, 2020.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–05036 Filed 3–11–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute on Aging Special Emphasis Panel, March 10, 2020, 4:00 p.m. to 5:00 p.m., Hyatt Regency, Bethesda, Conference Room Executive Boardroom, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814 which was published in the **Federal Register** on January 14, 2020, 85 FR 2138.

The meeting notice is amended to change the Meeting Format from Regular Meeting on March 10, 2020 to a Teleconference Meeting on March 10, 2020. The meeting is closed to the public.

Dated: March 6, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–05038 Filed 3–11–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute on Aging Special Emphasis Panel, March 10, 2020, 8:30 a.m. to 4:00 p.m., Hyatt Regency, Bethesda, Conference Room Executive Boardroom, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814 which was published in the **Federal Register** on January 14, 2020, 85 FR 2138.

The meeting notice is amended to change the Meeting Format from Regular Meeting on March 10, 2020 to a Teleconference Meeting on March 10, 2020. The meeting is closed to the public.

Dated: March 6, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–05037 Filed 3–11–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2020–0068]

Certificate of Alternative Compliance for the New Construction (O.N. CG1575290)

AGENCY: Coast Guard, DHS.

ACTION: Notification of issuance of a certificate of alternative compliance.

SUMMARY: The Coast Guard announces that the Chief, Prevention Division District 9 has issued a certificate of alternative compliance from the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), for the NEW CONSTRUCTION (O.N. CG1575290) We are issuing this notice because its publication is required by statute. Due to the construction and placement of the side lights, NEW CONSTRUCTION cannot fully comply with the light, shape, or sound signal provisions of the 72 COLREGS without interfering with the vessel's design and construction. This notification of issuance of a certificate of alternative compliance promotes the Coast Guard's marine safety mission.

DATES: The Certificate of Alternative Compliance was issued on February 5, 2020.

FOR FURTHER INFORMATION CONTACT: For information or questions about this notice call or email LT Matt MacKillop, District Nine (dpi), U.S. Coast Guard; telephone 216–902–6343, email: *Matthew.D.Mackillop@uscg.mil.*

SUPPLEMENTARY INFORMATION: The United States is signatory to the International Maritime Organization's International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), as amended. The special construction or purpose of some vessels makes them unable to comply with the light, shape, or sound signal provisions of the 72 COLREGS. Under statutory law, however, specified 72 COLREGS provisions are not applicable to a vessel of special construction or purpose if the Coast Guard determines that the vessel cannot comply fully with those requirements without interfering with the special function of the vessel.[1]

The owner, builder, operator, or agent of a special construction or purpose vessel may apply to the Coast Guard District Office in which the vessel is being built or operated for a determination that compliance with

[1] 33 U.S.C. 1605.

alternative requirements is justified,[2] and the Chief of the Prevention Division would then issue the applicant a certificate of alternative compliance (COAC) if he or she determines that the vessel cannot comply fully with 72 COLREGS light, shape, and sound signal provisions without interference with the vessel's special function.[3] If the Coast Guard issues a COAC, it must publish notice of this action in the **Federal Register**.[4]

The Chief, Prevention Division District 9, U.S. Coast Guard, certifies that the NEW CONSTRUCTION is a vessel of special construction or purpose, and that, with respect to the position of the side lights, it is not possible to comply fully with the requirements of the provisions enumerated in the 72 COLREGS, without interfering with the normal operation, construction, or design of the vessel. The Chief, Prevention Division District 9 further finds and certifies that the side lights, are in the closet possible compliance with the applicable provisions of the 72 COLREGS.[5]

This notice is issued under authority of 33 U.S.C. 1605(c) and 33 CFR 81.18.

Dated: March 6, 2020.

K.D. Floyd,

Captain, U.S. Coast Guard, Chief, Prevention Division, Ninth Coast Guard District.

[FR Doc. 2020–05045 Filed 3–11–20; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0063]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: National Interest Waivers; Supplemental Evidence to I–140 and I–485

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until May 11, 2020.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0063 in the body of the letter, the agency name and Docket ID USCIS–2008–0003. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2008–0003;

(2) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW, Washington, DC 20529–2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, telephone number 202–272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2008–0003 in the search box. 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 consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* National Interest Waivers; Supplemental Evidence to I–140 and I–485.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* No Agency Form Number; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. The supplemental documentation will be used by the U.S. Citizenship and Immigration Services to determine eligibility for national interest waiver requests and to finalize the request for adjustment to lawful permanent resident status.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection is 8,000 and the estimated hour burden per response is 1 hour.

[2] 33 CFR 81.5.

[3] 33 CFR 81.9.

[4] 33 U.S.C. 1605(c) and 33 CFR 81.18.

[5] 33 U.S.C. 1605(a); 33 CFR 81.9.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 16,000 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $0. Any cost associated with this collection of information are capture under OMB Control Number 1615–0023.

Dated: March 3, 2020.

Samantha L Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2020–05031 Filed 3–11–20; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0001]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Petition for Alien Fiance(e)

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until May 11, 2020.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0001 in the body of the letter, the agency name and Docket ID USCIS–2006–0028. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2006–0028;

(2) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW, Washington, DC 20529–2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, telephone number 202–272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2006–0028 in the search box. 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 consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition for Alien Fiance(e).

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–129F; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. To date, through the filing of this form a U.S. citizen may facilitate the entry of his/her spouse or fiance(e) into the United States so that a marriage may be concluded within 90 days of entry between the U.S. citizen and the beneficiary of the petition. This form must be used to cover the provisions of section 1103 of the Legal Immigration Family Equity Act of 2000 which allows the spouse or child of a U.S. citizen to enter the U.S. as a nonimmigrant. The I–129F is the only existing form, which collects the requisite information so that an adjudicator can make the appropriate decisions.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–129F is 48,400 and the estimated hour burden per response is 3.25 hours. The estimated total number of respondents for the information collection of Biometrics is 48,400 and the estimated hour burden per response is 1.17 hour.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 213,928 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is 8,300,600.

Dated: March 3, 2020.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2020–05030 Filed 3–11–20; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–ES–2020–N017; FXES11140100000–201–FF01E00000]

Proposed Site Plans Under a Candidate Conservation Agreement With Assurances for the Fisher in Oregon; Enhancement of Survival Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have received two enhancement of survival permit (permit) applications pursuant to the Endangered Species Act (ESA). If granted, the requested permits would authorize incidental take of the fisher, should the species become federally listed in the future under the ESA. The permit applications are associated with a template candidate conservation agreement with assurances (CCAA) previously developed by the Service for the conservation of the fisher. The conservation measures in the CCAA are intended to provide a net conservation benefit to the fisher. We have also prepared draft environmental action statements (EASs) pursuant to the requirements of the National Environmental Policy Act of 1969 for each of these permit applications. We are making the permit application packages and draft EASs available for public review and comment.

DATES: To ensure consideration, written comments must be received from interested parties no later than April 13, 2020.

ADDRESSES: To request further information or submit written comments, please use one of the following methods: Note that your information request or comments are in reference to the ''Campbell Fisher CCAA'' and indicate by name, which permit application (see below) you are interested in or addressing.

- *Internet:* Documents may be viewed on the internet at *http://www.fws.gov/oregonfwo/.*
- *Email: CampbellCCAAcomments@fws.gov.* Include ''Campbell Fisher CCAA'' in the subject line of the message or comments and indicate which permit application on which you are providing comments.
- *U.S. Mail:* State Supervisor, Oregon Fish and Wildlife Office, U.S. Fish and Wildlife Service; 2600 SE 98th Avenue, Suite 100; Portland, OR 97266.
- *Fax:* 503–231–6195, Attn: Fisher CCAA.
- *In-Person Drop-off, Viewing, or Pickup:* Comments and materials received will be available for public inspection, by appointment (necessary for viewing or picking up documents only), during normal business hours at the Oregon Fish and Wildlife Office (at the above address); call 503–231–6179 to make an appointment. Written comments can be dropped off during regular business hours at the above address on or before the closing date of the public comment period (see **DATES**).

FOR FURTHER INFORMATION CONTACT: Richard Szlemp (see **ADDRESSES**); telephone: 503–231–6179; facsimile: 503–231–6195. If you use a telecommunications device for the deaf, please call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: We, the Service, have received two permit applications from timber land owners in Oregon pursuant to section 10(a)(l)(A) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The requested permits would authorize incidental take of the fisher (*Pekania pennanti*) caused by the applicants' routine forest-related management activities through June 20, 2047, or the remaining duration of the CCAA, should the fisher become federally listed in the future under the ESA. Each permit application includes a proposed individual site plan prepared in accordance with the template CCAA previously developed by the Service for the conservation of the fisher. We also have prepared draft environmental action statements (EASs) pursuant to the requirements of the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) for each of these permits.

Background

A CCAA is a voluntary agreement whereby landowners agree to manage their lands to remove or reduce threats to species that may become listed under the ESA (64 FR 32726; June 17, 1999). CCAAs are intended to facilitate the conservation of proposed and candidate species, and species likely to become candidates in the near future, by giving non-Federal property owners incentives to implement conservation measures for declining species by providing certainty with regard to land, water, or resource use restrictions that might be imposed should the species later become listed as threatened or endangered under the ESA. In return for managing their lands to the benefit of the covered species, enrolled landowners receive assurances that additional regulatory requirements pertaining to the covered species will not be required if the covered species becomes listed as threatened or endangered under the ESA, so long as the CCAA remains in place and is being fully implemented.

A CCAA serves as the basis for the Service to issue permits to non-Federal participants pursuant to section 10(a)(l)(A) of the ESA. Application requirements and issuance criteria for permits under CCAAs are found in the Code of Regulations (CFR) at 50 CFR 17.22(d) and 17.32(d). The Service developed a template CCAA for the West Coast distinct population segment (DPS) of the fisher in Oregon and a draft EAS for future issuance of permits under the finalized template to comply with NEPA. The template CCAA and the EAS were noticed for comment in the **Federal Register** (81 FR 15737; March 24, 2016). The template CCAA and EAS were finalized and signed by the Service on June 20, 2018.

The CCAA template established general guidelines and identified minimum conservation measures for potential participants in the CCAA. Interested participants can voluntarily enroll their properties under the CCAA through development of individual site plans prepared in accordance with the provisions of the CCAA and that are submitted as part of their permit applications. The permits would authorize incidental take of the fisher with assurances to qualifying landowners who carry out conservation measures that would benefit the West Coast DPS of the fisher.

Proposed Actions

We have received applications for ESA section 10(a)(l)(A) permits under the template CCAA for the fisher from the Pacific West Timber Company, LLC and the Franklin-Clarkson Timber Company (applicants) for their identified lands in Oregon. They are being represented by Campbell Global, LLC, who will be principally responsible for timber management on these lands.

Each requested permit would authorize incidental take of the fisher, should it become federally listed and affected by the applicant's routine

forest-related management activities on their managed properties through June 20, 2047. Fisher are not currently known to occur on either of the applicants' proposed enrolled lands.

Each permit application includes a proposed site plan that describes the lands to be covered by the permit and the conservation measures required under the template CCAA that will be implemented on covered lands. The primary conservation measures common to the two site plans include:

- Allowing access to covered lands to conduct fisher surveys;
- Protecting fisher dens and their young by limiting disturbance and impacts to denning structures;
- Limiting trapping/nuisance control for other animals that could pose a risk to fisher (trapping of fisher is prohibited by State of Oregon law);
- Allowing the potential future translocation of the fisher onto enrolled lands; and
- Promoting the development of habitat structures that would support the fisher.

Public Comments

We are making the two permit application packages, including the individual site plans and the two draft EASs, available for public review and comment (see **ADDRESSES**). The final template CCAA and EAS that were finalized and signed by the Service on June 20, 2018, are also available for public information. You may submit your comments and materials by one of the methods listed in the **ADDRESSES** section. We request data, comments, new information, or suggestions from the public, other concerned governmental agencies, the scientific community, Tribes, industry, or any other interested party on our proposed Federal action, including on the adequacy of the site plans prepared in accordance with the template CCAA, pursuant to the requirements for permits at 50 CFR parts 13 and 17.

Public Availability of Comments

All comments and materials we receive become part of the public record associated with this action. Before including your address, phone number, email address or other personal identifying information in your comments, 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. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety. Comments and materials we receive, as well as supporting documentation, will be available for public inspection by appointment, during normal business hours, at our Oregon Fish and Wildlife Office (see **ADDRESSES**).

Authority

We provide this notice in accordance with the requirements of section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and NEPA (42 U.S.C. 4321 *et seq.*), and their implementing regulations (50 CFR 17.22, and 40 CFR 1506.6, respectively).

Robyn Thorson,

Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 2020–05043 Filed 3–11–20; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–ES–2020–N003; FXES11140100000–201–FF01E00000]

Kauai Seabird Habitat Conservation Plan and Draft Environmental Assessment, Kauai, Hawaii

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), received incidental take permit applications pursuant to section 10 of the Endangered Species Act of 1973, as amended (ESA), from eight parties seeking authorization to take listed seabirds on Kauai due to impacts associated with nighttime light attraction. Each of the applications relies on the Kauai Seabird Habitat Conservation Plan (KSHCP), which describes the actions the applicants will take to minimize and mitigate the impacts of taking the threatened Newell's shearwater, endangered Hawaiian petrel, and the endangered Hawaii distinct population segment of the band-rumped storm-petrel incidental to the otherwise lawful use of nighttime lighting on the island of Kauai, Hawaii. We also announce the availability of each applicant's draft KSHCP participant inclusion plan specific to the applicant's facilities, as well as a draft environmental assessment (EA) developed by the Service that addresses the effects of the KSHCP and the proposed permits on the human environment in accordance with the National Environmental Policy Act. We invite the public to review and comment on these documents.

DATES: To ensure consideration, written comments must be received from interested parties no later than April 13, 2020.

ADDRESSES: To request further information or submit written comments, please use one of the following methods:

- *Internet:* You may view or download copies of the KSHCP, draft EA, each applicant's draft KSHCP participant inclusion plan, and obtain additional information on the internet at *http://www.fws.gov/pacificislands/.*
- *Email: KauaiSeabirdHCP@fws.gov.* Include ''Kauai Seabird HCP/EA'' in the subject line of the message.
- *U.S. Mail:* You may obtain a CD–ROM with electronic copies of these documents by writing to Ms. Katherine Mullett, Field Supervisor, U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Room 3–122, Honolulu, HI 96850.
- *Telephone:* Call 808–792–9400 during regular business hours.

FOR FURTHER INFORMATION CONTACT: Ms. Jiny Kim or Mr. Aaron Nadig, U.S. Fish and Wildlife Service (see **ADDRESSES**), by telephone at 808–792–9400 or by email at *KauaiSeabirdHCP@fws.gov.* If you use a telecommunications device for the deaf, please call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: The Service received incidental take permit (ITP) applications from eight entities (applicants), pursuant to section 10(a)(1)(B) of the Endangered Species Act, as amended (ESA; 16 U.S.C. 1531 *et seq.*). Each applicant has requested a 30-year permit term that would authorize ''take'' of the threatened Newell's shearwater (*Puffinus auricularis newelli;* Hawaiian name ao), the endangered Hawaiian petrel (*Pterodroma sandwichensis;* Hawaiian name uau), and the endangered Hawaii distinct population segment of the band-rumped storm-petrel (*Oceanodroma castro;* Hawaiian name akeake), hereafter collectively referred to as the covered species. Take of the covered species would be incidental to the use of nighttime lighting on the island of Kauai, Hawaii. The applications are accompanied by a single habitat conservation plan, referred to as the Kauai Seabird Habitat Conservation Plan (KSHCP), which describes the actions each applicant will take to

minimize and mitigate the impacts of the taking on the covered species under each individual applicant's draft KSHCP participant inclusion plan (PIP), which is specific to each applicant's facilities.

Background

Nighttime lighting is an essential activity in most homes, businesses, and industry centers. Each of the eight applicants developed a PIP under the KSHCP to collectively provide an island-wide conservation program to avoid and minimize the impacts of the taking of the covered species through implementation of measures such as the use of wildlife-friendly nighttime lights, and to mitigate for unavoidable incidental take impacts caused by nighttime lighting in support of their request to obtain ESA authorization, as appropriate, to incidentally take listed seabirds. Although the KSHCP identifies measures to avoid and minimize take of the Central North Pacific distinct population segment (DPS) of the endangered green sea turtle (*Chelonia mydas;* Hawaiian name honu), no ITP for the green sea turtle is being requested by the applicants. The eight applicants are: (1) Norwegian Cruise Line-NCL America; (2) Princeville Resort Kauai; (3) Hawaii Department of Transportation; (4) Kauai Marriott Resort; (5) Alexander & Baldwin, Inc.; (6) Kauai Blue, Inc. doing business as Sheraton Kauai; (7) Kauai Coffee Company; and (8) Kauai County.

The Service proposes to issue the requested 30-year ITPs based on the applicants' commitment to implement the KSHCP, in accordance with eight applicant-specific PIPs, if permit issuance criteria are met. Potentially covered activities include the full range of artificial nighttime lighting types present on Kauai. A variety of lighting types are used on Kauai depending upon the purposes for the lighting. Under the KSHCP, all types of artificial lighting, including land-based lights found at parks, retail stores, resorts, condominium complexes, agribusiness, and industrial facilities, can be covered, as well as lighting on ocean-going vessels such as cruise ships. Artificial lighting includes current light structures, as well as the placement and operation of new or future lights that have similar effects. Outdoor lighting fixtures may include, but are not limited to, parking lot lights, security lights, spotlights, floodlights, building and structural or architectural lights, landscape lighting, recreational lights, and signage lights. Instead of each applicant implementing small scale, PIP-specific mitigation projects with limited conservation benefits for listed seabirds, the eight applicants will contribute funds that will be pooled to create and manage the Kahuamaa Seabird Preserve (Preserve); conduct barn owl (*Tyto alba*) control in Kalalau Valley; and to conduct feral cat (*Felis catus*) control along Kalalau Valley rim to reduce predation at existing seabird colonies and deter cat presence in the vicinity of the Preserve.

Endangered Species Act

Section 9 of the ESA (16 U.S.C. 1531 *et seq.*) prohibits ''take'' of fish and wildlife species listed as endangered or threatened. Under the ESA, the term ''take'' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [16 U.S.C. 1532(19)]. The term ''harm'' is defined in our regulations to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3).

Section 10(a)(1)(B) of the ESA contains provisions that authorize the Service to issue permits to non-Federal entities for the take of endangered and threatened species caused by otherwise lawful activities, provided the following criteria are met: (1) The taking will be incidental; (2) the applicant will, to the maximum extent practicable, minimize and mitigate the impact of such taking; (3) the applicant will ensure that adequate funding for the plan will be provided; (4) the taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and (5) the applicant will carry out any other measures that the Service may require as being necessary or appropriate for the purposes of the HCP. Regulations governing permits for endangered and threatened species are found at 50 CFR 17.22 and 17.32, respectively.

National Environmental Policy Act

The proposed issuance of an ITP is a Federal action that triggers the need for compliance with the requirements of NEPA. On November 9, 2010, the Service announced in the **Federal Register** our intent to prepare an environmental impact statement for the proposed KSHCP (75 FR 68819) inclusive of the Kauai Island Utility Cooperative (KIUC) HCP. At that time, the proposed KSHCP and the expected applications from public and private entities on Kauai for incidental take permits were intended to cover the incidental take of the ao, uau, and akeake due to adverse effects of light attraction, as well as collision with utility lines and associated structures. However, monitoring conducted in 2014 reflected a much higher rate of seabird collisions with utility lines than previously estimated. As a result, in September 2015, the State decided to restrict the scope of the KSHCP to light attraction take and reserve consideration of line collision take to the Kauai Island Utility Cooperative Long-Term HCP. As a result, the mitigation program under the KSHCP was scaled to address the level of seabird take impacts caused by the eight applicants identified above. After a subsequent analysis based on the reduction in scope of the proposed KSHCP, the Service determined that it was appropriate to first prepare an environmental assessment (EA) to determine whether an EIS was warranted. We prepared a draft EA to analyze the environmental impacts of a range of alternatives related to the proposed issuance of the eight requested ITPs and implementation of the conservation program under the revised KSHCP. The alternatives analyzed in the draft EA include a no-action alternative (alternative A) and two action alternatives: (1) The proposed action (alternative B) and (2) a translocation alternative with additional mitigation measures (alternative C).

Public Comments

You may submit your comments and materials by one of the methods listed in **ADDRESSES**. We specifically request written data, views, and suggestions from interested parties with respect to the eight applications regarding our proposed Federal action, including the adequacy of the KSHCP pursuant to the requirements for permits at 50 CFR parts 13 and 17, and the adequacy of the draft EA pursuant to the requirements of NEPA.

Public Availability of Comments

All comments and materials we receive become part of the public record associated with this action. Before including your address, phone number, email address, or other personally identifiable information in your comments, you should be aware that your entire comment—including your personally identifiable information—may be made publicly available at any time. While you can ask us in your comment to withhold your personally identifiable information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in

their entirety. Comments and materials we receive will be available for public inspection by appointment, during normal business hours, at our Pacific Islands Fish and Wildlife Office (see **ADDRESSES**).

Next Steps

After public review we will assess the comments received and finalize the EA; we will determine whether the proposed action warrants a finding of no significant impact or whether an environmental impact statement should be prepared. We will evaluate each permit application, associated documents, and any comments received, to determine whether the permit application meets the requirements of section 10(a)(1)(B) of the ESA. We will also evaluate whether issuance of the requested section 10(a)(1)(B) permit would comply with section 7 of the ESA by conducting an intra-Service section 7 consultation under section 7(a)(2) of the ESA on anticipated ITP actions. The final NEPA and permit determinations will not be completed until after the end of the 30-day comment period and will fully consider all comments received during the comment period. If we determine that all requirements are met, we will issue an ITP under section 10(a)(1)(B) of the ESA to each individual applicant for the take of the covered species, incidental to otherwise lawful covered activities.

Authority

We provide this notice in accordance with the requirements of section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and NEPA (42 U.S.C. 4321 *et seq.*), and their implementing regulations (at 50 CFR 17.22 and 17.32 and 40 CFR 1506.6, respectively).

Robyn Thorson,

Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 2020–05044 Filed 3–11–20; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY920000.L57000000.FI0000. 18XL5017AR]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease WYW185481, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: As provided for under the Mineral Leasing Act of 1920, as amended, the Bureau of Land Management (BLM) received a petition for reinstatement of competitive oil and gas lease WYW185481 from Allen & Kirmse Limited for land in Sweetwater County, Wyoming. The lessee filed the petition on time, along with all rentals due since the lease terminated under the law. No leases affecting this land were issued before the petition was filed.

FOR FURTHER INFORMATION CONTACT: Chris Hite, Branch Chief for Fluid Minerals Adjudication, Bureau of Land Management, Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming 82009; phone 307–775–6176; email *chite@blm.gov.*

Persons who use a telecommunications device for the deaf may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact Mr. Hite during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. A reply will be sent during normal business hours.

SUPPLEMENTARY INFORMATION: Termination of a lease is automatic and statutorily imposed by Congress when rental fees are not paid in a timely manner. Similarly, reinstatement terms are also set by Congress upon submission of a petition for reinstatement from a lessee. Rental was not paid on time for competitive oil and gas lease WYW185481 prompting lease termination by operation of law. As provided for under the Mineral leasing Act of 1920, as amended, the BLM received a petition for reinstatement from the lessee of record, Allen & Kirmse Limited for land in Sweetwater County, Wyoming. The lessee filed the petition on time along with all rentals due since the lease terminated under operation of law. The lease will be reinstated 30 days after publication of the proposed reinstatement notice in the **Federal Register**.

The lessee agreed to the amended lease terms for rentals and royalties at rates of $10 per acre, or fraction thereof, per year and 16⅔% percent. The lessee has paid the required $500 administrative fee and the $159 cost of publishing this notice. The lessee met the requirements for reinstatement of the lease per Sec. 31(d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188).

Reinstatement of this lease conforms to the terms and conditions of all applicable land use plans, including the 2015 Approved Resource Management Plan Amendments for the Rocky Mountain Region, and other National Environmental Policy Act documents. The BLM proposes to reinstate the lease effective July 01, 2017, under the amended terms and conditions of the lease and the increased rental and royalty rates cited above.

(Authority: 30 U.S.C. 188 (e)(4) and 43 CFR 3108.2–3 (b)(2)(v))

Chris Hite,

Chief, Branch of Fluid Minerals Adjudication.

[FR Doc. 2020–05055 Filed 3–11–20; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY920000.L57000000.FI0000. 18XL5017AR]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease WYW185480, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: As provided for under the Mineral Leasing Act of 1920, as amended, the Bureau of Land Management (BLM) received a petition for reinstatement of competitive oil and gas lease WYW185480 from BP America Production Company for land in Sweetwater County, Wyoming. The lessee filed the petition on time, along with all rentals due since the lease terminated under the law. No leases affecting this land were issued before the petition was filed.

FOR FURTHER INFORMATION CONTACT: Chris Hite, Branch Chief for Fluid Minerals Adjudication, Bureau of Land Management, Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming 82009; phone 307–775–6176; email *chite@blm.gov.*

Persons who use a telecommunications device for the deaf may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact Mr. Hite during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. A reply will be sent during normal business hours.

SUPPLEMENTARY INFORMATION: Termination of a lease is automatic and statutorily imposed by Congress when rental fees are not paid in a timely manner. Similarly, reinstatement terms are also set by Congress upon submission of a petition for reinstatement from a lessee. Rental was not paid on time for competitive oil and gas lease WYW185480 prompting lease termination by operation of law. As

provided for under the Mineral leasing Act of 1920, as amended, the BLM received a petition for reinstatement from the lessee of record, BP America Production Company for land in Sweetwater County, Wyoming. The lessee filed the petition on time along with all rentals due since the lease terminated under operation of law. The lease will be reinstated 30 days after publication of the proposed reinstatement notice in the **Federal Register**.

The lessee agreed to the amended lease terms for rentals and royalties at rates of $10 per acre, or fraction thereof, per year and 16⅔% percent. The lessee has paid the required $500 administrative fee and the $159 cost of publishing this notice. The lessee met the requirements for reinstatement of the lease per Sec. 31(d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188).

Reinstatement of this lease conforms to the terms and conditions of all applicable land use plans, including the 2015 Approved Resource Management Plan Amendments for the Rocky Mountain Region, and other National Environmental Policy Act documents. The BLM proposes to reinstate the lease effective June 01, 2017, under the amended terms and conditions of the lease and the increased rental and royalty rates cited above.

Authority: 30 U.S.C. 188 (e)(4) and 43 CFR 3108.2–3 (b)(2)(v)

Chris Hite,

Chief, Branch of Fluid Minerals Adjudication.

[FR Doc. 2020–05054 Filed 3–11–20; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY920000.L57000000.FI0000. 18XL5017AR]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease WYW183049, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: As provided for under the Mineral Leasing Act of 1920, as amended, the Bureau of Land Management (BLM) received a petition for reinstatement of competitive oil and gas lease WYW183049 from BP America Production Company for land in Sweetwater County, Wyoming. The lessee filed the petition on time, along with all rentals due since the lease terminated under the law. No leases affecting this land were issued before the petition was filed.

FOR FURTHER INFORMATION CONTACT: Chris Hite, Branch Chief for Fluid Minerals Adjudication, Bureau of Land Management, Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming 82009; phone 307–775–6176; email *chite@blm.gov.*

Persons who use a telecommunications device for the deaf may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact Mr. Hite during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. A reply will be sent during normal business hours.

SUPPLEMENTARY INFORMATION: Termination of a lease is automatic and statutorily imposed by Congress when rental fees are not paid in a timely manner. Similarly, reinstatement terms are also set by Congress upon submission of a petition for reinstatement from a lessee. Rental was not paid on time for competitive oil and gas lease WYW183049 prompting lease termination by operation of law. As provided for under the Mineral leasing Act of 1920, as amended, the BLM received a petition for reinstatement from the lessee of record, BP America Production Company for land in Sweetwater County, Wyoming. The lessee filed the petition on time along with all rentals due since the lease terminated under operation of law. The lease will be reinstated 30 days after publication of the proposed reinstatement notice in the **Federal Register**.

The lessee agreed to the amended lease terms for rentals and royalties at rates of $10 per acre, or fraction thereof, per year and 16⅔% percent. The lessee has paid the required $500 administrative fee and the $159 cost of publishing this notice. The lessee met the requirements for reinstatement of the lease per Sec. 31(d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188).

Reinstatement of this lease conforms to the terms and conditions of all applicable land use plans, including the 2015 Approved Resource Management Plan Amendments for the Rocky Mountain Region, and other National Environmental Policy Act documents. The BLM proposes to reinstate the lease effective June 01, 2017, under the amended terms and conditions of the lease and the increased rental and royalty rates cited above.

(Authority: 30 U.S.C. 188 (e)(4) and 43 CFR 3108.2–3 (b)(2)(v)).

Chris Hite,

Chief, Branch of Fluid Minerals Adjudication.

[FR Doc. 2020–05056 Filed 3–11–20; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–HAFE–NPS0028332; PPWOWMADL3, PPMPSAS1Y.TD0000 (200); OMB Control Number 1024–0284]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; National Park Service Common Learning Portal

AGENCY: National Park Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, (PRA, 44 U.S.C. 3501 *et seq.*), we, the National Park Service (NPS) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before April 13, 2020.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please provide a copy of your comments to Phadrea Ponds, Acting NPS Information Collection Clearance Officer, 1201 Oakridge Drive, Fort Collins, CO 80525; or by email to *phadrea_ponds@nps.gov.* Please reference OMB Control Number 1024–0284 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Ryan Jennings, by email at *ryan_jennings@nps.gov,* or by telephone at 304–535–5057. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the PRA and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and

provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on January 19, 2020 (85 FR 1180). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency 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 response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The NPS is authorized by 54 U.S.C. 101321, Service Employee Training and 54 U.S.C. 101322, Management Development and Training to maintain the Common Learning Portal (CLP). This online training platform is provided to increase communication within the NPS education community and to promote the visibility of training opportunities available to NPS employees. The CLP serves as a common platform for advertising national, regional, and park specific training events to NPS employees. The CLP also establishes communities of practice using interest groups and forums in order to increase engagement throughout the NPS training community. Users may visit the CLP to learn about upcoming training events without creating a user account. However, to participate in community forum discussions, users must to provide the following information to register and create an account:

- Name
- Email address
- Username

Once registered, the user will have the option to provide additional information to include:

- Photo
- Title, location, expertise
- Duties, and
- Additional personal information such as hobbies or activities.

To store the information collected, this system utilizes the following SORN: DOI–16, Learning Management System—October 9, 2018, 83 FR 50682. All personal information, with the exception of name and email address, are optional. An account is not required for anyone interested in visiting the CLP to learn about upcoming training events.

Title of Collection: National Park Service Common Learning Portal.

OMB Control Number: 1024–0284.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals (non-federal employees).

Total Estimated Number of Annual Respondents: 250.

Total Estimated Number of Annual Responses: 250.

Estimated Completion Time per Response: 5 minutes.

Total Estimated Number of Annual Burden Hours: 21.

Respondent's Obligation: Voluntary.

Frequency of Collection: One time.

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. 2020–05062 Filed 3–11–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–29866; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before February 15, 2020, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by March 27, 2020.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION:

The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before February 15, 2020. Pursuant to Section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers:

COLORADO

Pueblo County

Coronado Lodge, 2130 Lake Ave., Pueblo, SG100005146

KANSAS

Brown County

Horton Civic Center, (New Deal-Era Resources of Kansas MPS), 125 West 7th St. and 145 West 7th St., Horton, MP100005121

Lincoln County

Lincoln Downtown Historic District, Roughly bounded by East and West Lincoln Ave., Elm St., Court St., West Court and South 5th St., Lincoln, SG100005123

Lincoln City Park

(New Deal-Era Resources of Kansas MPS), 500–700 blocks of East Lincoln Ave., Lincoln, MP100005124

Marion County

Donaldson and Hosmer Building, 318 East Main St., Marion, SG100005122

Saline County

Teague Nelson Building, 104–106 South Santa Fe Ave., Salina, SG100005118

Sedgwick County

Riley Holden Block, 1027–1029 West Douglas Ave., Wichita, SG100005116

South Kansas Avenue Historic District, (Residential Resources of Wichita, Sedgwick County, Kansas 1870–1957 MPS), 220–224 South Kansas Ave., Wichita, MP100005117

Shawnee County

Fire Station No. 7, 1215 SW Oakley Ave., Topeka, SG100005119

2209 SW 29th/Dr. Karl & Jeanetta Lyle Menninger Education Center, 2209 SW 29th St., Topeka, SG100005120

MARYLAND

Baltimore County

Day Village Historic District, 511 Avondale Rd., Dundalk, SG100005133

MONTANA

Lincoln County

Heritage Museum, The, 34067 US 2, Libby, SG100005148

NEW YORK

Onondaga County

Merrell-Soule None Such Mince Meat Factory, Industrial Resources in the City of Syracuse, Onondaga County, NY MPS), 600 North Franklin St. Syracuse, MP100005152

OHIO

Ashtabula County

Castle Block, 323–355 Center St., Ashtabula, SG100005127

Fairfield County

Fairfield County Infirmary, 1587 Granville Pike and 1651 Lancaster-Newark Rd. NE, Lancaster, SG100005128

SOUTH DAKOTA

Charles Mix County

Pickstown Fire and Police Station, 108 Lewis Ave., Pickstown, SG100005109

Day County

Anderson, James and Wilhelmina, House, 216 Park Ave., Lily, SG100005111

Chilson, Chil and Julia House, 120 West 8th Ave., Webster, SG100005112

Hamlin County

Bryant Masonic Lodge 118, 204 East Main St., Bryant, SG100005110

TENNESSEE

Gibson County

Sitka School, Napoleon Luther Rd., Milan vicinity, SG100005137

Greene County

Crescent School, 615 West Main St., Greeneville, SG100005134

Haywood County

Stanton School, 5 Lafayette St., Stanton, SG100005144

McMinn County

Englewood Water Tower, East Athens St., Englewood, SG100005141

Shelby County

Bennett, Gladys ''MaDear'', House, 1039 Delmar Ave., Memphis, SG100005136

Warren County

Webb Hotel, 281 Great Falls Rd., Rock Island, SG100005145

Williamson County

Hincheyville Historic District (Boundary Increase and Decrease), West Main, Fair, 6th, 7th, 8th, 9th, and 10th Sts., Franklin, BC100005139

WISCONSIN

Dane County

Coolidge Street-Myrtle Street Historic District, 2301–2826 Myrtle St., 2302–2826 Coolidge St. (Even), 912–1001 Kedzie St., 902–1002 North St., Madison, SG100005149

King Street Arcade, 107–113 King St., 115–117 South Pinckney St., Madison, SG100005150

La Crosse County

WAR EAGLE Shipwreck (sidewheel steamboat), Adjacent to Riverside North Park in the Black R., La Crosse vicinity, SG100005114

A request for removal has been made for the following resources:

KANSAS

Reno County

Kansas Sugar Refining Company Mill, 600 East 1st Ave., Hutchinson, OT85000013

SOUTH CAROLINA

Horry County

Rainbow Court, (Myrtle Beach MPS), 405 Flagg St., Myrtle Beach, OT96001221

Spartanburg County

Bon Haven, 728 North Church St., Spartanburg, OT76001711

TENNESSEE

Giles County

Bethany Presbyterian Church Complex, Elkton Rd., Bryson vicinity, OT89001968

Sullivan County

Grand Guitar, 3245 West State St., Bristol, OT14000057

Additional documentation has been received for the following resources:

KANSAS

Reno County

Houston Whiteside Historic District (Additional Documentation), Roughly bounded by BNSF RR, Pershing, Ave. B and Ave. A, Plum and Elm Sts., Hutchinson, AD04000738

MAINE

Sagadahoc County

Richmond Historic District (Additional Documentation), Roughly bounded by South St., High St., Main St. Kimbal St., and the Kennebec River, Richmond, AD73000146

TENNESSEE

Cheatham County

Mound Bottom (Additional Documentation), Address Restricted, Kingston Springs vicinity, AD71000813

Williamson County

Hincheyville Historic District (Additional Documentation), West Main, Fair, 6th, 7th, 8th, 9th, and 10th Sts., Franklin, AD82004071

Authority: Authority: Section 60.13 of 36 CFR part 60

Dated: February 19, 2020.

Julie H. Ernstein,

Supervisory Archeologist, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2020–05087 Filed 3–11–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NCR–NAMA–NPS0028895; PPNCNAMAN70, PPMPSPD1Z.YM00000 (200); OMB Control Number 1024–0021]

Agency Information Collection Activities; National Capital Region Application for Public Gathering

AGENCY: National Park Service, Interior.

ACTION: Notice of information collection; request for comments.

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 May 11, 2020.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to Phadrea Ponds, Acting Information Collection Clearance Officer, National Park Service, 1201 Oakridge Drive Fort Collins, CO 80525; or by email to *phadrea_ponds@nps.gov.* Please reference OMB Control Number

1024–0021 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Martin Torres, Senior Policy Advisor National Capital Region, by email at *martin_torres@nps.gov* or by telephone at 202–245–4715.

SUPPLEMENTARY INFORMATION: In accordance with the PRA and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies 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.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency 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 response.

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 Division of Permits Management of the National Mall and Memorial Parks is authorized by regulations codified in 36 CFR 7.96(g) to issue permits for public gatherings, including special events and demonstrations, held on NPS property within the National Capital Region. The regulations reflect the special demands on many urban National Capital Region parks used as sites for demonstrations and special events. A special event is defined as any presentation, program, or display that is recreational, entertaining, or celebratory in nature (*e.g.,* sports events, pageants, celebrations, historical reenactments, regattas, entertainments, exhibitions, parades, fairs, festivals and similar events). The term ''demonstration'' includes like forms of conduct that involve the communication or expression of views or grievances (*e.g.,* picketing, speechmaking, marching, holding vigils or religious services, etc.). We use information from NPS Form 10–941 to determine:

- Identity of person(s) or organization(s) requesting authorization to conduct a demonstration or special event, and to determine whether the applicant(s) meets statutory requirements to conduct the activity.
- Nature of the proposed activity and whether there is statutory authority to grant permission to engage in it.
- Relationship between the proposed activity and the primary purpose(s) for which the park area was established and relevant park planning documents.
- Whether there is a legitimate NPS need or interest in the proposed activity.
- Whether the proposed activity would require a commitment of public resources or facilities, whether such commitments are legitimate and appropriate, and whether they are available.
- Long-term or short-term adverse effects caused by the proposed activity on park resources, facilities, or programs.
- Total cost to the park of monitoring proposed activity.
- Whether a waiver of numerical limitations on the White House sidewalk and/or Lafayette Park should be granted.
- Law enforcement resources needed to assure public safety and site security, especially at the White House, during the activity.

Depending on the size and complexity of the proposed activity, we may require applicants to submit supporting documents such as:

- *Site Plan:* A complete site plan must be submitted if tents, stages, or any other type of structure are to be placed on parkland.
- *Sign Plan:* The plan will provide the overall size, number, and design of any signs or banners.
- *Risk Management Plan:* For events with significant equipment use during set-up and tear-down.
- *Administrative Documents:* We may require applicants submit a portable toilet contract, evidence of liability insurance coverage, IRS W–9 form, or an electronic funds transfer form.

Title of Collection: National Capital Region Application for Public Gathering, 36 CFR 7.96(g).

OMB Control Number: 1024–0021.

Form Number: NPS Form 10–941, ''Application for a Permit to Conduct a Demonstration or Special Event in Park Areas''.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals/households, organizations, businesses, and State, local, or tribal governments.

Respondent's Obligation: Required to obtain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: The estimated annual non-hour burden cost associated with this information collection is $139,200 ($120 × 1,160 applicants). A $120.00 application fee is submitted to recover the cost of processing the request. There is no application fee for events that cover first amendment activities (approximately 590 applicants annually).

Activity	Total annual responses	Completion time per response (minutes)	Total annual burden hours
Form 10–941, ''Application for a Permit to Conduct a Demonstration or Special Event in Park Areas''	1,750	30	875
Site Plan	1,399	60	1,399

Activity	Total annual responses	Completion time per response (minutes)	Total annual burden hours
Sign Plan	1,399	30	700
Risk Management Plan	1,399	90	2,099
Administrative Documents	1,399	45	1,049
Total	7,346	.....	6,121.25

An agency may not conduct or sponsor nor is a person 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. 2020–05060 Filed 3–11–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–BSD–FEES–NPS0028675; PX.XBSAD0113.00.1 (200); OMB Control Number 1024–0252]

Agency Information Collection Activities; The Interagency Access Pass and Senior Pass Application Processes

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 May 11, 2020.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to Phadrea Ponds, Acting Information Collection Clearance Officer, National Park Service, 1201 Oakridge Drive, Fort Collins, CO 80525; or by email to *phadrea_ponds@nps.gov.* Please reference Office of Management and Budget (OMB) Control Number 1024–0252 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Peggi Brooks by email at *peggi_brooks@nps.gov,* or by telephone at 202–513–7132.

SUPPLEMENTARY INFORMATION: In accordance with the PRA and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies 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.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency 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 response.

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: Authorized by the Federal Lands Recreation Enhancement Act (FLREA; 16 U.S.C. 6801–6814), the America the Beautiful—National Parks and Federal Recreation Lands Pass Program provides recreation opportunities on public lands managed by four Department of the Interior agencies: the National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management, and the Bureau of Reclamation in addition to the Department of Agriculture's U.S. Forest Service and the U.S. Army Corps of Engineers. This program manages the application process and distribution of passes to provide visitors an affordable and convenient way to access Federal recreation lands. The pass program's proceeds are used to improve and enhance visitor recreation services.

NPS Form 10–596, ''Interagency Access Pass'' is a free, lifetime pass issued to citizens or residents who are domiciled in the United States, regardless of age, and who have a medical determination and documentation of permanent disability. Ordering an Access Pass requires a complete application, proof of residency, documentation that proves permanent disability, payment (Lifetime Senior Pass $80 or Annual Senior Pass $20) and the $10 processing fee. Passes can be obtained in person from a participating Federal recreation site or office, through the mail or online via the U.S. Geological Survey (USGS) store at *https://store.usgs.gov/access-pass.*

If a person arrives at a recreation site and claims eligibility for the Interagency Access Pass, but cannot produce any documentation, that person must read, sign, and date NPS Form 10–597, ''Statement of Disability'' in the presence of the agency officer issuing the Interagency Access Pass. If the applicant cannot read and/or sign the form, someone else may read, date, and sign the statement on his/her behalf in the applicant's presence and in the presence of the agency officer issuing the Interagency Access Pass.

NPS Form 10–595, ''Interagency Senior Pass'' is a pass issued to U.S.

citizens or permanent residents who are 62 years or older. Senior Passes may be issued on a lifetime or annual basis. Both types of the Senior Pass can be purchased at any federal recreation site, including national parks, that charges an entrance or standard amenity (day-use) fee, online or through the mail from USGS.

Agency websites provide information on the passes and acceptable documentation. All documentation submitted in person or through the mail is returned to the applicant after the form is processed.

Title of Collection: The Interagency Access Pass and Senior Pass Application Processes.

OMB Control Number: 1024–0252.

Form Number: NPS Forms 10–595, 10–596, and 10–597.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals/households, organizations, businesses, and State, local, and tribal governments.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: The total nonhour cost burden is $402,415. Mail-in respondents will need to make up to two photo copies and pay postage to mail their applications. The estimated cost burden for copying and mailing applications is $0.66 per mail-in applicant. In addition, there is a processing fee of $10.00 for each mail-in application.

Activity	Number of respondents	Number of annual responses	Completion time per response (minutes)	Total annual burden hours
Form 10–597, ''Access Pass—Statement of Disability'' (In-person Applicants)	152,000	152,000	5	12,667
Form 10–596, ''Access Pass'' (Mail-in Applicants)	20,000	20,000	10	3,333
NPS Form 10–595, ''Senior Pass'' (Mail-in Applicants)	40,000	40,000	10	6,667
Totals	212,000	212,000		22,667

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. 2020–05061 Filed 3–11–20; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1192]

Certain Nicotine Pouches and Components Thereof and Methods of Making the Same; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on February 10, 2020, under section 337 of the Tariff Act of 1930, as amended, on behalf of NYZ AB of Sweden; Swedish Match North America, LLC of Richmond, Virginia; Pinkerton Tobacco Co., LP of Owensboro, Kentucky; and wm17 holding GmbH of Switzerland. A supplement to the complaint was filed on February 21, 2020. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain nicotine pouches and components thereof and methods of making the same by reason of infringement of certain claims of U.S. Patent No. 9,161,908 (''the '908 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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, Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server 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.*

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2559.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2019).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on March 6, 2020, *Ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1, 2, 5, 6, 9–18, 20, and 21 of the '908 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''powders containing a free nicotine salt held in some type of container, such as in a pouch or another

type of container used for shipment of the powder, and components thereof'';

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

NYZ AB, Sveavägen 44, SE–118 85 Stockholm, Sweden.

Swedish Match North America, LLC, Two James Center, 1021 East Cary Street, Suite 1600, Richmond, VA 23219.

Pinkerton Tobacco Co., LP, 1121 Industrial Drive, Owensboro, KY 42301.

wm17 holding GmbH, KBT Treuhand AG Zug, Neuhofstrasse 5A, 6340 Baar, Switzerland.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

The Art Factory AB, Landskronavägen 25B, SE–252 32 Helsingborg, Sweden.

Kretek International, Inc., 5449 Endeavour Court, Moorpark, CA 93021.

DRYFT Sciences, LLC, 5449 Endeavour Court, Moorpark, CA 93201.

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: March 9, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–05082 Filed 3–11–20; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–417 and 731–TA–953, 957–959, and 961 (Third Review)]

Carbon and Certain Alloy Steel Wire Rod From Brazil, Indonesia, Mexico, Moldova, and Trinidad and Tobago; Scheduling of Full Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of full reviews pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty and countervailing duty orders on carbon and certain alloy steel wire rod from Brazil, Indonesia, Mexico, Moldova, and Trinidad and Tobago would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. The Commission has determined to exercise its authority to extend the review period by up to 90 days.

DATES: March 6, 2020.

FOR FURTHER INFORMATION CONTACT: Jordan Harriman 202–205–2610, or Celia Feldpausch 202–205–2387, Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On September 6, 2019, the Commission determined that responses to its notice of institution of the subject five-year reviews were such that full reviews should proceed (84 FR 50474, September 25, 2019); accordingly, full reviews are being scheduled pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)). A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements are available from the Office of the Secretary and at the Commission's website.

Participation in these reviews and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in these reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission's notice of institution of the reviews need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the review.

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made by 45 days after publication of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the reviews. A party granted access to BPI following publication of the Commission's notice of institution of the reviews need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in these reviews will be placed in the nonpublic record on May 28, 2020, and a public version will be issued

thereafter, pursuant to section 207.64 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the reviews beginning at 9:30 a.m. on Tuesday, June 16, 2020, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before June 9, 2020. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should participate in a prehearing conference to be held on June 15, 2020, at the U.S. International Trade Commission Building, if deemed necessary. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), 207.24, and 207.66 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party to the reviews may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.65 of the Commission's rules; the deadline for filing is June 8, 2020. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.67 of the Commission's rules. The deadline for filing posthearing briefs is June 25, 2020. In addition, any person who has not entered an appearance as a party to the reviews may submit a written statement of information pertinent to the subject of the review on or before June 25, 2020. On July 20, 2020, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before July 22, 2020, but such final comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

The Commission has determined that these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C.1675(c)(5)(B).

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.
Issued: March 9, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–05081 Filed 3–11–20; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Division of Coal Mine Workers' Compensation; Proposed Extension; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, ''Coal Mine Operator Response to Schedule for the Submission of Additional Evidence and Operator Response to Notice of Claim.'' 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: Written comments must be submitted to the office listed in the address section below on or before May 11, 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 Anjanette Suggs by telephone at 202–354–9660 or by email at *suggs.anjanette@dol.gov.*

Submit written comments about this ICR by mail or courier to the U.S. Department of Labor, Office of Workers' Compensation Program, Division of Coal Mine Workers' Compensation, Room S3323, 200 Constitution Avenue NW, Washington, DC 20210; by email: *suggs.anjanette@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Anjanette Suggs by telephone at 202–354–9660 or by email at *suggs.anjanette@dol.gov.*

SUPPLEMENTARY INFORMATION: The 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 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.

The Office of Workers' Compensation Programs' (OWCP) Division of Coal Mine Workers' Compensation (DCMWC) administers the Black Lung Benefits Act (30 U.S.C. 901 *et seq.*), which provides benefits to coal miners totally disabled due to pneumoconiosis and certain surviving dependents. Benefits are paid by a coal mine operator who employed the miner (or its insurance carrier) or the Black Lung Disability Trust Fund if no responsible coal mine operator can be identified.

OWCP is seeking comments on the extension of information collections titled Coal Mine Operator Response to Schedule for Submission of Additional Evidence (Form CM–2970) and Operator Response to Notice of Claim (Form CM–2970a). The District Director uses the information collected on form CM–2970 to determine whether the named coal mine operator agrees with the District Director's (1) designation of the operator as liable for any benefits payable, and (2) determination regarding the

claimant's eligibility for benefits. The District Director uses the information collected on the CM–2970a to determine whether a coal mine operator who employed the miner may be designated as the liable operator responsible for paying any benefits due on a claim. The information collected on both forms is within the operator's control (*e.g.,* information about the operator's business, employment of the miner, and financial capacity to pay benefits).

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 the collection 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. Written comments will receive consideration, and summarized and included in the request for OMB approval of the final ICR. To help ensure appropriate consideration, comments should mention 1240–0033.

Submitted comments will also be a matter of public record for this ICR and may be posted on the internet, without redaction. The DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

The 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–OWCP–DCMWC.

Type of Review: Extension.

Title of Collection: Coal Mine Operator Response to Schedule for the Submission of Additional Evidence and Operator Response to Notice of Claim.

Form: CM–2970 and CM–2970a.

OMB Control Number: 1240–0033.

Affected Public: Private Sector—businesses or other for-profits.

Estimated Number of Respondents: 4,900.

Frequency: As needed.

Total Estimated Annual Responses: 9,800.

Estimated Average Time per Response: 10 minutes—CM–2970 and 15 minutes—CM–2970a.

Estimated Total Annual Burden Hours: 2,042 hours.

Total Estimated Annual Other Cost Burden: $35,102.00.

Authority: 44 U.S.C. 3506(c)(2)(A).

Dated: March 6, 2020.

Anjanette Suggs,

Agency Clearance Officer.

[FR Doc. 2020–05088 Filed 3–11–20; 8:45 am]

BILLING CODE 4510–CK–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Submission for Office of Management and Budget Review: Comment Request

ACTION: Notice.

SUMMARY: The National Endowment for the Arts, on behalf of the Federal Council on the Arts and the Humanities, will submit the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA95): Application for International Indemnification. Copies of this ICR, with applicable supporting documentation, may be obtained at *www.reginfo.gov.*

DATES: Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the National Endowment for the Arts, Office of Management and Budget, Room 10235, Washington, DC 20503 (202/395–4718), within thirty days of this publication in the **Federal Register**. Copies of any comments should be provided to Patricia Loiko (National Endowment for the Arts, 400 7th Street SW, Washington, DC 20506–0001, email *loikop@arts.gov,* telephone 202/682–5541—this is not a toll-free number; fax 202/682–5721).

The OMB is particularly interested in comments which:

—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 submissions of responses.

SUPPLEMENTARY INFORMATION: The Endowment requests the review of its application guidelines. This entry is issued by the Endowment and contains the following information: (1) The title of the form; (2) how often the required information must be reported; (3) who will be required or asked to report; (4) what the form will be used for; (5) an estimate of the number of responses; (6) the average burden hours per response; (7) an estimate of the total number of hours needed to prepare the form. This entry is not subject to 44 U.S.C. 3504(h).

Agency: National Endowment for the Arts.

Title: Application for International Indemnification.

OMB Number: 3135–0094.

Frequency: Renewed every three years.

Affected Public: Non-profit, tax exempt organizations, and governmental units.

Number of Respondents: 40 per year.

Estimated Time per Respondent: 45 hours.

Estimate Cost per Respondent: $2,097.

Total Burden Hours: 1800.

Total Annualized Capital/Startup Costs: 0.

Total Annual Costs (Operating/Maintaining Systems or Purchasing Services): $121,200.

Description: This application form is used by non-profit, tax-exempt organizations (primarily museums), and governmental units to apply to the Federal Council on the Arts and the Humanities (through the National

Endowment for the Arts) for indemnification of eligible works of art and artifacts, borrowed from lenders abroad for exhibition in the United States, from within the United States when the foreign works of art are integral to the exhibition, or sent from the United States for exhibition abroad. The indemnity agreement is backed by the full faith and credit of the United States. In the event of loss or damage to an indemnified object, the Federal Council on the Arts and the Humanities certifies the validity of the claim and requests payment from Congress. 20 U.S.C. 973 *et seq.* requires such an application and specifies information which must be supplied. This statutory requirement is implemented by regulation at 45 CFR 1160.4.

Dated: March 9, 2020.

Jillian Miller,

Director, Guidelines and Panel Operations, National Endowment for the Arts.

[FR Doc. 2020–05090 Filed 3–11–20; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Submission for Office of Management and Budget Review: Comment Request

ACTION: Notice.

SUMMARY: The National Endowment for the Arts, on behalf of the Federal Council on the Arts and the Humanities, will submit the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA95): Application for Domestic Indemnification. Copies of this ICR, with applicable supporting documentation, may be obtained at *www.reginfo.gov*.

DATES: Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the National Endowment for the Arts, Office of Management and Budget, Room 10235, Washington, DC 20503, (202/395–4718), within thirty days of this publication in the **Federal Register**. Copies of any comments should be provided to Patricia Loiko (National Endowment for the Arts, 400 7th Street SW, Washington, DC 20506–0001, email *loikop@arts.gov,* telephone 202/682–5541—this is not a toll-free number; fax 202/682–5721).

The OMB is particularly interested in comments which:

—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 submissions of responses.

SUPPLEMENTARY INFORMATION: The Endowment requests the review of its application guidelines. This entry is issued by the Endowment and contains the following information: (1) The title of the form; (2) how often the required information must be reported; (3) who will be required or asked to report; (4) what the form will be used for; (5) an estimate of the number of responses; (6) the average burden hours per response; (7) an estimate of the total number of hours needed to prepare the form. This entry is not subject to 44 U.S.C. 3504(h).

Agency: National Endowment for the Arts.

Title: Application for Domestic Indemnification.

OMB Number: 3135–0123.

Frequency: Renewed every three years.

Affected Public: Non-profit, tax exempt organizations, and governmental units.

Number of Respondents: 18 per year.

Estimated Time per Respondent: 40 hours.

Estimate Cost per Respondent: $2,097.

Total Burden Hours: 720.

Total Annualized Capital/Startup Costs: 0.

Total Annual Costs (Operating/Maintaining Systems or Purchasing Services): $121,200.

Description: This application form is used by non-profit, tax-exempt organizations (primarily museums), and governmental units to apply to the Federal Council on the Arts and the Humanities (through the National Endowment for the Arts) for indemnification of eligible works of art and artifacts, borrowed from lenders in the United States for exhibition in United States. The indemnity agreement is backed by the full faith and credit of the United States. In the event of loss or damage to an indemnified object, the Federal Council on the Arts and the Humanities certifies the validity of the claim and requests payment from Congress. 20 U.S.C. 973 *et seq.* requires such an application and specifies information which must be supplied. This statutory requirement is implemented by regulation at 45 CFR 1160.4.

Dated: March 9, 2020.

Jillian Miller,

Director, Guidelines and Panel Operations,National Endowment for the Arts.

[FR Doc. 2020–05089 Filed 3–11–20; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Engineering Notice of Meeting

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

Name and Committee Code: Advisory Committee for Engineering #1170.

Date and Time:

April 7, 2020: 8:30 a.m. to 6:00 p.m.;

April 8, 2020: 8:30 a.m. to 1:00 p.m.

Place: National Science Foundation, 2415 Eisenhower Avenue, Room E3450, Alexandria, Virginia 22314.

Type of Meeting: OPEN.

Contact Person: Evette Rollins, National Science Foundation, 2415 Eisenhower Avenue, Suite C14000, Alexandria, Virginia 22314; 703–292–8300.

Purpose of Meeting: To provide advice, recommendations and counsel on major goals and policies pertaining to engineering programs and activities.

Agenda

Tuesday, April 7, 2020

- Directorate for Engineering Report
- NSF Budget Update
- Reports from Advisory Committee Liaisons
- Industries of the Future Session
- Report from Subcommittee on the SBIR/STTR Program
- Translating the Results of University Research Session
- Preparation for Discussion with the Director's Office

Wednesday, April 8, 2020

- Broader Impacts Session
- CBET Committee of Visitors (COV) Report
- Perspectives from the Director's Office
- Roundtable on Strategic Recommendations for ENG

Dated: March 6, 2020.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2020–05032 Filed 3–11–20; 8:45 am]

BILLING CODE 7555–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2020–102; and MC2020–98 and CP2020–103]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* March 13, 2020.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* CP2020–102; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 10 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* March 5, 2020; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* March 13, 2020.

2. *Docket No(s).:* MC2020–98 and CP2020–103; *Filing Title:* USPS Request to Add Priority Mail Contract 595 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* March 5, 2020; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* March 13, 2020.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2020–05019 Filed 3–11–20; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

Summary: In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Type of Information Collection: New Collection (Request for a new OMB Control Number).

Title and purpose of information collection: Report of Stock Options and Other Payments; OMB 3220–NEW.

The Railroad Retirement Board (RRB) is directed by 45 U.S.C. 231f(c)(2) to establish a financial interchange (FI) between the railroad retirement and social security systems to place the Social Security Old-Age and Survivors Insurance (OASI) and Disability Insurance (DI) Trust Funds and the Centers for Medicare and Medicaid Services (CMS) Hospital Insurance (HI) Trust Fund in the same condition they would have been had railroad employment been covered by the Social Security Act and Federal Insurance Contributions Act (FICA). Each year, the RRB estimates the benefits and expenses that would have been paid by these trust funds, as well as the payroll taxes and income taxes that would have been received by them. To make these estimates, the RRB requires information on all earnings data that are not taxable under the Railroad Retirement Tax Act (RRTA), but would be taxable under FICA.

A recent court ruling, *Wisconsin Central Ltd.* v. *U.S.,* determined that non-qualified stock options (NQSOs) are not taxable under Section 3231 of RRTA but would be taxable under FICA. Additionally, in *Union Pacific Railroad Co.* v. *U.S.,* the Eight Circuit Court of Appeals determined whether certain ratification payments were taxable under the RRTA. The RRB requires

railroad employer to provide information on the value of NQSOs and any ratification payments from the railroad employer separately from a railroad worker's reported RRTA compensation to determine the payroll taxes due to the Social Security Administration (SSA) and CMS and administer transfer of funds between the RRB, SSA and CMS accordingly.

The payroll information collected from the BA–15 is essential for the calculation of payroll taxes and benefits used by the FI. Failure to collect NQSOs and ratification payment information will result in understating the payroll taxes that should have been collected and the benefit amounts that would have been payable under the Social Security Act for FI purposes. Accurate compensation file tabulations are also an integral part of the data needed to estimate future tax revenues and corresponding FI amounts. Without information on NQSOs and ratification payments, the amount of funds to be transferred between the RRB, SSA and CMS cannot be determined.

The RRB will use Form BA–15, Report of Stock Options and Other Payments, to request employer information and report identifying information as well as each employee's social security number, name, and compensation information, which will be reported annually in a quarterly breakdown. The RRB plans to receive Form BA–15 by secure Email, File Transfer Protocol (FTP), or via CD–ROM.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
BA–15 (by secure E-mail, FTP, or CD–ROM)—Positive	50	300	250
BA–15 (by secure E-mail, FTP, or CD–ROM)—Negative	550	15	137.5
Total	600		387.5

Additional Information or Comments: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, contact Kennisha 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 emailed to *Brian.Foster@rrb.gov.* Written comments should be received within 60 days of this notice.

Brian Foster,

Clearance Officer.

[FR Doc. 2020–05034 Filed 3–11–20; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88343; File No. SR–NSCC–2020–006]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Establish Implementation Date of National Securities Clearing Corporation's Enhancements to the Haircut-Based Volatility Charge Applicable to Municipal Bonds

March 6, 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 March 3, 2020, National Securities Clearing Corporation (''NSCC'') 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 clearing agency. NSCC filed the proposed rule change pursuant to Section 19(b)(3)(A)[3] of the Act and subparagraph (f)(4)[4] of Rule 19b–4 thereunder. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of amendments to the NSCC Rules & Procedures (the ''Rules'')[5] in order to establish the implementation date[6] of rule changes (''Approved Rule Change'') submitted pursuant to rule filing SR–NSCC–2019–004 (''Rule Filing'')[7] and advance notice SR–NSCC–2019–801 (''Advance Notice'').[8] Pursuant to the proposed rule change, the Rules would be amended to state that the Approved Rule Change will be implemented by March 27, 2020, as discussed below.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency 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 clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On February 13, 2020, the Commission issued an order approving the Rule Filing,[9] which was filed by NSCC pursuant to Section 19(b)(2) of Act'').[10] The Commission also issued a notice of no objection to the Advance Notice,[11] which was filed 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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(4).

[5] Capitalized terms not defined herein are defined in the Rules, available at *http://dtcc.com/~/media/Files/Downloads/legal/rules/nscc_rules.pdf.*

[6] The implementation date was previously set for February 28, 2020 pursuant to rule filing NSCC–2020–004. *See* Securities Exchange Act Release No. 88260 (February 21, 2020), 85 FR 11425 (February 27, 2020) (SR–NSCC–2020–004).

[7] *See* Securities Exchange Act Release No. 87858 (December 26, 2019), 85 FR 149 (January 2, 2020) (SR–NSCC–2019–004).

[8] *See* Securities Exchange Act Release No. 87911 (January 8, 2020), 85 FR 2197 (January 14, 2020) (File No. SR–NSCC–2019–801).

[9] *See* Securities Exchange Act Release No. 88191 (February 13, 2020), 85 FR 9843 (February 20, 2020) (SR–NSCC–2019–004).

[10] 15 U.S.C. 78s(b)(2).

[11] *See* Securities Exchange Act Release No. 88162 (February 11, 2020), 85 FR 8798 (February 18, 2020) (SR–NSCC–2019–801).

Act of 2010 [12] and Rule 19b–4(n)(1)(i) of the Act.[13]

The purpose of the Approved Rule Change is to amend the Rules to enhance the methodology NSCC uses for calculating the haircut-based margin charge applicable to municipal bonds.

NSCC is filing this proposed rule change to establish that the Approved Rule Change submitted pursuant to the Rule Filing and the Advance Notice will be implemented by March 27, 2020. Specifically, NSCC would add a legend to Procedure XV (Clearing Fund Formula and Other Matters) of the Rules (''Procedure XV'') [14] to state that the rule changes submitted pursuant to the Rule Filing and the Advance Notice have been approved and not objected to, respectively, but are not yet implemented. The legend would provide that these rule changes would be implemented by March 27, 2020 and include the file numbers of the Rule Filing and the Advance Notice. The legend would also state that when the rule changes are implemented, NSCC will announce the implementation by important notice and the legend would automatically be removed from Procedure XV.

2. Statutory Basis

Section 17A(b)(3)(F) of the Act requires, in part, that the Rules be designed to (i) promote the prompt and accurate clearance and settlement of securities transactions and (ii) remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions, and, in general, to protect investors and the public interest.[15] The proposed rule change would establish that the Approved Rule Change would be implemented by March 27, 2020 and provide Members with an understanding of when the Approved Rule Change will begin to affect them. Knowing when the rule changes will begin to affect Members would enable them to timely fulfill their obligations to NSCC, which would in turn ensure NSCC's processes work as intended. Therefore, NSCC believes that the proposed rule change would promote the prompt and accurate clearance and settlement of securities transactions as well as remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions, consistent with Section 17A(b)(3)(F) of the Act cited above.

(B) Clearing Agency's Statement on Burden on Competition

NSCC does not believe that the proposed rule change to establish an implementation date for the Approved Rule Change would have any impact, or impose any burden, on competition because the proposed rule change is intended to provide additional clarity in the Rules with respect to when these rule changes would be implemented. As such, the proposed rule change would not affect the rights or obligations of the Members or NSCC other than establishing when the rule changes described above would begin to impact the Members.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

NSCC has not received or solicited any written comments relating to this proposal. NSCC will notify the Commission of any written comments received by NSCC.

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) [16] of the Act and paragraph (f) [17] of Rule 19b–4 thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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–NSCC–2020–006 on the subject line.

Paper Comments:

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–NSCC–2020–006. 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 NSCC and on DTCC's website (*http://dtcc.com/legal/sec-rule-filings.aspx*). 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–NSCC–2020–006 and should be submitted on or before April 2, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–05029 Filed 3–11–20; 8:45 am]

BILLING CODE 8011–01–P

[12] 12 U.S.C. 5465(e)(1).

[13] 17 CFR 240.19b–4(n)(1)(i).

[14] Procedure XV, *supra* note 5.

[15] 15 U.S.C. 78q–1(b)(3)(F).

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting; Cancellation

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 85 FR 13691, March 9, 2020.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Wednesday, March 11, 2020 at 9:00 a.m.

CHANGES IN THE MEETING: The Open Meeting scheduled for Wednesday, March 11, 2020 at 9:00 a.m., has been cancelled.

CONTACT PERSON FOR MORE INFORMATION: For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Dated: March 10, 2020.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2020–05163 Filed 3–10–20; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88342; File No. SR–NASDAQ–2020–003]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Designation of Longer Period for Commission Action on a Proposed Rule Change To Amend Rule 4121(b)

March 6, 2020.

On January 14, 2020, 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 amend Rule 4121(b) concerning the resumption of trading following a Level 3 trading halt due to extraordinary market volatility. The proposed rule change was published for comment in the **Federal Register** on January 23, 2020.[3] The Commission 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 the 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 March 8, 2020.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. The Commission finds that it is 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, including whether the proposed rule change should be approved in the event the other national securities exchanges and FINRA do not intend to harmonize their market-wide circuit breaker rules to facilitate appropriately a cross-market resumption of trading following a Level 3 halt that is no different from a normal trading day. Accordingly, pursuant to Section 19(b)(2) of the Act,[5] the Commission designates April 22, 2020 as the date by which the Commission shall either approve, disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NASDAQ–2020–003).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–05026 Filed 3–11–20; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88341; File No. SR–CBOE–2020–006]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Make Certain Non-Substantive Changes To Clean Up Its Fees Schedule

March 6, 2020.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 26, 2020, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') 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 Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to make certain non-substantive changes to clean up its Fees Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchanges proposes to make certain nonsubstantive change to its Fees Schedule in connection with RLG, RLV, RUI and UKXM related fees, in connection with the Livevol Fees table, and in connection with rule references to Cboe Options Rules.

RLG, RLV, RUI and UKXM

Currently, RLG, RLV, RUI and UKXM sit in line items in the Fees Schedule along with other products (*e.g.,* VIX, OEX, XEO, and/or RUT) which have corresponding fee rates that are different than that of RLG, RLV, RUI and UKXM. Footnote 40 is appended to RLG, RLV, RUI and UKXM within these line items and states only that it is $0.00 for transactions in RLG, RLV, RUI and UKXM. The Exchange believes that footnote 40 is no longer necessary and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] See Securities Exchange Act Release No. 88004 (January 17, 2020), 85 FR 3992 (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] 15 U.S.C. 78s(b)(2)(A)(ii)(I).

[6] 17 CFR 200.30–3(a)(31).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

the manner in which it is currently appended to RLG, RLV, RUI and UKXM within certain line items along with other products that are instead assessed a fee is potentially confusing to market participants. As such, the Exchange proposes to amend the Fees Schedule to parse out RLG, RLV, RUI and UKXM as separate line items with a corresponding charge of $0.00 and to remove footnote 40. The Exchange believes that RLG, RLV, RUI and UKXM as a separate line item apart from other products that are currently assessed a fee will provide additional clarity and mitigate any confusion regarding the specific fee amounts charged to the corresponding products. The Exchange notes this will not amend the fees for any of these products.

Livevol Fees Table

The Livevol Fees table shows the fees charged for receipt of historical Open-Close data per different packages (*i.e.,* for one Cboe security, for all Cboe securities, and for all Cboe securities as a daily download) for different periods of time. Currently, the fees are listed for some data products on a per month basis, while the fees for other data products are listed on a per year basis. For example, the Livevol Fees table shows that for downloads of a Cboe security for one to nine years, the monthly rate is $4.50, while it shows that for downloads of a Cboe security for ten or more years, the annual rate is $270.00. The Exchange believes that it is potentially confusing to investors to display the rates for the same download in different increments of time. Therefore, the Exchange now proposes to amend the Livevol Fees table to make uniform the rates per increment of time and display all rates as a monthly rate. The Exchange notes that this will not change the rates or the timing in which these fees currently apply and are charged to market participants. For example, the proposed change will amend the download per Cboe security for ten or more years of historical data at $270.00 to instead display the price per month, which would be $2.25 (*i.e.,* $2.25 × 12 months × 10 years). The proposed rule change is designed to present market participants with more precise rates and time frames for which they may currently request historical Open-Close data (*i.e.,* a market participant may currently request historical data for 10.5 years and the Exchange would accordingly charge them the applicable rate broken down for 126 months).

Rule Reference Updates

In connection with a recent technology migration,[5] Cboe Options updated and reorganized its entire Rulebook. In light of the reorganized Rulebook, the Exchange proposes to update cross-references to Cboe Options Rules within the Fees Schedule that have been relocated in the Cboe Options Rulebook. This includes updates to the rule references in the Marketing Fee table, the Sponsored User Fees table, the Sales Value Fee table, the Stock Portion of Stock-Option Strategy Orders table, the Regulatory Fees table, the Miscellaneous table, and in footnotes 15, 30, 36, 41 and 46. The Exchange notes that in the Stock Portion of Stock-Option Strategy Orders table, particularly, the proposed change removes the reference to stock-option orders executed via the splitting mechanism which is used for certain market orders pursuant to (prior) Interpretation .06(d) of Rule 6.53C. Pursuant to a migration-related rule filing,[6] Interpretation .06(d) provided the Exchange with authority to determine on a class-by-class basis to permit unexecuted option legs of stock-option market orders to leg following a COA, and that the Exchange did not intend to permit this following the technology migration. As such, the Exchange no longer permits this and the proposed change merely updates the Fees Schedule to accurately reflect this rule change.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[7] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[8] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[9] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

The Exchange believes that the proposed changes to the Fees Schedule do not change any fees charged for RLG, RLV, RUI or UKXM, historical Open-Close data, or within any of the tables in which the proposed rule change updates a rule reference to Cboe Options Rules, and thus, those fees will continue to be reasonable and equitable, and uniformly applied to all market participants. The Exchange believes the proposed rule changes remove impediments to and perfect the mechanism of a free and open market and national market system as they add clarity, mitigate any potential confusion in connection with the presentation of these fees or information in connection with these fees, and facilitate better understanding of the Fees Schedule for all market participants, which ultimately protects investors.

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. As indicated above, the proposed changes to the Fees Schedule do not change any of the current fees or the manner in which they currently apply to market participants. The proposed changes are not competitive in nature and are merely intended to clean up the Fees Schedule in order to provide additional clarity and facilitate better understanding of the Fees Schedule for all market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

[5] In 2016, the Exchange's parent company, Cboe Global Markets, Inc. (''Cboe Global''), which is also the parent company of Cboe C2 Exchange, Inc. (''C2''), acquired Cboe EDGA Exchange, Inc. (''EDGA''), Cboe EDGX Exchange, Inc. (''EDGX'' or ''EDGX Options''), Cboe BZX Exchange, Inc. (''BZX'' or ''BZX Options''), and Cboe BYX Exchange, Inc. (''BYX'' and, together with Cboe Options, C2, EDGX, EDGA, and BZX, the ''Cboe Affiliated Exchanges''). On October 7, 2019, Cboe Options migrated its trading platform to the same system used by the Cboe Affiliated Exchanges.

[6] *See* Securities Exchange Act Release No. 86772 (August 27, 2019), 84 FR 46069 (September 3, 2019) (SR–CBOE–2019–042).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78f(b)(4).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. Significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [10] and Rule 19b–4(f)(6) [11] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2020–006 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–CBOE–2020–006. 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. 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–CBOE–2020–006 and should be submitted on or before April 2, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–05025 Filed 3–11–20; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[12] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16325 and #16326; TENNESSEE Disaster Number TN–00118]

Presidential Declaration of a Major Disaster for the State of Tennessee

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Tennessee (FEMA–4476–DR), dated 03/05/2020.

Incident: Severe Storms, Tornadoes, Straight-line Winds, and Flooding.

Incident Period: 03/03/2020.

DATES: Issued on 03/05/2020.

Physical Loan Application Deadline Date: 05/04/2020.

Economic Injury (EIDL) Loan Application Deadline Date: 12/07/2020.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 03/05/2020, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Davidson, Putnam, Wilson.

Contiguous Counties (Economic Injury Loans Only):

Tennessee: Cannon, Cheatham, Cumberland, Dekalb, Fentress, Jackson, Overton, Robertson, Rutherford, Smith, Sumner, Trousdale, White, Williamson.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	3.125
Homeowners without Credit Available Elsewhere	1.563
Businesses with Credit Available Elsewhere	7.500
Businesses without Credit Available Elsewhere	3.750
Non-Profit Organizations with Credit Available Elsewhere	2.750
Non-Profit Organizations without Credit Available Elsewhere	2.750
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	3.750
Non-Profit Organizations Without Credit Available Elsewhere	2.750

The number assigned to this disaster for physical damage is 16325C and for economic injury is 163260.

(Catalog of Federal Domestic Assistance Number 59008)

Jerome Edwards,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2020–05017 Filed 3–11–20; 8:45 am]

BILLING CODE 8026–03–P

SURFACE TRANSPORTATION BOARD

[Docket No. MCF 21091]

Notice Tentatively Approving and Authorizing Finance Transaction

AGENCY: Surface Transportation Board.

ACTION: Notice tentatively approving and authorizing finance transaction.

SUMMARY: National Express LLC (National Express), a non-carrier, has filed an application to acquire control of Premier Transportation, LLC (Premier). The Board is tentatively approving and authorizing the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

DATES: Comments must be filed by April 27, 2020. If any comments are filed, National Express may file a reply by May 11, 2020. If no opposing comments are filed by April 27, 2020, this notice shall be effective on April 28, 2020.

ADDRESSES: Comments may be filed with the Board either via e-filing or in writing addressed to: Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001. In addition, send one copy of comments to National Express's representative: Andrew K. Light, Scopelitis, Garvin, Light, Hanson & Feary, P.C., 10 W Market Street, Suite 1400, Indianapolis, IN 46204.

FOR FURTHER INFORMATION CONTACT: Jonathon Binet at (202) 245–0368. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: According to the application, National Express is a noncarrier company organized under the laws of Delaware that is indirectly wholly owned and controlled by a publicly held British corporation, National Express Group, PLC (Express Group).[1] (Appl. 1.) National Express states that, in addition to National Express, Express Group also indirectly wholly owns and controls the following 19 motor passenger carriers (collectively, National Express Affiliated Carriers) that hold interstate carrier operating authority in the United States (*id.* at 2–8):[2]

- A & S Transportation Inc., which primarily provides non-regulated student school bus transportation services in the southeastern United States, and occasional charter passenger services to the public;
- Aristocrat Limousine and Bus, Inc., which provides public passenger charter services in New Jersey, New York, and Pennsylvania, and intrastate passenger charter services in New Jersey;
- Beck Bus Transportation Corp., which primarily provides student school bus transportation services in Illinois, and charter passenger services to the public;
- Chicagoland Coach Lines LLC, which provides charter passenger services in the general area of Chicago, Ill.;
- Durham School Services, L.P., which primarily provides student school bus transportation services in several states, and charter passenger services to the public;
- Fox Bus Lines Inc., d/b/a Silver Fox Coaches, which operates as a motor carrier providing airport shuttle services from Framingham, Mass., to and from Boston Logan International Airport; interstate and intrastate passenger charter services in the Commonwealth of Massachusetts and surrounding areas; and tour services in and to areas of New York City, Boston, and other areas of New England;
- Free Enterprise System/Royal, LLC, which operates as a motor carrier providing interstate and intrastate passenger charter services in Illinois and Indiana, and their surrounding states, and corporate and university shuttle services for employees and students in the greater metropolitan area of Chicago;
- New Dawn Transit LLC, which primarily provides non-regulated school bus transportation services in New York, and charter passenger services to the public;
- Petermann Ltd., which primarily provides non-regulated school bus transportation services in Ohio, and charter passenger services to the public;
- Petermann Northeast LLC, which provides non-regulated school bus transportation services primarily in Ohio and Pennsylvania, and charter passenger services to the public;
- Petermann STSA, LLC, which provides non-regulated school bus transportation services primarily in Kansas, and charter passenger services to the public;
- Quality Bus Service LLC, which primarily provides non-regulated student school bus transportation services primarily in New York, and charter passenger services to the public;
- Queen City Transportation, LLC, which primarily provides non-regulated school bus transportation services in Ohio, and charter passenger services to the public;
- Trans Express, Inc., which provides interstate and intrastate passenger transportation services in New York;
- Transit Express Inc, which primarily provides para-transit transportation services in the area of Milwaukee, Wis., and does not currently provide any interstate transportation services;
- Trinity, Inc., which provides non-regulated school bus transportation services in southeastern Michigan, and charter service to the public;
- Trinity Student Delivery LLC, which primarily provides non-regulated school bus transportation services in northern Ohio, and passenger charter services to the public;
- White Plains Bus Company, Inc., d/b/a Suburban Paratransit Service, which primarily provides non-regulated school bus transportation services in New York, paratransit services, and charter service to the public; and
- Wise Coaches, Inc., which provides interstate passenger charter services in Tennessee and its surrounding states, and intrastate passenger charter and shuttle services in Tennessee.

National Express states that Premier, the carrier being acquired, provides nationwide motor coach passenger charter services out of facilities in Knoxville, Chattanooga, and Greenville, Tenn., as well as shuttle services in those cities and surrounding areas (the Service Area). (Appl. 12.) According to the application, all of the issued and outstanding membership interests in Premier are owned and held by Nicholas G. Cazana and Rebecca Cazana, both of whom are citizens of the United States and neither of whom has any direct or indirect ownership interest in any interstate passenger motor carrier other than Premier. (*Id.* at 8.)

National Express states that the National Express Affiliated Carriers and Premier are the only carriers with regulated interstate operations involved in this application. (*Id.* at 9.) According to National Express, through this transaction, National Express will acquire all of the issued and outstanding membership interest of Premier, the effect of which will be to place Premier under the control of National Express. (*Id.*)

Under 49 U.S.C. 14303(b), the Board must approve and authorize a transaction that it finds consistent with

[1] National Express initially submitted its application on February 10, 2020. On March 5, 2020, National Express filed a supplement to its application providing clarification regarding the number of passenger carrying vehicles and the number of drivers for each National Express Affiliate Carrier, and providing information for two affiliated carriers holding interstate carrier authority, A & S Transportation Inc., and Transit Express Inc., which it mistakenly omitted from its initial application.

[2] Additional information about these motor carriers, including U.S. Department of Transportation (USDOT) numbers, motor carrier numbers, and USDOT safety fitness ratings, can be found in the application. (*See id.* at 2–8; sched. A.)

the public interest, taking into consideration at least: (1) The effect of the proposed transaction on the adequacy of transportation to the public, (2) the total fixed charges that result from the proposed transaction, and (3) the interest of affected carrier employees. National Express has submitted the information required by 49 CFR 1182.2, including information to demonstrate that the proposed transaction is consistent with the public interest under 49 U.S.C. 14303(b), *see* 49 CFR 1182.2(a)(7), and a jurisdictional statement under 49 U.S.C. 14303(g) that the aggregate gross operating revenues of the National Express Affiliated Carriers and Premier exceeded $2 million during the 12-month period immediately preceding the filing of the application, *see* 49 CFR 1182.2(a)(5). (Appl. 10–13.)

National Express asserts that the proposed transaction is not expected to have a material, detrimental impact on the adequacy of transportation services available to the public in the Service Area. (*Id.* at 10–11.) It states that National Express expects that services available to the public will be improved as operating efficiencies are realized and additional services and capacity are made available. (*Id.* at 10.) Further, National Express states that, for the foreseeable future, Premier will continue to provide the services it currently provides under the same name but will operate within the National Express corporate family, which is ''thoroughly experienced in passenger transportation operations.'' (*Id.*) National Express further states that Premier is experienced in some of the same market segments already served by some of the National Express Affiliated Carriers, and that the transaction will result in improved operating efficiencies, increased equipment utilization rates, and cost savings derived from economies of scale within Premier, which will help ensure the provision of adequate service to the public. (*Id.* at 10–11.) It also asserts that adding Premier to National Express' corporate family will enhance the viability of the overall National Express organization and the operations of the National Express Affiliated Carriers. (*Id.* at 11.)

National Express claims that neither competition nor the public interest will be adversely affected by the proposed transaction. (*Id.* at 13.) National Express states that the population and demand for charter and shuttle services in the Service Area are expected to increase in the foreseeable future, and that Premier competes directly with other passenger charter and shuttle service providers in the Service Area, including Knoxville Tours, Chariots of Hire, Gentry Trailways, Priority Coach, Todlow, May Transportation, Royal Charters, Malone, D & J, Lattimore Tours, and Mashburn. (*Id.* at 12–13.) According to National Express, several passenger transportation arrangers or brokers for charter services operate within the Service Area, and passenger motor coach charter providers also compete with ''scheduled rail transportation and a number of scheduled airlines within the Service Area.'' (*Id.* at 13.) With regard to interstate charter service offerings, National Express also states that the Service Area of Premier is geographically dispersed from most of the service areas of the National Express Affiliated Carriers, and there is very limited overlap in the service areas and customer bases among the National Express Affiliated Carriers and Premier. (*Id.*)

National Express states that fixed charges are not contemplated to have a material impact on the proposed transaction. (*Id.* at 11.) Regarding the interests of employees, National Express claims that the transaction is not expected to have substantial impacts on employees or labor conditions, nor does National Express anticipate a measurable reduction in force or changes in compensation levels or benefits. (*Id.*) National Express submits, however, that staffing redundancies could potentially result in limited downsizing of back-office or managerial-level personnel. (*Id.*)

The Board finds that the acquisition of Premier as proposed in the application is consistent with the public interest and should be tentatively approved and authorized. If any opposing comments are timely filed, these findings will be deemed vacated, and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. *See* 49 CFR 1182.6. If no opposing comments are filed by expiration of the comment period, this notice will take effect automatically and will be the final Board action.

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Board decisions and notices are available at *www.stb.gov.*

It is ordered:

1. The proposed transaction is approved and authorized, subject to the filing of opposing comments.

2. If opposing comments are timely filed, the findings made in this notice will be deemed vacated.

3. This notice will be effective April 28, 2020, unless opposing comments are filed by April 27, 2020.

4. A copy of this notice will be served on: (1) The U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, NW, Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590.

Decided: March 6, 2020.

By the Board, Board Members Begeman, Fuchs, and Oberman.

Tammy Lowery,

Clearance Clerk.

[FR Doc. 2020–05085 Filed 3–11–20; 8:45 am]

BILLING CODE 4915–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. USTR–2019–0003]

Ministerial Error Correction: Enforcement of U.S. WTO Rights in Large Civil Aircraft Dispute

AGENCY: Office of the United States Trade Representative.

ACTION: Correction of ministerial error.

SUMMARY: In a notice published February 21, 2020 (February 21 notice), the U.S. Trade Representative determined to modify the action being taken in this Section 301 investigation. This notice corrects a ministerial error in the consolidated list of descriptive subheadings included in Section 2 of Annex 2 of the February 21 notice. The operative tariff language in Annex 1 of the February 21 notice is not affected.

DATES: The corrected, consolidated list of descriptive subheadings annexed to this notice replaces Section 2 of Annex 2 of the February 21 notice.

FOR FURTHER INFORMATION CONTACT: For questions about this notice, contact Assistant General Counsel Megan Grimball at (202) 395–5725. For questions on customs classification of products covered by this action, contact *Traderemedy@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION: For background on the proceedings in this investigation, please see the prior notices issued in the investigation including 84 FR 15028 (April 12, 2019), 84 FR 32248 (July 5, 2019), 84 FR 54245 (October 9, 2019), 84 FR 55998 (October 18, 2019), 84 FR 67992 (December 12, 2019), and 85 FR 10204 (February 21, 2020).

In a notice published February 21, 2020 (85 FR 10204), the U.S. Trade Representative announced certain revisions to the October 18, 2019, action taken to enforce U.S. WTO Rights in the Large Civil Aircraft Dispute. Annex 1 to the February 21 notice contains the operative tariff language, identifying the products affected by the revised action, the rate of duty to be assessed, and the current or former EU member States affected. Annex 2, Section 1, of the February 21 notice contains a description of the changes from the October 18 action. Neither of these annexes is affected by this notice.

The Office of the United States Trade Representative (USTR) has become aware of a ministerial error in Annex 2, Section 2, of the February 21 notice, which contains a consolidated list of descriptive subheadings covered by the revised action. In particular, the consolidated list in Annex 2, Section 2, of the February 21 notice consists of the products covered by the October 18 action, as revised by the modifications made by the February 21 notice.

Due to a ministerial error, Annex 2, Section 2, Part 11, of the February 21 notice included a tariff subheading not covered by the revised action (9013.10.10), and excluded a tariff subheading covered by the revised action (8211.93.00). To avoid any possible confusion, the Annex to this notice contains a corrected consolidated list of descriptive subheadings. The corrected consolidated list in the annex to this notice replaces Annex 2, Section 2, of the February 21 notice.

Joseph Barloon,

General Counsel, Office of the U.S. Trade Representative.

Annex

Corrected Descriptive List of Action, Reflecting Changes as Described in Annex 1 of the Notice Published at 85 FR 10204 (February 21, 2020)

Note: The product descriptions that are contained this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the action, except as specified below. In all cases, the formal language in notices published at 85 FR 10204, 84 FR 54245 and 84 FR 55998 governs the tariff treatment of products covered by the action.

Any questions regarding the scope of particular HTS subheadings should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.

Part 1—Products of France, Germany, Spain, or the United Kingdom described below are subject to additional import duties of 10 percent ad valorem. Effective March 18, 2020, products of France, Germany, Spain or the United Kingdom described below are subject to additional imports of 15 percent ad valorem:

Note: For purposes of the 8-digit subheading of HTS listed below, the product description defines and limits the scope of the proposed action.

HTS subheading	Product description
8802.40.00**	New airplanes and other new aircraft, as defined in U.S. note 21(b), (other than military airplanes or other military aircraft), of an unladen weight exceeding 30,000 kg (described in statistical reporting numbers 8802.40.0040, 8802.40.0060 or 8802.40.0070).

** Only a portion of HS8 digit is to be covered.

Part 2—Products of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
0403.10.50	Yogurt, in dry form, whether or not flavored or containing added fruit or cocoa, not subject to gen note 15 or add. U.S. note 10 to Ch.4.
0403.90.85	Fermented milk o/than dried fermented milk or o/than dried milk with added lactic ferments.
0403.90.90	Curdled milk/cream/kephir & other fermented or acid. milk/cream subject to add U.S. note 10 to Ch.4.
0405.20.20	Butter substitute dairy spreads, over 45% butterfat weight, subject to quota pursuant to chapter 4 additional U.S. note 14.
0406.10.28	Fresh (unripened/uncured) cheddar cheese, cheese/subs for cheese cont or proc from cheddar cheese, not subj to Ch4 U.S. note 18, not GN15.
0406.10.54	Fresh (unripened/uncured) Italian-type cheeses from cow milk, cheese/substitutes containing such Italian-type cheeses or processed therefrom, subj to Ch4 U.S. note 21, not subject to general note 15.
0406.10.58	Fresh (unrip./uncured) Italian-type cheeses from cow milk, cheese/substitutes cont or proc therefrom, not subj to Ch4 U.S. note 21 or GN15.
0406.10.68	Fresh (unripened/uncured) Swiss/Emmentaler cheeses, except those with eye formation, gruyere-process cheese and cheese cont or proc. from such, not subject to additional U.S. note 22 to ch4.
0406.20.51	Romano, reggiano, provolone, provoletti, sbrinz and goya, made from cow's milk, grated or powdered, subject to additional U.S. note 21 to Ch.4.
0406.20.53	Romano, reggiano, provolone, provoletti, sbrinz and goya, made from cow's milk, grated or powdered, not subject to Ch4 U.S. note 21 or GN15.
0406.20.69	Cheese containing or processed from american-type cheese (except cheddar), grated or powdered, subject to additional U.S. note 19 to Ch. 4.
0406.20.77	Cheese containing or processed from italian-type cheeses made from cow's milk, grated or powdered, subject to additional U.S. note 21 to Ch. 4.
0406.20.79	Cheese containing or processed from italian-type cheeses made from cow's milk, grated or powdered, not subject to additional U.S. note 21 to Ch. 4.
0406.20.87	Cheese (including mixtures), nesoi, n/o 0.5 percent by wt. of butterfat, grated or powdered, not subject to additional U.S. note 23 to Ch. 4.
0406.20.91	Cheese (including mixtures), nesoi, o/0.5 percent by wt of butterfat, w/cow's milk, grated or powdered, not subject to additional U.S. note 16 to Ch. 4.
0406.30.05	Stilton cheese, processed, not grated or powdered, subject to additional U.S. note 24 to Ch. 4.

HTS subheading	Product description
0406.30.18	Blue-veined cheese (except Roquefort), processed, not grated or powdered, not subject to gen. note 15 or additional U.S. note 17 to Ch. 4.
0406.30.28	Cheddar cheese, processed, not grated or powdered, not subject to gen note 15 or to additional U.S. note 18 to Ch. 4.
0406.30.34	Colby cheese, processed, not grated or powdered, subject to additional U.S. note 19 to Ch. 4.
0406.30.38	Colby cheese, processed, not grated or powdered, not subject to gen note 15 or additional U.S. note 19 to Ch. 4.
0406.30.55	Processed cheeses made from sheep's milk, including mixtures of such cheeses, not grated or powdered.
0406.30.69	Processed cheese containing or processed from american-type cheese (except cheddar), not grated/powdered, subject to additional U.S. note 19 to Ch. 4, not subject to GN15.
0406.30.79	Processed cheese containing or processed from Italian-type, not grated/powdered, not subject to additional U.S. note 21 to Ch. 4, not GN15.
0406.40.44	Stilton cheese, nesoi, in original loaves, subject to additional U.S. note 24 to Ch. 4.
0406.40.48	Stilton cheese, nesoi, not in original loaves, subject to additional U.S. note 24 to Ch. 4.
0406.90.32	Goya cheese from cow's milk, not in original loaves, nesoi, not subject to gen. note 15 or to additional U.S. note 21 to Ch. 4.
0406.90.43	Reggiano, Parmesan, Provolone, and Provoletti cheese, nesoi, not from cow's milk, not subject to gen. note 15.
0406.90.52	Colby cheese, nesoi, subject to additional U.S. note 19 to Ch. 4 and entered pursuant to its provisions.
0406.90.54	Colby cheese, nesoi, not subject to gen. note 15 or to add. U.S. note 19 to Ch. 4.
0406.90.68	Cheeses & subst. for cheese(incl. mixt.), nesoi, w/romano/reggiano/parmesan/provolone/etc., f/cow milk, not subj. Ch4 U.S. note 21, not GN15.
0406.90.72	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/or from blue-veined cheese, subj. to add. U.S. note 17 to Ch.4, not GN15.
0406.90.74	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/or from blue-veined cheese, not subj. to add. U.S. note 17 to Ch.4, not GN15.
0406.90.82	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/or from Am. cheese except cheddar, subj. to add. U.S. note 19 to Ch.4, not GN15.
0406.90.92	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/or from swiss, emmentaler or gruyere, not subj. Ch4 U.S. note 22, not GN15.
0406.90.94	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/butterfat n/o 0.5 percent by wt, not subject to additional U.S. note 23 to Ch. 4, not GN15.
0805.10.00	Oranges, fresh or dried.
0805.21.00	Mandarins and other similar citrus hybrids including tangerines, satsumas, clementines, wilkings, fresh or dried.
0805.22.00	Clementines, fresh or dried, other.
0805.50.20	Lemons, fresh or dried.
0812.10.00	Cherries, provisionally preserved, but unsuitable in that state for immediate consumption.
0813.40.30	Cherries, dried.
1602.49.10	Prepared or preserved pork offal, including mixtures.
1605.53.05	Mussels, containing fish meats or in prepared meals.
1605.56.05	Products of clams, cockles, and arkshells containing fish meat; prepared meals.
1605.56.10	Razor clams, in airtight containers, prepared or preserved, nesoi.
1605.56.15	Boiled clams in immediate airtight containers, the contents of which do not exceed 680 g gross weight.
1605.56.20	Clams, prepared or preserved, excluding boiled clams, in immediate airtight containers, nesoi.
1605.56.30	Clams, prepared or preserved, other than in airtight containers.
1605.56.60	Cockles and arkshells, prepared or preserved.
1605.59.05	Products of molluscs nesoi containing fish meat; prepared meals of molluscs nesoi.
1605.59.60	Molluscs nesoi, prepared or preserved.

Part 3—Products of Germany, Spain, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
0203.29.40	Frozen meat of swine, other than retail cuts, nesoi.
0404.10.05	Whey protein concentrates.
0406.10.84	Fresh cheese, and substitutes for cheese, cont. cows milk, neosi, over 0.5 percent by wt. of butterfat, descr in add U.S. note 16 to Ch 4, not GN15.
0406.10.88	Fresh cheese, and substitutes for cheese, cont. cows milk, neosi, over 0.5 percent by wt. of butterfat, not descr in add U.S. note 16 to Ch 4, not GN 15.
0406.10.95	Fresh cheese, and substitutes for cheese, not cont. cows milk, neosi, over 0.5 percent by wt. of butterfat.
0406.90.16	Edam and gouda cheese, nesoi, subject to additional U.S. note 20 to Ch. 4.
0406.90.56	Cheeses, nesoi, from sheep's milk in original loaves and suitable for grating.
1509.10.20	Virgin olive oil and its fractions, whether or not refined, not chemically modified, weighing with the immediate container under 18 kg.
1509.90.20	Olive oil, other than virgin olive oil, and its fractions, not chemically modified, weighing with the immediate container under 18 kg.
2005.70.12	Olives, green, not pitted, in saline, not ripe.
2005.70.25	Olives, green, in a saline solution, pitted or stuffed, not place packed.

Part 4—Products of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania,

Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
0403.10.90	Yogurt, not in dry form, whether or not flavored or containing add fruit or cocoa.
0405.10.10	Butter subject to quota pursuant to chapter 4 additional U.S. note 6.
0405.10.20	Butter not subject to general note 15 and in excess of quota in chapter 4 additional U.S. note 6.
0406.30.89	Processed cheese (incl. mixtures), nesoi, w/cow's milk, not grated or powdered, subject to add U.S. note 16 to Ch. 4, not subject to GN15.
0406.90.99	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/o cows milk, w/butterfat over 0.5 percent by wt, not subject to GN15.
0811.90.80	Fruit, nesoi, frozen, whether or not previously steamed or boiled.
1601.00.20	Pork sausages and similar products of pork, pork offal or blood; food preparations based on these products.
2008.60.00	Cherries, otherwise prepared or preserved, nesoi.
2008.70.20	Peaches (excluding nectarines), otherwise prepared or preserved, not elsewhere specified or included.
2008.97.90	Mixtures of fruit or other edible parts of plants, otherwise prepared or preserved, nesoi (excluding tropical fruit salad).
2009.89.65	Cherry juice, concentrated or not concentrated.
2009.89.80	Juice of any single vegetable, other than tomato, concentrated or not concentrated.

Part 5—Products of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
0405.20.30	Butter substitute dairy spreads, over 45 percent butterfat weight, not subj to gen. note 15 and in excess of quota in Ch. 4 additional U.S. note 14.
0405.20.80	Other dairy spreads, not butter substitutes or of a type provided for in chapter 4 additional U.S. note 1.
0406.30.85	Processed cheese (incl. mixtures), nesoi, not over 0.5 percent by wt. butterfat, not grated or powdered, subject to Ch. 4 U.S. note 23, not GN15.
0406.90.78	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/or from cheddar cheese, not subj. to add. U.S. note 18 to Ch. 4, not GN15.
1602.41.90	Prepared or preserved pork hams and cuts thereof, not containing cereals or vegetables, nesoi.
1602.42.20	Pork shoulders and cuts thereof, boned and cooked and packed in airtight containers.
1602.42.40	Prepared or preserved pork shoulders and cuts thereof, other than boned and cooked and packed in airtight containers.
1602.49.40	Prepared or preserved pork, not containing cereals or vegetables, nesoi.
1602.49.90	Prepared or preserved pork, nesoi.

Part 6—Products of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
0405.90.10	Fats and oils derived from milk, other than butter or dairy spreads, subject to quota pursuant to chapter 4 additional U.S. note 14.
0406.30.51	Gruyere-process cheese, processed, not grated or powdered, subject to additional U.S. note 22 to Ch. 4.
0406.30.53	Gruyere-process cheese, processed, not grated or powdered, not subject to gen. note 15 or additional U.S. note 22 to Ch. 4.
0406.40.54	Blue-veined cheese, nesoi, in original loaves, subject to add. U.S. note 17 to Ch. 4.
0406.90.08	Cheddar cheese, neosi, subject to add. U.S. note 18 to Ch. 4.
0406.90.12	Cheddar cheese, nesoi, not subject to gen. note 15 of the HTS or to additional U.S. note 18 to Ch. 4.
0406.90.41	Romano, Reggiano, Parmesan, Provolone, and Provoletti cheese, nesoi, from cow's milk, subject to add. U.S. note 21 to Ch. 4.
0406.90.42	Romano, Reggiano, Parmesan, Provolone, and Provoletti cheese, nesoi, from cow's milk, not subj to GN 15 or Ch. 4 additional U.S. note 21.
0406.90.48	Swiss or Emmentaler cheese with eye formation, nesoi, not subject to gen. note 15 or to additional U.S. note 25 to Ch. 4.
0406.90.90	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/or from swiss, emmentaler or gruyere, subj. to add. U.S. note 22 to Ch. 4, not GN15.
0406.90.97	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/cow's milk, w/butterfat over 0.5 percent by wt., not subject to Ch4 U.S. note 16, not subject to GN15.
1605.53.60	Mussels, prepared or preserved.
2007.99.70	Currant and berry fruit jellies.
2008.40.00	Pears, otherwise prepared or preserved, nesoi.
2009.89.20	Pear juice, concentrated or not concentrated.

Part 7—Products of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
0406.90.46	Swiss or Emmentaler cheese with eye formation, nesoi, subject to add. U.S. note 25 to Ch. 4.

Part 8—Products of Austria, Belgium, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
0406.90.57	Pecorino cheese, from sheep's milk, in original loaves, not suitable for grating.

Part 9—Products of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
0406.90.95	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/cows milk, w/butterfat over 0.5 percent by wt., subject to Ch. 4 additional U.S. note 16 (quota).

Part 10—Products of France, Germany, Spain, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
0711.20.18	Olives, n/pitted, green, in saline sol., in contain. >8 kg, drained wt, for repacking or sale, subject to additional U.S. note 5 to Ch. 7.
0711.20.28	Olives, n/pitted, green, in saline sol., in contain. >8 kg, drained wt, for repacking or sale, not subject to additional U.S. note 5 to Ch. 7.
0711.20.38	Olives, n/pitted, nesoi.
0711.20.40	Olives, pitted or stuffed, provisionally preserved but unsuitable in that state for immediate consumption.
2005.70.08	Olives, green, not pitted, in saline, not ripe, in containers holding over kg for repkg, not subject to add. U.S. note 4 to Ch. 20.
2005.70.16	Olives, green, in saline, place packed, stuffed, in containers holding not over 1 kg, aggregate quantity n/o 2700 m ton/yr.
2005.70.23	Olives, green, in saline, place packed, stuffed, not in containers holding 1 kg or less.
2204.21.50	Wine other than Tokay (not carbonated), not over 14 percent alcohol, in containers not over 2 liters.

Part 11—Products of Germany described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
0901.21.00	Coffee, roasted, not decaffeinated.
0901.22.00	Coffee, roasted, decaffeinated.
2101.11.21	Instant coffee, not flavored.
8201.40.60	Axes, bill hooks and similar hewing tools (o/than machetes), and base metal parts thereof.
8203.20.20	Base metal tweezers.
8203.20.60	Pliers (including cutting pliers but not slip joint pliers), pincers and similar tools.
8203.30.00	Metal cutting shears and similar tools, and base metal parts thereof.
8203.40.60	Pipe cutters, bolt cutters, perforating punches and similar tools, nesoi, and base metal parts thereof.
8205.40.00	Screwdrivers and base metal parts thereof.
8211.93.00	Knives having other than fixed blades.
8211.94.50	Base metal blades for knives having other than fixed blades.
8467.19.10	Tools for working in the hand, pneumatic, other than rotary type, suitable for metal working.
8467.19.50	Tools for working in the hand, pneumatic, other than rotary type, other than suitable for metal working.
8468.80.10	Machinery and apparatus, hand-directed or -controlled, used for soldering, brazing or welding, not gas-operated.
8468.90.10	Parts of hand-directed or -controlled machinery, apparatus and appliances used for soldering, brazing, welding or tempering.

HTS subheading	Product description
8514.20.40	Industrial or laboratory microwave ovens for making hot drinks or for cooking or heating food.
9002.11.90	Objective lenses and parts & access. thereof, for cameras, projectors, or photographic enlargers or reducers, except projection, nesoi.

Part 12—Products of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
1602.49.20	Pork other than ham and shoulder and cuts thereof, not containing cereals or vegetables, boned and cooked and packed in airtight containers.

Part 13—Products of Germany or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
1905.31.00	Sweet biscuits.
1905.32.00	Waffles and wafers.
4901.10.00	Printed books, brochures, leaflets and similar printed matter in single sheets, whether or not folded.
4908.10.00	Transfers (decalcomanias), vitrifiable.
4911.91.20	Lithographs on paper or paperboard, not over 0.51 mm in thickness, printed not over 20 years at time of importation.
4911.91.30	Lithographs on paper or paperboard, over 0.51 mm in thickness, printed not over 20 years at time of importation.
4911.91.40	Pictures, designs and photographs, excluding lithographs on paper or paperboard, printed not over 20 years at time of importation.
8429.52.10	Self-propelled backhoes, shovels, clamshells and draglines with a 360 degree revolving superstructure.
8429.52.50	Self-propelled machinery with a 360 degree revolving superstructure, other than backhoes, shovels, clamshells and draglines.
8467.29.00	Electromechanical tools for working in the hand, other than drills or saws, with self-contained electric motor.

Part 14—Products of Germany, Ireland, Italy, Spain, or the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
2208.70.00	Liqueurs and cordials.

Part 15—Products of the United Kingdom described below are subject to additional import duties of 25 percent ad valorem:

Note: For purposes of 2208.30.30, the product description defines and limits the scope of the proposed action.

HTS subheading	Product description
2208.30.30 **	Single-malt Irish and Scotch Whiskies.
6110.11.00	Sweaters, pullovers, sweatshirts, waistcoats (vests) and similar articles, knitted or crocheted, of wool.
6110.12.10	Sweaters, pullovers, sweatshirts, waistcoats (vests) and similar articles, knitted or crocheted, of Kashmir goats, wholly of cashmere.
6110.20.20	Sweaters, pullovers and similar articles, knitted or crocheted, of cotton, nesoi.
6110.30.30	Sweaters, pullovers and similar articles, knitted or crocheted, of manmade fibers, nesoi.
6202.99.15	Rec perf outwear, women's/girls' anoraks, wind-breakers & similar articles, not k/c, tex mats (not wool, cotton or mmf), cont <70 percent by wt of silk.
6202.99.80	Women's/girls' anoraks, wind-breakers & similar articles, not k/c, of tex mats (not wool, cotton or mmf), cont <70% by wt of silk.
6203.11.60	Men's or boys' suits of wool, not knitted or crocheted, nesoi, of wool yarn with average fiber diameter of 18.5 micron or less.
6203.11.90	Men's or boys' suits of wool or fine animal hair, not knitted or crocheted, nesoi.
6203.19.30	Men's or boys' suits, of artificial fibers, nesoi, not knitted or crocheted.
6203.19.90	Men's or boys' suits, of textile mats (except wool, cotton or mmf), containing under 70 percent by weight of silk or silk waste, not knit or crocheted.
6208.21.00	Women's or girls' nightdresses and pajamas, not knitted or crocheted, of cotton.
6211.12.40	Women's or girls' swimwear, of textile materials (except mmf), containing 70% or more by weight of silk or silk waste, not knit or crocheted.

HTS subheading	Product description
6211.12.80	Women's or girls' swimwear, of textile materials (except mmf), containing under 70% by weight of silk or silk waste, not knit or crocheted.
6301.30.00	Blankets (other than electric blankets) and traveling rugs, of cotton.
6301.90.00	Blankets and traveling rugs, nesoi.
6302.21.50	Bed linen, not knit or crocheted, printed, of cotton, cont any embroidery, lace, braid, edging, trimming, piping or applique work, n/napped.
6302.21.90	Bed linen, not knit or croc, printed, of cotton, not cont any embroidery, lace, braid, edging, trimming, piping or applique work, not napped.

**Only a portion of HS8 digit is to be covered.

Part 16—Products of France or Germany described below are subject to additional import duties of 25 percent ad valorem:

HTS subheading	Product description
8214.90.60	Butchers' or kitchen chopping or mincing knives (o/than cleavers w/their handles).

[FR Doc. 2020–05033 Filed 3–11–20; 8:45 am]
BILLING CODE 3290–F0–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request Relating To Improving Customer Experience (OMB Circular A–11, Section 280 Implementation)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning the requirements relating to the new collection, *Improving Customer Experience (OMB Circular A–11, Section 280 Implementation),* proposed by the Agency.

DATES: Written comments should be received on or before May 11, 2020 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald Pieger, Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington, DC 20224. Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Improving Customer Experience (OMB Circular A–11, Section 280 Implementation).

OMB Number: 1545–NEW.

Document Number(s): None.

Abstract: In March 2018, the Administration of President Trump launched the President's Management Agenda (PMA) and established new Cross-Agency Priority (CAP) Goals. These Presidential actions and requirements establish an ongoing process of collecting customer insights and using them to improve services. This new request will enable the Internal Revenue Service to act in accordance with OMB Circular A–11 Section 280 to ultimately transform the experience of its customers to improve both efficiency and mission delivery and increase accountability by communicating about these efforts with the public.

Current Actions: This is a new request for OMB approval.

Type of Review: New Request.

Affected Public: Individuals or households; businesses or other for-profit organizations; not-for-profit institutions; State, local or tribal governments; Federal government; and Universities.

Estimated Number of Respondents: 679,485.

Estimated Time per Respondent: 9 min.

Estimated Total Annual Burden Hours: 104,155.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) 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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: March 9, 2020.

R. Joseph Durbala,

IRS Tax Analyst.

[FR Doc. 2020–05084 Filed 3–11–20; 8:45 am]
BILLING CODE 4830–01–P

UNIFIED CARRIER REGISTRATION PLAN

Sunshine Act Meeting Notice; Unified Carrier Registration Plan Board Subcommittee Meeting

TIME AND DATE: March 19, 2020, from Noon to 3:00 p.m., Eastern time.

PLACE: This meeting will be accessible via conference call. Any interested person may call 1–866–210–1669, passcode 5253902#, to listen and participate in this meeting.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Education and Training Subcommittee (the ''Subcommittee'') will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement. The subject matter of this meeting will include:

Proposed Agenda

I. Call to Order—UCR Subcommittee Chair

The Subcommittee Chair will welcome attendees, call the meeting to order, call roll for the Subcommittee, confirm whether a quorum is present, and facilitate self-introductions.

II. Verification of Publication of Meeting Notice—UCR Executive Director

The UCR Executive Director will verify the publication of the meeting notice on the UCR website and in the **Federal Register**.

III. Review and Approval of Subcommittee Agenda and Setting of Ground Rules—Subcommittee Chair

For Discussion and Possible Subcommittee Action

The Subcommittee Agenda will be reviewed and the Subcommittee will consider adoption.

Ground Rules

- ➢ Subcommittee action only to be taken in designated areas on agenda
- ➢ Please MUTE your phone
- ➢ Please do not place the call on HOLD

IV. Approval of Minutes From February 20, 2020 Meeting—UCR Operations Manager

Draft minutes from the February 20, 2020 Education and Training Subcommittee meeting will be reviewed and the Subcommittee will consider action to approve.

V. Update on Development of Training Modules—UCR Technology Director

The UCR Technology Director will update the Subcommittee on development of the three education and training modules and answer questions.

VI. Planning for Education Sessions at NCSTS Summer Meeting—UCR Subcommittee Chair

The Subcommittee Chair will report on the latest plans for UCR to host several live education and training sessions at the summer meeting on June 8, 2020 in Portland, Oregon.

VII. Other Items—Subcommittee Chair

The Subcommittee Chair will call for any other items the Subcommittee members would like to discuss.

VIII. Adjourn—Subcommittee Chair

Chair will adjourn the meeting.

The agenda will be available no later than 5:00 p.m. Eastern time, March 9, 2020 at: *https://plan.ucr.gov.*

CONTACT PERSON FOR MORE INFORMATION: Elizabeth Leaman, Chair, Unified Carrier Registration Plan Board of Directors, (617) 305–3783, *eleaman@board.ucr.gov.*

Alex B. Leath,

Chief Legal Officer, Unified Carrier Registration Plan.

[FR Doc. 2020–05186 Filed 3–10–20; 4:15 pm]

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FEDERAL REGISTER

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Part II

Environmental Protection Agency

40 CFR Part 63
National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2017–0662; FRL–10005–06–OAR]

RIN 2060–AT34

National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action finalizes the residual risk and technology review (RTR) conducted for the Asphalt Processing and Asphalt Roofing Manufacturing source categories regulated under national emission standards for hazardous air pollutants (NESHAP). In addition, we are taking final action to: Correct and clarify regulatory provisions related to emissions during periods of startup, shutdown, and malfunction (SSM); revise monitoring requirements for a control device used to comply with the particulate matter (PM) standards; add requirements for periodic performance testing; add electronic reporting of performance test results and reports, performance evaluation reports, compliance reports, and Notification of Compliance Status (NOCS) reports; and include other technical corrections to improve consistency and clarity. We are making no revisions to the numerical emission limits based on the residual risk analysis or technology review. Although these amendments are not anticipated to result in reductions in emissions of hazardous air pollutants (HAP), they will improve compliance and implementation of the rule.

DATES: This final rule is effective on March 12, 2020. The incorporation by reference (IBR) of certain publications listed in the rule is approved by the Director of the Federal Register as of March 12, 2020.

ADDRESSES: The U.S. Environmental Protection Agency (EPA) has established a docket for this action under Docket ID No. EPA–HQ–OAR–2017–0662. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed, some information is not publicly available, *e.g.,* confidential business information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *https://www.regulations.gov,* or in hard copy at the EPA Docket Center, WJC West Building, Room Number 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m. Eastern Standard Time (EST), Monday through Friday. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA Docket Center is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: For questions about this final action, contact Tonisha Dawson, Sector Policies and Programs Division (D243–02), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–1454; fax number: (919) 541–4991; and email address: *dawson.tonisha@epa.gov*. For specific information regarding the risk assessment, contact Matthew Woody, Health and Environmental Impacts Division (C539–02), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–1535; fax number: (919) 541–0840; and email address: *woody.matthew@epa.gov*. For information about the applicability of the NESHAP to a particular entity, contact John Cox, Office of Enforcement and Compliance Assurance (OECA), U.S. Environmental Protection Agency, WJC South Building (2221A), 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone number: (202) 564–1395; and email address: *cox.john@epa.gov*.

SUPPLEMENTARY INFORMATION:

Preamble acronyms and abbreviations. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

AEGL acute exposure guideline levels
APCD air pollution control device
ASTM American Society for Testing and Materials
ATSDR Agency for Toxic Substances and Disease Registry
BACT best available control technology
CAA Clean Air Act
CalEPA California Environmental Protection Agency
CDX Central Data Exchange
CEDRI Compliance and Emissions Data Reporting Interface
CFR Code of Federal Regulations
CRA Congressional Review Act
DCOT digital camera opacity technique
EPA Environmental Protection Agency
ERPG Emergency Response Planning Guidelines
FR Federal Register
HAP hazardous air pollutant(s)
HCl hydrogen chloride
HI hazard index
HQ hazard quotient
IARC International Agency for Research on Cancer
IBR incorporation by reference
ICR information collection request
IRIS Integrated Risk Information System
km kilometer
LAER lowest achievable emission rate
MACT maximum achievable control technology
MIR maximum individual risk
NAICS North American Industry Classification System
NESHAP national emission standards for hazardous air pollutants
NOCS Notification of Compliance Status
NRDC Natural Resources Defense Council
NTTAA National Technology Transfer and Advancement Act
OECA Office of Enforcement and Compliance Assurance
OEHHA Office of Environmental Health Hazard Assessment
OMB Office of Management and Budget
PB–HAP hazardous air pollutants known to be persistent and bio-accumulative in the environment
PM particulate matter
POM polycyclic organic matter
PRA Paperwork Reduction Act
RACT reasonably available control technology
RBLC RACT/BACT/LAER Clearinghouse
REL reference exposure level
RFA Regulatory Flexibility Act
RfC reference concentration
RTR residual risk and technology review
SSM startup, shutdown, and malfunction
THC total hydrocarbons
TOSHI target organ-specific hazard index
tpy tons per year
UMRA Unfunded Mandates Reform Act
VCS voluntary consensus standards

Background information. On May 2, 2019, the EPA proposed results of the RTR and amendments to the Asphalt Processing and Asphalt Roofing Manufacturing NESHAP. In this action, we are finalizing decisions regarding the RTR and revisions for the rule. We summarize some of the more significant comments we timely received regarding the proposed rule and provide our responses in this preamble. A summary of all other public comments on the proposal and the EPA's responses to those comments are available in the *Summary of Public Comments and Responses for Risk and Technology Review for Asphalt Processing and Asphalt Roofing Manufacturing* document, which is available in the docket, Docket ID No. EPA–HQ–OAR–2017–0662. A ''track changes'' version of the regulatory language that

incorporates the changes in this action is also available in the docket.

Organization of this document. The information in this preamble is organized as follows:

I. General Information

A. Does this action apply to me?

Regulated entities. Categories and entities potentially regulated by this action are shown in Table 1 of this preamble.

TABLE 1—NESHAP AND INDUSTRIAL SOURCE CATEGORIES AFFECTED BY THIS FINAL ACTION

Source category	NESHAP	NAICS [1] Code
Asphalt Processing	Asphalt Processing and Asphalt Roofing Manufacturing	324110
Asphalt Roofing Manufacturing	Asphalt Processing and Asphalt Roofing Manufacturing	324122

[1] North American Industry Classification System.

Table 1 of this preamble is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be affected by the final action for the source category listed. To determine whether your facility is affected, you should examine the applicability criteria in the appropriate NESHAP. If you have any questions regarding the applicability of any aspect of this NESHAP, please contact the appropriate person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section of this preamble.

B. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this final action will also be available on the internet. Following signature by the EPA Administrator, the EPA will post a copy of this final action at: *https://www.epa.gov/stationary-sources-air-pollution/asphalt-processing-and-asphalt-roofing-manufacturing-national.* Following publication in the **Federal Register**, the EPA will post the **Federal Register** version and key technical documents at this same website.

Additional information is available on the RTR website at *https://www3.epa.gov/ttn/atw/rrisk/rtrpg.html.* This information includes an overview of the RTR program, links to project websites for the RTR source categories, and detailed emissions and other data we used as inputs to the risk assessments.

C. Judicial Review and Administrative Reconsideration

Under Clean Air Act (CAA) section 307(b)(1), judicial review of this final action is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit (the Court) by May 11, 2020. Under CAA section 307(b)(2), the requirements established by this final rule may not be challenged separately in any civil or criminal proceedings brought by the EPA to enforce the requirements.

Section 307(d)(7)(B) of the CAA further provides that only an objection to a rule or procedure which was raised with reasonable specificity during the period for public comment (including any public hearing) may be raised during judicial review. This section also provides a mechanism for the EPA to reconsider the rule if the person raising an objection can demonstrate to the Administrator that it was impracticable to raise such objection within the period for public comment or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule. Any person seeking to make such a demonstration should submit a Petition for Reconsideration to the Office of the Administrator, U.S. EPA, Room 3000, WJC South Building, 1200 Pennsylvania Ave. NW, Washington, DC 20460, with a copy to both the person(s) listed in the

preceding **FOR FURTHER INFORMATION CONTACT** section, and the Associate General Counsel for the Air and Radiation Law Office, Office of General Counsel (2344A), U.S. EPA, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

II. Background

A. What is the statutory authority for this action?

Section 112 of the CAA establishes a two-stage regulatory process to address emissions of HAP from stationary sources. In the first stage, we must identify categories of sources emitting one or more of the HAP listed in CAA section 112(b) and then promulgate technology-based NESHAP for those sources. ''Major sources'' are those that emit, or have the potential to emit, any single HAP at a rate of 10 tons per year (tpy) or more, or 25 tpy or more of any combination of HAP. For major sources, these standards are commonly referred to as maximum achievable control technology (MACT) standards and must reflect the maximum degree of emission reductions of HAP achievable (after considering cost, energy requirements, and non-air quality health and environmental impacts). In developing MACT standards, CAA section 112(d)(2) directs the EPA to consider the application of measures, processes, methods, systems, or techniques, including, but not limited to those that reduce the volume of or eliminate HAP emissions through process changes, substitution of materials, or other modifications; enclose systems or processes to eliminate emissions; collect, capture, or treat HAP when released from a process, stack, storage, or fugitive emissions point; are design, equipment, work practice, or operational standards; or any combination of the above.

For these MACT standards, the statute specifies certain minimum stringency requirements, which are referred to as MACT floor requirements, and which may not be based on cost considerations. See CAA section 112(d)(3). For new sources, the MACT floor cannot be less stringent than the emission control achieved in practice by the best-controlled similar source. The MACT standards for existing sources can be less stringent than floors for new sources, but they cannot be less stringent than the average emission limitation achieved by the best-performing 12 percent of existing sources in the category or subcategory (or the best-performing five sources for categories or subcategories with fewer than 30 sources). In developing MACT standards, we must also consider control options that are more stringent than the floor under CAA section 112(d)(2). We may establish standards more stringent than the floor, based on the consideration of the cost of achieving the emissions reductions, any non-air quality health and environmental impacts, and energy requirements.

In the second stage of the regulatory process, the CAA requires the EPA to undertake two different analyses, which we refer to as the technology review and the residual risk review. Under the technology review, we must review the technology-based standards and revise them ''as necessary (taking into account developments in practices, processes, and control technologies)'' no less frequently than every 8 years, pursuant to CAA section 112(d)(6). Under the residual risk review, we must evaluate the risk to public health remaining after application of the technology-based standards and revise the standards, if necessary, to provide an ample margin of safety to protect public health or to prevent, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect. The residual risk review is required within 8 years after promulgation of the technology-based standards, pursuant to CAA section 112(f). In conducting the residual risk review, if the EPA determines that the current standards provide an ample margin of safety to protect public health, it is not necessary to revise the MACT standards pursuant to CAA section 112(f).[1] For more information on the statutory authority for this rule, see 84 FR 18926, May 2, 2019.

B. What are the Asphalt Processing and Asphalt Roofing Manufacturing source categories and how does the NESHAP regulate HAP emissions from the source categories?

The EPA promulgated the Asphalt Processing and Asphalt Roofing Manufacturing NESHAP on April 29, 2003 (68 FR 22975). The standards are codified at 40 CFR part 63, subpart LLLLL. The asphalt processing industry consists of facilities that are engaged in the preparation and oxidation of asphalt flux. The asphalt roofing manufacturing industry consists of facilities that are engaged in the production of asphalt roofing products. As of December 15, 2019, there were eight facilities in operation and subject to the MACT standards. Four of the eight facilities are strictly asphalt processing facilities and the other four operate an asphalt roofing manufacturing facility collocated with an asphalt processing facility.

As promulgated in 2003 and amended on May 17, 2005 (70 FR 28360), the NESHAP prescribes MACT standards for asphalt processing and asphalt roofing manufacturing facilities that are major sources of HAP. The MACT standards establish emission limits for PM and total hydrocarbons (THC) as surrogates for total organic HAP. The MACT standards also limit the opacity and visible emissions from certain emission sources. The source categories and the MACT standards are further described in the proposed rule. See 84 FR 18926, 18929 (May 2, 2019).

C. What changes did we propose for the Asphalt Processing and Asphalt Roofing Manufacturing source categories in our May 2, 2019, RTR proposal?

On May 2, 2019, the EPA published a proposed rule in the **Federal Register** for the Asphalt Processing and Asphalt Roofing Manufacturing NESHAP, 40 CFR part 63, subpart LLLLL, that took into consideration the RTR analyses. We proposed to find that the risks from each of the source categories are acceptable and that additional or revised standards are not required in order to provide an ample margin of safety to protect public health and prevent an adverse environmental effect. See 84 FR 18926, 18929 (May 2, 2019). In addition, pursuant to the technology review for the Asphalt Processing and Asphalt Roofing Manufacturing source categories, we proposed to conclude that no revisions to the current standards are necessary for asphalt loading racks, asphalt storage tanks, blowing stills, coating mixers, saturators (including wet loopers), coaters, sealant applicators, and adhesive applicators. The EPA also proposed to conclude that it is not necessary to promulgate a hydrogen chloride (HCl) emissions standard for blowing stills pursuant to the technology review.

We also proposed the following amendments:

- Revisions to the SSM provisions of the NESHAP in order to ensure consistency with the Court decision in *Sierra Club* v. *EPA,* 551 F. 3d 1019 (D.C. Cir. 2008), which vacated two provisions that exempted source owners and operators from the requirement to comply with otherwise applicable CAA section 112(d) emission standards during periods of SSM;

[1] The Court has affirmed this approach of implementing CAA section 112(f)(2)(A): *NRDC* v. *EPA,* 529 F.3d 1077, 1083 (D.C. Cir. 2008) (''If EPA determines that the existing technology-based standards provide an 'ample margin of safety,' then the Agency is free to readopt those standards during the residual risk rulemaking.'').

- a provision allowing owners and operators to use manufacturers' specifications to establish the maximum pressure drop across the control device used to comply with the PM standards;
- a provision allowing owners and operators to use the performance test average inlet temperature and apply an operating margin of +20 percent to determine maximum inlet gas temperature of a control device used to comply with the PM standards;
- periodic performance testing (*i.e.,* at least once every 5 years), using the same methods currently required for the initial compliance demonstration, of each air pollution control device (APCD) used to comply with the PM, THC, opacity, or visible emission standards, in addition to the current one-time initial performance testing and ongoing operating limit monitoring;
- a requirement for electronic submittal of performance test results and reports, performance evaluation reports, compliance reports, and NOCS reports;
- IBR of an alternative test method for EPA Test Method 9; and
- several minor editorial and technical changes in the subpart.

In the same document, although we did not propose any rule amendments based on the residual risk or technology reviews, we requested comment on the relationship between the CAA section 112(d)(6) technology review and the CAA section 112(f) residual risk review; specifically, the extent to which findings that underlie a CAA section 112(f) determination should be considered in making any determinations under CAA section 112(d)(6).

III. What is included in this final rule?

This action finalizes the EPA's determinations pursuant to the RTR provisions of CAA section 112(f)(2) and CAA section 112(d)(6) for the Asphalt Processing and Asphalt Roofing Manufacturing source categories. This action also finalizes other changes to the NESHAP, including corrections and clarifications to regulatory provisions related to emissions during periods of SSM; adding electronic reporting of performance test results and reports, performance evaluation reports, compliance reports, and NOCS reports; and other technical corrections to improve consistency and clarity. This action also includes a number of other amendments to the NESHAP generally similar to those proposed in the May 2, 2019, RTR proposal, such as amendments related to monitoring procedures and periodic performance testing, but with some modifications based on consideration of comments received during the public comment period as described in sections III.D and IV.D of this preamble.

A. What are the final rule amendments based on the residual risk review for the Asphalt Processing and Asphalt Roofing Manufacturing source categories?

This section describes the final actions regarding the Asphalt Processing and Asphalt Roofing Manufacturing NESHAP that the EPA is taking pursuant to CAA section 112(f). The EPA proposed no changes to these NESHAP based on the residual risk reviews conducted pursuant to CAA section 112(f). In this action, we are finalizing our proposed determination that risks due to emissions from the Asphalt Processing and Asphalt Roofing Manufacturing source categories are acceptable, and that the standards provide an ample margin of safety to protect public health and prevent an adverse environmental effect.

The EPA received two emissions inventory updates for two specific facilities during the public comment period. After considering the updated information, the Agency decided to update certain modeling file records for those two facilities and to reanalyze risk for both source categories, in part because some of the emissions estimates were notably higher than the estimates we used for risk modeling for the proposal and we wanted to confirm that risks were still acceptable. The EPA reanalyzed risk using the same risk assessment methodology used for the proposed rule; however, this did not result in any change to our proposed determination. Based on our analyses (which include the emissions inventory updates received during the public comment period), we find that the current standards provide an ample margin of safety to protect public health and prevent an adverse environmental effect. The EPA is, therefore, not revising the standards under CAA section 112(f)(2) (for NESHAP 40 CFR part 63, subpart LLLLL) based on the residual risk review. See sections IV.A.2 and IV.A.3 of this preamble for discussion of key comments and responses regarding the residual risk review, including details about the emissions inventory updates we received during the public comment period.

B. What are the final rule amendments based on the technology review for the Asphalt Processing and Asphalt Roofing Manufacturing source categories?

The EPA is not finalizing the technology review as proposed regarding HCl emissions standards for blowing stills. As discussed in section IV.B of this preamble, the EPA determined that it is not appropriate to establish new standards for previously unregulated sources or pollutants as part of the technology review. The Agency is finalizing all required aspects of the technology review as proposed. The EPA has determined that there are no developments in practices, processes, and control technologies that warrant revisions to the MACT standards for these source categories. Therefore, we are not finalizing revisions to the MACT standards under CAA section 112(d)(6). Section IV.B.3 of this preamble provides a summary of key comments we received on the technology review and our responses.

C. What are the final rule amendments addressing emissions during periods of SSM?

The Agency is finalizing, as proposed, changes to the Asphalt Processing and Asphalt Roofing Manufacturing NESHAP to eliminate the SSM exemption. Consistent with *Sierra Club* v. *EPA,* 551 F.3d 1019 (D.C. Cir. 2008), the EPA is establishing standards in this rule that apply at all times. Table 7 to subpart LLLLL of part 63 (General Provisions applicability table) is being revised to change several references related to requirements that apply during periods of SSM. The EPA eliminated or revised certain recordkeeping and reporting requirements related to the eliminated SSM exemption. The EPA also made changes to the rule to remove or modify inappropriate, unnecessary, or redundant language in the absence of the SSM exemption. The EPA determined that facilities in these source categories can meet the applicable emission standards in the Asphalt Processing and Asphalt Roofing Manufacturing NESHAP at all times, including periods of startup and shutdown. Therefore, the EPA determined that no additional standards are needed to address emissions during these periods. Also, as stated in our proposal, the EPA interprets CAA section 112 as not requiring emissions that occur during periods of malfunction to be factored into development of CAA section 112 standards, and this reading has been upheld as reasonable by the Court in *U.S. Sugar Corp.* v. *EPA,* 830 F.3d 579, 606–10 (2016). The legal rationale and detailed changes for SSM periods that are being finalized in this rule are set forth in the proposed rule. See 84 FR 18945 through 18949.

The EPA is also finalizing a revision to the performance testing requirements at 40 CFR 63.8687(b). This final rule text states that each performance test must be conducted under normal operating conditions; and operations during periods of startup, shutdown, or nonoperation do not constitute representative conditions for purposes of conducting a performance test. The final rules also require that operators maintain records to document that operating conditions during the test represent normal operations. Section IV.C.3 of this preamble provides a summary of key comments we received on the SSM provisions and our responses.

D. What other changes have been made to the NESHAP?

This rule also finalizes, as proposed, revisions to several other NESHAP requirements. The revisions are briefly described in this section (refer to section IV.D of this preamble for further details).

To increase the ease and efficiency of data submittal and data accessibility, we are finalizing a requirement that owners and operators of facilities in the Asphalt Processing and Asphalt Roofing Manufacturing source categories submit electronic copies of certain required performance test results and reports, performance evaluation reports, compliance reports, and NOCS reports through the EPA's Central Data Exchange (CDX) website. Performance test and performance evaluation test reports are prepared using the EPA's Electronic Reporting Tool. We also are finalizing, as proposed, provisions that allow facility operators the ability to seek extensions for submitting electronic reports for circumstances beyond the control of the facility (*i.e.,* a possible outage in the CDX or Compliance and Emissions Data Reporting Interface (CEDRI) or a force majeure event in the time just prior to a report's due date), as well as the process to assert such a claim. In addition, we are finalizing all revisions that we proposed for clarifying text or correcting typographical errors, grammatical errors, and cross-reference errors. These editorial corrections and clarifications are summarized in Table 4 of the proposal. See 54 FR 18951 and 18952. We received no public comment on the editorial corrections and clarifications and these changes are being finalized as proposed.

We are also finalizing amendments in the NESHAP for monitoring pressure drop and temperature of APCDs, and for periodic compliance testing, similar to the proposed amendments, but with some modifications in response to issues raised in comments on the proposed rulemaking. Regarding pressure drop, instead of using manufacturers' specifications or a performance test to establish only a maximum pressure drop across the control device used to comply with the PM standards as proposed, we are finalizing a requirement that requires owners and operators to establish a pressure drop range (*i.e.,* a minimum and a maximum pressure drop) across the PM control device with the option to either use manufacturers' specifications or a performance test to establish the range. The addition of a minimum limitation to the operating range of the PM control device mirrors the approach in the Asphalt Processing and Asphalt Roofing Manufacturing area source NESHAP, 40 CFR part 63, subpart AAAAAAA, and provides an indication of breakthrough or bypass of the control device, as a drop in the differential pressure below that established by the manufacturer's specification would indicate that potentially either the control device has been inadvertently bypassed (leaking around the filter) or tearing or distortion of the filter has occurred. As stated in the proposal, allowing the use of manufacturers' specifications provides flexibility and alleviates the need for a facility to have to retest the PM control device to reestablish new operating limits due to the inability of a source to ''dial in'' the differential pressure of their control device for a particular performance test as the differential pressure increases over time as a result of particulate deposition. With regard to monitoring temperature, similar to proposal, the Agency is finalizing a requirement that allows owners and operators to use the performance test average inlet temperature and apply an operating margin of +20 percent to determine maximum inlet gas temperature of a control device used to comply with the PM standards; however, in the final rule, the Agency is clarifying the operating margin applies to temperatures expressed in units of degrees Celsius or degrees Fahrenheit. The EPA acknowledges that the use of Celsius will result in a slightly more conservative temperature range (6.4 degrees Fahrenheit less when compared to the corresponding Fahrenheit range), but it is appropriate to provide the flexibility for facilities to use either temperature scale as either scale will ensure the control devices are operating properly. On the other hand, the application of a 20-percent margin to temperature expressed in absolute temperature (Rankin or Kelvin scales) would result in too large of an operating limit window. Therefore, we are not allowing the use of an absolute temperature scale. Finally, to ensure ongoing compliance with the standards, the EPA is finalizing requirements for periodic performance testing for each APCD used to comply with the PM, THC, opacity, and visible emission standards, in addition to the current one-time initial performance testing and ongoing operating limit monitoring. The EPA is requiring that the performance tests must be conducted at least once every 5 years, as proposed; however, the Agency is adding language to the final rule text to allow facilities to synchronize their periodic performance testing schedule with a previously conducted emission test provided they can demonstrate to the Administrator's satisfaction that the previously-conducted testing meets the requirements of this rule.

E. What are the effective and compliance dates of the standards?

The revisions to the MACT standards being promulgated in this action are effective on March 12, 2020. The EPA is finalizing three changes that would affect ongoing compliance requirements for this subpart. First, we are changing the requirements for SSM by removing the provisions that provide an exemption from the requirements to meet the standard during SSM periods. Second, we are removing the requirement to develop and implement an SSM plan. Finally, we are adding a requirement that performance test results and reports, performance evaluation reports, compliance reports, and NOCS reports be submitted electronically. From the assessment of the timeframe needed for implementing the entirety of the revised requirements, the EPA proposed a period of 180 days to be the most expeditious compliance period practicable. No opposing comments were received during the public comment period, and the 180-day period is being finalized as proposed. Thus, the compliance date of the final amendments for all affected sources is September 8, 2020.

Also, we are adding requirements to conduct ongoing periodic performance testing every 5 years. The EPA proposed that each existing affected source, and each new and reconstructed affected source that commences construction or reconstruction after November 21, 2001, and on or before March 12, 2020 that uses an APCD to comply with the standards, must conduct the first periodic performance test on or before March 13, 2023 and conduct subsequent

periodic performance tests no later than 60 months thereafter following the previous performance test. The EPA also proposed that owners or operators of each new and reconstructed affected source that commences construction or reconstruction after March 12, 2020 that uses an APCD to comply with the standards, conduct the first periodic performance test no later than 60 months following the initial performance test and conduct subsequent periodic performance tests no later than 60 months thereafter following the previous performance test. If owners or operators used the alternative compliance option specified in 40 CFR 63.8686(b) to comply with the initial performance test, then the EPA proposed that they must conduct the first periodic performance test no later than 60 months following the date they demonstrated to the Administrator that the requirements of 40 CFR 63.8686(b) had been met. These compliance dates are being finalized as proposed; however, based on a comment received during the public comment period, the EPA is including additional language that allows facilities to synchronize their periodic performance testing schedule with a previously conducted emission test provided they can demonstrate to the Administrator's satisfaction that the previously conducted testing meets the requirements of this rule (refer to section IV.D of this preamble for further details).

IV. What is the rationale for our final decisions and amendments for the Asphalt Processing and Asphalt Roofing Manufacturing source categories?

For each issue, this section provides a description of what we proposed and what we are finalizing for the issue, the EPA's rationale for the final decisions and amendments, and a summary of key comments and responses. For all comments not discussed in this preamble, comment summaries and the EPA's responses can be found in the comment summary and response document, *Summary of Public Comments and Responses for Risk and Technology Review for Asphalt Processing and Asphalt Roofing Manufacturing,* which is available in the docket for this rulemaking.

A. Residual Risk Review for the Asphalt Processing and Asphalt Roofing Manufacturing Source Categories

1. What did we propose pursuant to CAA section 112(f) for the Asphalt Processing and Asphalt Roofing Manufacturing source categories?

Pursuant to CAA section 112(f), the EPA conducted a residual risk review and presented the results of this review, along with our proposed decisions regarding risk acceptability and ample margin of safety, in the May 2, 2019, proposed rule for 40 CFR part 63, subpart LLLLL (84 FR 18926). The key results of the risk assessment for the proposal are presented in Table 2 of this preamble. More detail may be found in the residual risk technical support document, *Residual Risk Assessment for the Asphalt Processing and Asphalt Roofing Manufacturing Source Categories in Support of the 2018 Risk and Technology Review Proposed Rule,* which is available in the docket for this rulemaking.

TABLE 2—ASPHALT PROCESSING AND ASPHALT ROOFING MANUFACTURING PROPOSED INHALATION RISK ASSESSMENT RESULTS

Number of facilities [1]	Maximum individual cancer risk (in 1 million) [2]	Estimated population at increased risk of cancer ≥1-in-1 million	Estimated annual cancer incidence (cases per year)	Maximum chronic noncancer TOSHI	Maximum screening acute noncancer HQ
	Based on actual emissions level [2 3]	Based on actual emissions level [3]	Based on actual emissions level [3]	Based on actual emissions level [3]	Based on actual emissions level
8	<1	0	0.0007	0.1	HQ_{REL} = 4 (formaldehyde).

[1] Number of facilities evaluated in the risk analysis.
[2] Maximum individual excess lifetime cancer risk due to HAP emissions from the source categories.
[3] Actual emissions equal allowable emissions; therefore, actual risks equal allowable risks.

The results of the proposed inhalation risk assessment, as shown in Table 2 of this preamble, indicated that the cancer risk to the individual most exposed is below 1-in-1 million from both actual and allowable emissions, the estimated maximum chronic noncancer target organ-specific hazard index (TOSHI) based on both actual and allowable emissions is 0.1, and the maximum acute noncancer hazard quotient (HQ) is 4 driven by formaldehyde based on the acute reference exposure level (REL). At proposal, the total annual cancer incidence (national) from these facilities based on actual emission levels was estimated to be 0.0007 excess cancer cases per year, or one case in every 1,430 years.

The maximum lifetime individual cancer risk posed by the eight facilities, based on whole facility emissions, was estimated to be 9-in-1 million at proposal, with naphthalene and benzene emissions from facility-wide fugitive emissions and nickel compound emissions from flares from the Petroleum Refinery source category driving the risk. At proposal, the maximum chronic noncancer hazard index (HI) posed by whole facility emissions was estimated to be 0.1 (for the respiratory system) and occurred at two facilities.

At proposal, the Agency identified emissions of HAP known to be persistent and bio-accumulative in the environment (PB–HAP): Cadmium compounds, lead compounds, mercury compounds, and polycyclic organic matter (POM) (of which polycyclic aromatic hydrocarbons is a subset). The multipathway risk screening assessment resulted in a maximum Tier 2 cancer screening value of 2 for POM. The Tier 2 screening values for all other PB–HAP emitted from the source categories (cadmium compounds, lead compounds, and mercury compounds) were less than 1.

The ecological risk screening assessment indicated all modeled points were below the Tier 1 screening threshold based on actual and allowable emissions of PB–HAP and acid gases emitted by the source categories.

We weighed all health risk factors, including those shown in Table 2 of this preamble, in our risk acceptability determination and proposed that the risks posed by the Asphalt Processing and Asphalt Roofing Manufacturing source categories are acceptable (see section IV.B.1 of the proposal preamble, 84 FR 18939, May 2, 2019).

The EPA then considered whether 40 CFR part 63, subpart LLLLL, provides an ample margin of safety to protect public health and whether, taking into consideration costs, energy, safety, and other relevant factors, standards are required to prevent an adverse environmental effect. In considering whether standards are required to provide an ample margin of safety to protect public health, we considered the same risk factors that we considered for our acceptability determination and also considered the costs, technological feasibility, and other relevant factors related to emissions control options that might reduce risk associated with emissions from the source category. The EPA proposed that additional or revised standards for the Asphalt Processing and Asphalt Roofing Manufacturing source categories are not required to provide an ample margin of safety to protect public health. The Agency also proposed that it is not necessary to set a more stringent standard to prevent, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect. See section IV.B.2 of the proposal preamble, 84 FR 18939, May 2, 2019.

2. How did the residual risk review change for the Asphalt Processing and Asphalt Roofing Manufacturing source categories?

As part of the final risk assessment, the EPA reanalyzed risks using emissions inventory updates that were received for two specific facilities during the public comment period. These updates included revised actual emissions, allowable emissions, and acute emissions for numerous pollutants from three different emission units at one facility (*i.e.,* a blowing still and two asphalt storage tanks) and revised formaldehyde acute emission rates from four asphalt storage tanks at another facility. The revised emissions used to reanalyze risks are available in the docket for this rulemaking.

Our assessment of the effects of these changes resulted in no change to the maximum lifetime cancer risk for the source categories (*i.e.,* the cancer risk to the individual most exposed is below 1-in-1 million from both actual and allowable emissions). Also, the maximum chronic noncancer HI for the source categories remains less than 1. The maximum screening level acute HQ decreased from 4 to less than 1. Table 3 summarizes the inhalation risk assessment results for the final rule. For the reanalyzed multipathway screening level assessment, the maximum Tier 2 PB–HAP screening value decreased from 2 to less than 1, based on revised emissions received during the comment period. Finally, the environmental risk screening level assessment indicated all modeled points were below the Tier 1 screening threshold for all PB–HAP and acid gases emitted by the source category. As described in other sections of this preamble, the updated HAP emissions estimates that we received in the public comments resulted in increased emissions for some HAP and decreased emissions for other HAP. After incorporating the new emissions data and rerunning the risk model, the estimated acute risk levels decreased because the emissions estimates for the acute risk driver HAP (*i.e.,* acrolein and formaldehyde) were revised to lower estimates based on comments. The updated emissions estimates are provided in updated risk input files (*i.e.,* HEM files) which are available in the docket. In summary, the new information and reanalyzed risks did not cause a change to the proposed determination that risks caused by emissions from these source categories are acceptable, and that the standards provide an ample margin of safety to protect public health and prevent an adverse environmental effect. Additional details of the reanalyzed risks can be found in the *Residual Risk Assessment for the Asphalt Processing and Asphalt Roofing Manufacturing Source Categories in Support of the 2019 Risk and Technology Review Final Rule,* available in the docket for this rulemaking.

TABLE 3—ASPHALT PROCESSING AND ASPHALT ROOFING MANUFACTURING FINAL INHALATION RISK ASSESSMENT RESULTS

Number of facilities [1]	Maximum individual cancer risk (in 1 million) [2]	Estimated population at increased risk of cancer ≥ 1-in-1 million	Estimated annual cancer incidence (cases per year)	Maximum chronic noncancer TOSHI	Maximum screening acute noncancer HQ
	Based on actual emissions level [2 3]	Based on actual emissions level [3]	Based on actual emissions level [3]	Based on actual emissions level [3]	Based on actual emissions level
8	<1	0	0.0009	0.03	HQ_{REL} = 0.5 (arsenic).

[1] Number of facilities evaluated in the risk analysis.
[2] Maximum individual excess lifetime cancer risk due to HAP emissions from the source categories.
[3] Actual emissions equal allowable emissions; therefore, actual risks equal allowable risks.

3. What key comments did we receive on the residual risk review, and what are our responses?

Comment: One commenter said that the EPA's risk modeling file does not reflect the correct emission records for their facility (CertainTeed Corp, Shakopee MN), which they provided to the EPA in December 2017. The commenter submitted, in Microsoft Excel format, proposed revisions to the EPA's risk modeling file that mirror the corrections that were submitted to the EPA in December 2017 plus one additional correction; these revisions include updates to actual, allowable, and acute emissions for three different emission units (*i.e.,* a blowing still and two asphalt storage tanks).

Another commenter explained that they compared ''actual allowable'' annual emissions of risk-driving HAP (those HAP contributing at least 10 percent of the overall maximum cancer risk and maximum chronic noncancer TOSHI) used in the EPA's risk modeling file against the most recent facility-provided responses to the CAA section 114 information collection request (ICR). The commenter claimed that there are two facilities (110000768312 and 110000347018) that have revisions to the CAA section 114 survey data that have not yet been incorporated into the assessment of chronic hazards and advocated that these facilities' revisions be incorporated into the final risk modeling. The commenter also stated that, other than these revisions, their review did not identify any significant errors in the inputs to the EPA's Human Exposure Model (HEM–3) risk modeling

results. The commenter stated that the EPA overestimated risk for acrolein emissions from a blowing still at Facility 110000768312. The commenter explained that the acrolein maximum hourly emission rate of the blowing still (HEM–3 source ID CESC0001) used in the EPA's risk modeling file should be revised to 0.0146 pounds per hour (0.0639 tpy) in lieu of the value used in the EPA's analysis (*i.e.,* 19.4 tpy). The commenter contended that because this blowing still is the only source of acrolein emissions at this facility, the acute HQ decreases linearly with the emission rate; and the commenter estimated the revised maximum acute HQ to be 0.008. The commenter also noted that with their revisions to the acrolein emission rates, the acute risk driver for the facility becomes formaldehyde, which has a maximum acute HQ of 0.044. The commenter provided an aerial photo of the specific facility and the corresponding acute HQs for acrolein and formaldehyde at HEM–3 polar receptor locations.

A third commenter stated that the EPA must subject CertainTeed's (Facility 110000768312) acrolein emissions to emission limits. The commenter stated that the EPA relied on the acute exposure guideline level (AEGL) value to conclude that an ample margin of safety was already provided, but that all the EPA reports is that the Agency did not ''identify any processes, practices, or control technologies'' to reduce acrolein emissions. The commenter disagreed with EPA's conclusion that, ''acrolein-specific standards . . . are not necessary to provide an ample margin of safety,'' stating that it is not clear how one follows from the other.

The commenter stated that the EPA is not lost for options under this analysis if control technology and practices fail to provide an ample margin of safety, and that it must go beyond what may suffice for a technology review posture. The commenter argued that the EPA must consider setting emissions limits, rather than performance standards or control requirements, where—as with CertainTeed—a facility's emission levels and performance standards do not provide an ample margin of protection. The commenter alleged that the EPA ignored the fact that its own data show this facility to be the only facility with significant acrolein emissions, and the EPA doesn't bother to ask why this facility is an outlier.[2]

[2] Asphalt RRA Attachment_3—Actual allowable emissions Asphalt HEMInput HAPEmis Grp 1of 1 CatLevel 20171212. Docket ID number EPA–HQ–OAR–2017–0662–0015.

Response: The Agency first wants to clarify that one of the commenters revised their comment after the public comment period closed, by naming only one facility (110000768312) (and not Facility 110000347018) as having revisions to the CAA section 114 survey data that had not yet been incorporated into risk modeling (see email from the Asphalt Roofing Manufacturers Association (ARMA) to the EPA dated July 8, 2019, which is available in the docket for this action). Second, regarding the corrected emission records that were provided to the EPA in December 2017 for this facility (110000768312), the 2017 cover letter that was submitted to the EPA requested that the EPA correct the emissions in two specific cells pertaining to chromic acid emissions. The Agency corrected those chromic acid emissions as requested and they are reflected in the modeling file that was used for the proposed risk assessment. However, based on the comments received during the public comment period, we also learned that there were several other emissions data cells in the 2017 CAA section 114 ICR that the facility wanted corrected (*i.e.,* changes to actual, allowable, and acute emissions for three different emission units, including a blowing still and two asphalt storage tanks). The EPA reviewed these revised emissions estimates and determined them to be valid. All of the revisions requested by the facility have been incorporated and correct the emissions originally entered in error. Some of these revisions correct overestimated values (by decreasing pollutant-specific emissions), and the remaining revisions correct underestimated values (by increasing pollutant-specific emissions). We assessed whether all of the revised emissions were reasonable by comparing the revised emissions to other similar emissions sources in the source category. We also confirmed that there were no changes to any stack parameters, dimensions of fugitive sources, coordinates, or other inputs not related to emissions. Using those revised emissions, the EPA reassessed risks from asphalt processing and asphalt roofing manufacturing facilities. The revised emissions did not result in any changes to our proposed determination that risks caused by emissions from these source categories are acceptable, and that the standards provide an ample margin of safety to protect public health and prevent an adverse environmental effect. The revised maximum acute HQ screening value is 0.5, based on a REL for arsenic compounds. The two HQ screening values that were greater than 1 in the risk assessment performed for the proposal (a refined, or off-site, HQ of 4 for formaldehyde and 2 for acrolein, both based on a REL) are now both less than 1 (0.3 and 0.08, respectively, and again based on a REL). Therefore, no pollutant exceeded any acute health benchmark (*i.e.,* REL, AEGL, Emergency Response Planning Guidelines (ERPG)) in our screening-level acute assessment. More details on the revised risk assessment is available in the document, *Residual Risk Assessment for the Asphalt Processing and Asphalt Roofing Manufacturing Source Categories in Support of the 2019 Risk and Technology Review Final Rule.*

Comment: One commenter submitted a correction to the EPA's risk modeling file for the formaldehyde maximum emission rate of four asphalt storage tanks (*i.e.,* emission unit IDs T014, T015, T016, and T021) at the Owens Corning Medina County Plant, Facility Registry Service ID 110000388919. The commenter provided calculations showing that the formaldehyde maximum emission rate for each of these four storage tanks should be 0.0429 tpy. Similarly, another commenter attested that the EPA overestimated risk for formaldehyde emissions from these four storage tanks (at Facility 110000388919). Based on the facility corrected values, this commenter estimated the revised maximum acute HQ to be 0.2. The commenter provided an aerial photo of the specific facility and the corresponding acute HQs for formaldehyde at HEM–3 polar receptor locations.

Another commenter argued that EPA's evaluation of potential control options for Owen Corning's formaldehyde emissions is flawed. The commenter disagreed with EPA's conclusion that ''additional emissions controls'' for storage tanks ''are not necessary to provide an ample margin of safety.'' The commenter stated that EPA's dismissal of formaldehyde controls must be revisited without consideration of costs and instead focus on whether these controls are necessary to provide an ample margin of safety to protect public health.

The commenter noted the EPA's acknowledgement of the HQ of 4 but challenged the EPA's conclusion that eliminating this risk is a ''small risk reduction.'' The commenter stated that it is unclear why the EPA thinks cost-per-ton is the proper metric for the EPA's analysis of cost, when small amounts of highly toxic pollutants can present a significant risk. As an example, the commenter referenced the

EPA's finding that a moderate amount of emissions of formaldehyde from facilities overall contributed to about 48 percent of increased cancer incidence. The commenter stated that the EPA fails to consider the relevant factors—impact on health, public safety, and the risks posed—in favor of a misleadingly high cost-per-ton estimate.

The commenter further argued that the EPA never explains how the current standards manage to both produce an HQ of 4—a threat to the health of the exposed public—while also providing an ample margin of safety for that same public; the EPA merely concludes that it is so. The commenter stated that the EPA cannot validly explain this conclusion because the two are irreconcilable, and that the EPA can only point to cost, which it is not statutorily allowed to consider.

The commenter added that, even as-is, it is unclear why the EPA is even estimating the cost of control in its analysis, claiming the EPA should be able to get actual costs from existing facilities' records, or at minimum, an estimate from an actual control supplier rather than attempting to cobble its own together. The commenter argued that relying on estimates just injects more unnecessary uncertainty into the EPA's analysis.

Response: The EPA reviewed the revised emissions estimates for formaldehyde provided during the comment period and determined those emissions were valid. The revised formaldehyde emission rates are based on corrections discovered during a permit review by Owens Corning of four asphalt storage tanks. Previously, the sum of emissions for all individual volatile organic compounds (VOC) for the four asphalt storage tanks exceeded the maximum potential to emit for THC, which is physically impossible and would greatly overestimate risk. Owens Corning revised the formaldehyde emission rates based on the emission factors listed in Jankousky (2003).[3] The emission factors in the Jankousky study were subsequently peer-reviewed and published in a scientific research journal (Trumbore *et al.,* 2005).[4] Using those revised emissions, the EPA reassessed risks from asphalt processing and asphalt roofing manufacturing facilities. The revised emissions did not cause us to change our proposed determination that risks due to emissions from these source categories are acceptable, and that the standards provide an ample margin of safety to protect public health and prevent an adverse environmental effect. Based on the reassessment of risk, the maximum acute HQ screening value for the categories is 0.5, based on an REL for arsenic compounds. The HQ screening value of 4 for formaldehyde in the risk assessment performed for the proposal is now less than 1 (0.3). Therefore, no pollutant exceeded any acute health benchmark (*i.e.,* REL, AEGL, ERPG) in our revised screening-level acute assessment. More details on the revised risk assessment is available in the document, *Residual Risk Assessment for the Asphalt Processing and Asphalt Roofing Manufacturing Source Categories in Support of the 2019 Risk and Technology Review Final Rule.*

Regarding the comment about it being unclear why the EPA estimated control costs, as described in the proposed rule preamble, published on May 2, 2019 (84 FR 18926), under the risk review, the EPA follows a two-step approach. In the first step, the EPA determines whether risks are acceptable. This determination ''considers all health information, including risk estimation uncertainty, and includes a presumptive limit on maximum individual lifetime [cancer] risk (MIR)[5] of approximately 1 in 10 thousand.'' 54 FR 38045, September 14, 1989. If risks are unacceptable, the EPA must determine the emissions standards necessary to reduce risk to an acceptable level without considering costs. In the second step of the approach, the EPA considers whether the emissions standards provide an ample margin of safety to protect public health ''in consideration of all health information, including the number of persons at risk levels higher than approximately 1 in 1 million, as well as other relevant factors, including costs and economic impacts, technological feasibility, and other factors relevant to each particular decision.'' *Id.* The EPA must promulgate emission standards necessary to provide an ample margin of safety to protect public health. After conducting the ample margin of safety analysis, we consider whether a more stringent standard is necessary to prevent, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect.

As explained in the proposed rule preamble (84 FR 18926), the EPA proposed that risks were acceptable for Asphalt Processing and Asphalt Roofing Manufacturing. Therefore, the EPA proceeded to the second step (*i.e.,* the ample margin of safety analysis) for these source categories. Consistent with the framework described above, in the RTR proposal, under this second step, the EPA considered all the health information and other factors including costs to determine whether or not any revisions to the standards were warranted under CAA section 112(f)(2). As explained in the proposal preamble and again in this preamble, we did not identify any cost-effective controls or other measures to reduce risks further. Therefore, we proposed that the current standards provide an ample margin of safety and additional or revised standards are not warranted. Furthermore, as described in other sections of this final rule preamble, after considering the public comments and revising some of our analyses, we continue to conclude that risks are acceptable and that the current NESHAP provides an ample margin of safety.

With regard to the derivation of our cost estimates, we used methodologies published in the EPA Air Pollution Control Cost Manual.[6] The EPA Air Pollution Control Cost Manual is widely used by the EPA in developing cost estimates for regulatory standards. The cost algorithms are considered sufficient for determining economic impacts and whether controls are cost effective. The manual's cost algorithms were originally developed from vendor information (and in many cases, this involves contact with hundreds of vendors and the assimilation of large amounts of data) and meant to apply to all situations where the control device can be used. The algorithms can also provide site-specific costs by using site-specific inputs, such as flow rate, pollutants being controlled, temperature, etc. Site-specific costs are often difficult to obtain directly from facilities and are frequently considered proprietary by vendors. We maintain that using the EPA Air Pollution Control Cost Manual to estimate costs for regulatory standards is appropriate. Although industry average prices for certain cost components in our analyses have not been updated to one base year; we updated these component costs to 2017 dollars using the Chemical Engineering Plant Cost Index.

Comment: One commenter disagreed with the EPA's use of a ''low confidence'' Integrated Risk Information System (IRIS) reference concentration

[3] Jankousky, Angela Libby. *Proposed Emission Factors for Criteria Pollutants and Hazardous Air Pollutants from Asphalt Roofing Manufacturing.* ARMA. May 12, 2003.

[4] Trumbore *et al. Emission factors for asphalt-related emissions in roofing manufacturing.* October 2005.

[5] Although defined as ''maximum individual risk,'' MIR refers only to cancer risk. MIR, one metric for assessing cancer risk, is the estimated risk if an individual were exposed to the maximum level of a pollutant for a lifetime.

[6] Available at: *https://www.epa.gov/economic-and-cost-analysis-air-pollution-regulations/cost-reports-and-guidance-air-pollution.*

(RfC) of 0.02 milligrams per cubic meter (mg/m^3) to assess health risk from HCl. Instead, the commenter argued that the 2000 California Environmental Protection Agency (CalEPA) Office of Environmental Health Hazard Assessment (OEHHA) value of 9 micrograms per cubic meter ($\mu g/m^3$) (0.009 mg/m^3) should be used to assess chronic noncancer risk. The commenter explained that the IRIS value was one that IRIS had stated it planned to update when additional data became available, but that update has not occurred, and that, in such circumstances, the EPA's own prioritization policy directs it to use the best available science, which would include the CalEPA OEHHA value.

The commenter stated that, by not using the CalEPA OEHHA value, the EPA underestimates the chronic noncancer risk from HCl. Additionally, the commenter asserted that the EPA did not attempt to evaluate the cancer risk for HCl, and that the EPA has not conducted a ''complete evaluation and determination under'' the ''IRIS program for evidence of human carcinogenic potential.'' The commenter indicated that the Court has held that the EPA must analyze the carcinogenic potential of HCl in order to ''base its findings'' of no carcinogenic risk ''on substantial evidence,'' *Sierra Club* v. *EPA,* 895 F.3d 1, 11 (D.C. Cir. 2018), and that, therefore, underestimating HCl emissions impacts the EPA's findings of chronic noncancer and cancer risk. The commenter argued that ignoring the potential for carcinogenic risk from HCl is arbitrary.

Response: For the CAA section 112(f)(2) risk reviews, we use dose-response information that has been obtained from various sources and prioritized according to (1) conceptual consistency with the EPA risk assessment guidelines and (2) level of peer review received. The prioritization process is aimed at incorporating into our assessments the best available science with respect to dose-response information. The recommendations are based on the following sources: (1) The EPA, (2) Agency for Toxic Substances and Disease Registry (ATSDR), and (3) CalEPA.[7] In selecting the appropriate chronic noncancer dose-response value for HCl for use in the risk assessment, in this case, the 1995 EPA IRIS RfC, we followed this prioritization approach, and we reviewed newer values as part of that process. The 1995 EPA IRIS RfC for HCl of 0.02 mg/m^3 was based on the following studies: Sellakumar *et al.,* 1985 [8] and Albert *et al.,* 1982.[9] The ATSDR has not established a chronic noncancer dose-response value for HCl. In 2000, CalEPA established a chronic REL of 9 $\mu g/m^3$ (9×10^{-3} mg/m^3) [10] based on Sellakumar *et al.,* 1985. CalEPA did not use newer data than the EPA in establishing its chronic REL for HCl.

In assessments completed prior to 2000, the EPA assigned confidence ratings (low, medium, high) to the dose-response value (*e.g.,* RfC). The ratings assignment was based generally on the extent and robustness of the database (*e.g.,* number and types of different toxicity test studies, quality of the studies, suitability of the test results for use in dose-response assessment). In the process of assessing the toxicity of a substance, if enough data from relevant studies and of acceptable quality do not exist, the EPA IRIS program does not establish a dose-response value. For HCl, the available data were judged adequate for establishment of an RfC.[11] In recognition of limitations in the overall database and the principal study, the resultant RfC for HCl was given a confidence rating of low.

The EPA IRIS program has not assigned a carcinogenicity weight of evidence classification to HCl. Little research has been conducted on the carcinogenicity of HCl. (79 FR 75639.) There are limited studies on the carcinogenic potential of HCl in humans. Of these, two occupational studies failed to separate potential exposure of HCl from exposure to other substances shown to have carcinogenic activity and are, therefore, not appropriate to evaluate the carcinogenic potential of HCl (Steenland *et al.,* 1988, Beaumont *et al.,* 1986).[12] [13] Another occupational study failed to show evidence of association between exposure to HCl and lung cancer among chemical manufacturing plant employees (Bond *et al.,* 1991).[14] (80 FR 65488.) Consistent with the human data, chronic inhalation studies in animals have reported no carcinogenic responses after chronic exposure to HCl (Albert *et al.,* 1982; Sellakumar *et al.,* 1985).[15] [16] (80 FR 65488.) Hydrogen chloride has not been demonstrated to be genotoxic. The genotoxicity literature consists of two studies showing false positive results potentially associated with low pH in the test system (Morita *et al.,* 1992; Cifone *et al.,* 1987).[17] [18] (80 FR 65488.)

The International Agency for Research on Cancer (IARC) also classifies agents (chemicals and biologics) as to carcinogenicity. The IARC classifies HCl as ''not classifiable as to its carcinogenicity to humans.'' [19] Of the more than 1,000 agents classified by IARC, no agents are classified as ''probably not carcinogenic (IARC) to humans.'' [20]

The Court decision cited by the commenter, *Sierra Club* v. *EPA,* 895 F.3d 1 (D.C. Cir. 2018), addressed the basis for setting a health-based emission limit for HCl under section 112(d)(4) of the CAA, and not for making a determination about risk acceptability under section 112(f)(2) of the CAA.

4. What is the rationale for our final approach and final decisions for the residual risk review?

As noted in the proposal, the EPA sets standards under CAA section 112(f)(2)

[7] Documentation of this approach is in the EPA report titled *Risk and Technology (RTR) Risk Assessment Methodologies: For Review by the EPA's Science Advisory Board: Case Studies—MACT I Petroleum Refining Sources and Portland Cement Manufacturing.* June 2009. EPA–452/R–09–006. This approach is also documented in the risk assessment technical support document for the RTR NESHAP rulemaking (and included in the rulemaking docket).

[8] Sellakumar, A.R., C.A. Snyder, J.J. Solomon and R.E. Albert. 1985. *Carcinogenicity for formaldehyde and hydrogen chloride in rats.* Toxicol. Appl. Pharmacol. 81: 401–406.

[9] Albert, R.E., A.R. Sellakumar, S. Laskin, M. Kuschner, N. Nelson and C.A. Snyder. 1982. *Gaseous Formaldehyde and Hydrogen Chloride Induction of Nasal Cancer in Rats.* J. Natl. Cancer Inst. 68(4): 597–603.

[10] Technical Support Document for the Derivation of Non-Cancer Reference Exposure Levels: Appendix D.3, pp. 309–312. (*https://oehha.ca.gov/media/downloads/crnr/appendixd3final.pdf*).

[11] U.S. EPA. 1995. IRIS Chemical Assessment Summary for Hydrogen Chloride. *https://cfpub.epa.gov/ncea/iris/iris_documents/documents/subst/0396_summary.pdf#nameddest=rfc.*

[12] Steenland, K., T. Schnorr, J. Beaumont, W. Halperin, T. Bloom. 1988. *Incidence of laryngeal cancer and exposure to acid mists.* Br. J. of Ind. Med. 45: 766–776.

[13] Beaumont, J.J., J. Leveton, K. Knox, T. Bloom, T. McQuiston, M Young, R. Goldsmith, N.K. Steenland, D. Brown, W.E. Halperin. 1987. *Lung cancer mortality in workers exposed to sulfuric acid mist and other acid mists.* JNCI. 79: 911–921.

[14] Bond G.G., Flores G.H., Stafford B.A., Olsen G.W. *Lung cancer and hydrogen chloride exposure: results from a nested case-control study of chemical workers.* 1991. J Occup Med; 33(9), 958–61.

[15] Albert, R.E., A.R. Sellakumar, S. Laskin, M. Kuschner, N. Nelson and C.A. Snyder. 1982. *Gaseous formaldehyde and hydrogen chloride induction of nasal cancer in rats.* J. Natl. Cancer Inst. 68(4): 597–603.

[16] Sellakumar, A.R., C.A. Snyder, J.J. Solomon and R.E. Albert. 1985. *Carcinogenicity for formaldehyde and hydrogen chloride in rats.* Toxicol. Appl. Pharmacol. 81: 401–406.

[17] Morita, T., T. Nagaki., I. Fukuda, K. Okumura. 1992. *Clastogenicity of low pH to various cultured mammalian cells.* Mutat. Res. 268: 297–305.

[18] Cifone, M.A., B. Myhr, A. Eiche, G. Bolcsfoldi. 1987. *Effect of pH shifts on the mutant frequency at the thymidine kinase locus in mouse lymphoma* L5178Y TK=/- cells. Mutat. Res. 189: 39–46.

[19] IARC Monographs, Volume 54, *https://monographs.iarc.fr/wp-content/uploads/2018/06/mono54.pdf.*

[20] IARC Monographs, July 8, 2019 update. *https://monographs.iarc.fr/agents-classified-by-the-iarc/.*

using ''a two-step standard-setting approach, with an analytical first step to determine an 'acceptable risk' that considers all health information, including risk estimation uncertainty, and includes a presumptive limit on maximum individual risk (MIR) of ''approximately 1-in-10 thousand'' (see 54 FR 38045, September 14, 1989). We weigh all health risk measures and factors in the risk acceptability determination, including the cancer MIR, cancer incidence, the maximum cancer TOSHI, the maximum acute noncancer HQ, the extent of noncancer risks, the distribution of cancer and noncancer risks in the exposed population, and the risk estimation uncertainties. As described above, in the second step, we also consider other factors including costs and economic impacts, technological feasibility, and other factors relevant to each particular decision.

Since proposal, we reanalyzed risk after incorporating new emissions data that were received for several emission sources at two facilities; however, after revising risk estimates using these new emissions data, determinations regarding risk acceptability, ample margin of safety, and adverse environmental effects have not changed. For the reasons explained in the proposed rule and in section IV.A.2 of this preamble, we determined that the risks from both source categories are acceptable, and the current standards provide an ample margin of safety to protect public health and prevent an adverse environmental effect. Therefore, the EPA is not revising the standards pursuant to CAA section 112(f)(2) based on the residual risk review, and the Agency is readopting the existing standards under CAA section 112(f)(2).

B. Technology Review for the Asphalt Processing and Asphalt Roofing Manufacturing Source Categories

1. What did we propose pursuant to CAA section 112(d)(6) for the Asphalt Processing and Asphalt Roofing Manufacturing source categories?

Pursuant to CAA section 112(d)(6), the EPA proposed to conclude that no revisions to the current standards are necessary for asphalt loading racks and asphalt storage tanks in the Asphalt Processing source category and for coaters, saturators, wet loopers, coating mixers, sealant and adhesive applicators, and asphalt storage tanks in the Asphalt Roofing Manufacturing source category. We did not find any developments in practices, processes, and control technologies that could be applied to asphalt loading racks, asphalt storage tanks, coating mixers, saturators (including wet loopers), coaters, sealant applicators, or adhesive (laminate) applicators and that could be used to reduce emissions from asphalt processing and asphalt roofing manufacturing facilities. The EPA also did not identify any developments in work practices, pollution prevention techniques, or process changes that could achieve emission reductions from these emissions sources.

Also, pursuant to CAA section 112(d)(6), we proposed to conclude that no revisions to the current standards are necessary for blowing stills in the Asphalt Processing source category. We did not identify any developments in practices, processes, or control technologies, nor any developments in work practices, pollution prevention techniques, or process changes to control organic HAP from blowing stills at asphalt processing facilities. However, for owners or operators that use a chlorinated catalyst in the blowing still during asphalt processing, we identified two potential HCl (an inorganic HAP) emission reduction options: (1) Installing a packed bed scrubber at the outlet of the blowing still (or at the outlet of the combustion device controlling organic HAP emissions); and (2) installing a dry sorbent injection and fabric filter at the outlet of the blowing still. In addition, we considered whether it might be feasible for facilities that need to use a catalyst to only use non-chlorinated substitute catalysts. However, we did not identify a viable non-chlorinated catalyst substitute. We also note that the average capital costs for option 1 would be about $2,480,000 per facility, the average annualized costs would be about $500,000 per facility, and the average HCl cost would be about $60,000 per ton. We also determined that the costs for option 2 would be higher than the costs for option 1. Because the estimated risks due to HCl emissions are low and based on the relatively high costs per facility for each of the options, we proposed to conclude that neither of these options is necessary for reducing HCl emissions from blowing stills that use chlorinated catalysts.

In addition, we solicited comment on the relationship between the CAA section 112(d)(6) technology review and the CAA section 112(f) residual risk review. We solicited comment on whether revisions to the NESHAP are ''necessary,'' as the term is used in CAA section 112(d)(6), in situations where the EPA has determined that CAA section 112(d) standards evaluated pursuant to CAA section 112(f) provide an ample margin of safety to protect public health and prevent an adverse environmental effect. In other words, we solicited comment on whether it is ''necessary'' to revise the standards based on developments in technologies, practices, or processes under CAA section 112(d)(6) if remaining risks associated with air emissions from a source category have already been reduced to levels that provide an ample margin of safety under CAA section 112(f). See CAA section 112(d)(6) (''The Administrator shall review and revise as necessary (taking into account developments in practices, processes, and control technologies), emission standards promulgated under [CAA section 112] no less often than every 8 years.'').

2. How did the technology review change for the Asphalt Processing and Asphalt Roofing Manufacturing source categories?

Although the EPA proposed to conduct a technology review for previously unregulated HCl emissions from blowing stills, we are withdrawing all aspects of the technology review proposal for HCl from blowing stills. Furthermore, we are clarifying that setting initial standards for previously unregulated emission points or pollutants is not part of the technology review that is required under CAA section 112(d)(6) (refer to section IV.B.3 of this preamble) and that it would be contrary to the provisions and structure of CAA section 112 to establish such standards for the first time under CAA section 112(d)(6). In short, under the CAA, while the EPA has the discretion (and authority) to set initial standards for previously unregulated emissions at the same time and in the same rulemaking process that it conducts a technology review under CAA section 112(d)(6), setting such initial standards is not part of the technology review required under CAA section 112(d)(6). We are finalizing all remaining aspects of the technology review as proposed.

3. What key comments did we receive on the technology review, and what are our responses?

Comment: One commenter stated that the EPA has avoided their obligation to ''review and revise, as necessary (taking into account developments in practices, processes, and pollution control technologies), emission standards promulgated under this section no less often than every 8 years'' (CAA section 112(d)(6)), by refusing to demonstrate that it has completed an effective technology review and has assessed and accounted for developments, which is

unlawful and arbitrary. The commenter said that the EPA did not comply with the CAA section 112(d)(6) requirements in conducting the technology review. The commenter explained that the EPA only reviewed information it already had or technology it already mandated from three sources of information and did not look at state requirements, foreign control methods, different methods or brands of controls to see which was most effective, efficient, or reliable; requirements likely to promote future technological progress; or facility procedures or best practices, such as best practices to mitigate malfunctions. The commenter added that the EPA should have requested information from actual pollution control manufacturers and distributors and provided the information for notice and comment.

Response: We disagree with the commenter that the EPA has failed to meet the CAA legal obligation to complete the technology review for the Asphalt Processing and Asphalt Roofing Manufacturing source categories.

With respect to the information underlying this review, in June 2017, the EPA issued an ICR pursuant to CAA section 114, to collect information from facilities that are currently considered to be part of the Asphalt Processing source category and/or Asphalt Roofing Manufacturing source category. The responses to the CAA section 114 ICR reflect air regulations of national, state, and local jurisdictions. Companies completed the survey for their facilities and submitted responses to the EPA by September 30, 2017. As part of the CAA section 114 ICR, the EPA requested information about process equipment, control technologies, point and fugitive emissions, and other aspects of facility operations. Specifically, with regard to the CAA section 112(d)(6) review, the EPA asked each facility to ''. . . provide an operation date and a description of any developments in practices, processes, or control technologies that [the facility] implemented after the date [the facility] demonstrated initial compliance with either Subpart LLLLL or subpart AAAAAAA that resulted in an increase or decrease in HAP emissions from the emission unit.'' The responses to this question identify requirements likely to promote future technological progress, facility procedures, and best practices. Furthermore, we asked specific questions about APCDs, other methods of control, and compliance methods used by each facility for their blowing stills, asphalt loading racks, asphalt storage tanks, coating mixers, saturators (including wet loopers), coaters, sealant applicators, adhesive (laminate) applicators, and mineral handling and storage facilities. The EPA reviewed and compared the data received in response to the CAA section 114 ICR to identify developments in practices, processes, and control technologies that have been implemented by asphalt processing and asphalt roofing manufacturing facilities. Based on this analysis, facilities did not report developments in practices, processes, or control technologies. A summary of this analysis is included in *Clean Air Act Section 112(d)(6) Review for the Asphalt Processing and Asphalt Roofing Manufacturing Source Categories Final,* which is available in the docket for this action.

We also reviewed the EPA's Reasonable Available Control Technology (RACT), Best Available Control Technology (BACT), and Lowest Achievable Emission Rate (LAER) Clearinghouse (RBLC),[21] which is a database that contains information on the best emission control technologies that have been required by state, local, and territorial air pollution control agencies. The search identified three facilities, and none of these facilities have more stringent emission control requirements than the 40 CFR part 63, subpart LLLLL, MACT standards. In addition, we conducted site visits to two asphalt processing and asphalt roofing manufacturing facilities subject to the NESHAP (and one asphalt roofing manufacturing facility not subject to the NESHAP). These site visits did not reveal any developments in practices, processes, or control technologies. Furthermore, the EPA reviewed the operating permits for all the asphalt processing and asphalt roofing manufacturing facilities that were major sources and subject to the NESHAP. These operating permits incorporate all relevant local, state, or regional emission limitations, as well as Federal limitations. In almost all cases, the EPA did not find local, state, or Regional emission limitation that could be compared to the emission limitations in the current NESHAP (given unit basis and format differences), and, thus, the EPA did not identify limits that were more stringent than the limits in the current NESHAP,[22] neither did we find any facility using a control technology that was not considered during development of the NESHAP and reflected in the current standards.

Finally, the EPA is not aware of any advances in emission control technology that are being used elsewhere and that are applicable to these source categories. We are not aware of any applicable advances in emission control technology that are being used in other countries. We did not receive any comments from any air pollution control manufacturers or from the Institute of Clean Air Companies. No commenters provided any data or information on emissions control techniques beyond those techniques that we already have considered in conducting this technology review. It would not be feasible for the EPA to examine different brands of emission controls to see which was most effective, efficient, or reliable, as suggested by the commenter. That information is not currently available to the EPA, and even if it were, it would be difficult, if not impossible, to correlate that information with emissions performance and develop practical regulatory requirements. Instead, the current MACT floors are based on each type of process equipment used at asphalt processing facilities and on asphalt roofing manufacturing lines. The majority of data used for the MACT floor analysis were obtained from responses to a survey distributed by ARMA in 1995. To identify the best performing sources and amount of emission reduction, the level of control for each piece of process equipment was based on the type of control device installed and the operating characteristics of the control device. After the initial compliance demonstration, facilities using add-on controls must comply with operating limits to ensure the add-on controls continue to be properly operated and maintained and achieve the same level of performance as during the performance test. Facilities experiencing deviations from the emission limits or the operating limits must report these deviations to the EPA, and the Agency will then determine on a case-by-case basis whether the deviation constitutes a violation. Also, because of the diversity of factors that could lead to a malfunction in these source categories, it would not be practical for the EPA to prescribe the actions that must be taken to reduce the frequency of malfunctions or to minimize emissions in the event of a malfunction. However, as part of the required deviation record, owners and operators must specify the cause of each deviation, which could include a malfunction period as a cause (*e.g.,* any

[21] RACT/BACT/LAER apply to criteria pollutants only. However, data in the RBLC are not limited to sources subject to RACT, BACT, and LAER requirements. Noteworthy prevention and control technology decisions and information may be included in the database even if they are not related to past RACT, BACT, or LAER decisions.

[22] In one case, we identified a less stringent state-only VOC control efficiency requirement for an incinerator controlling emissions from blowing stills.

malfunction that leads to a deviation from an emission limit, operating limit, opacity limit, or visible emission limit).

Comment: One commenter asserted that they had submitted a petition for rulemaking to the EPA, urging the EPA to set an emission standard for HCl from blowing stills that use chlorinated catalyst and to follow CAA section 112(d)(2)–(3) requirements in doing so. The commenter cited *Petition of Natural Resources Defense Council & Sierra Club to Administrator Stephen L. Johnson,* at 13 (January 14, 2009). The commenter contended that the EPA has provided no formal response to that petition for this or any source category and instead used CAA section 112(d)(6) rulemakings to add standards for previously unregulated HAP emissions sources on a source category-by-category basis.[23]

The commenter claimed that the EPA has failed to satisfy the CAA because it has failed to recognize the need to set emission standards for currently unrestricted HAP—such as HCl—which is ''necessary'' and required by the CAA. The commenter added that, in this rulemaking, the EPA must review and follow the CAA and existing caselaw to ensure it sets a numerical limit for HCl and every other regulated HAP that satisfies CAA section 112(d)(2)–(3) and (d)(6).

The commenter concluded that the best-performing sources emit no HCl and the EPA should have set the floor based on the best-performing sources. The commenter noted that HCl emissions from blowing stills account for 55 percent of emissions and no facility controls these emissions. The commenter pointed out that 37 out of 91 blowing stills at asphalt manufacturing plants use chloride-based catalysts, which cause HCl emissions. The commenter added that the EPA acknowledged that over 12 percent of blowing stills do not use a catalyst that emits HCl. This commenter objected to the EPA's decision not to regulate HCl emissions and objected to the bases for the EPA's decision, which include that: (1) Sources do not use control devices, and (2) chlorinated catalysts cannot be prohibited because doing so would require all manufacturers to use higher-quality asphalt flux feedstock, and higher-quality feedstock is not consistently available to all sources. The commenter cited the decision in *National Lime Association* v. *EPA,* 233 F.3d 625, at 634 (D.C. Cir. 2000), stating that the EPA had a clear statutory obligation to set emission standards for each listed HAP. The commenter added that the EPA's assertions, that changes in non-technology factors were not appropriate or viable, cannot justify a no-control floor. The commenter added that the EPA has a statutory obligation to set emission limits regardless of whether the best-performing sources in a given category are currently using air pollution control technology to limit their emissions. The commenter stated that if it fails to set emission limits for each HAP, the EPA will fail to complete the review and revision rulemaking as CAA section 112(d)(6) requires and will violate the Court's order in *California Communities Against Toxics* v. *Pruitt,* 241 F. Supp. 3d 199 (D.D.C. 2017).

The commenter asserted that an HCl standard should have been set based on the performance of scrubbers used for other sources, noting specifically scrubbers reflected in the control options for the Hospital, Medical, and Infectious Waste Incinerators New Source Performance Standards. The commenter added that this is a development in practices, processes, and control technologies and the EPA has no valid basis under CAA section 112(d)(6) for not revising the standards to reflect or take this development into account. The commenter added that because the EPA has identified spray dryer absorbers as an additional type of control for HCl, these controls must be evaluated as ''developments'' that could strengthen emission reductions of HCl. Furthermore, the commenter contended that there are also developments in monitoring of acid gases—particularly HCl. The commenter noted that the EPA has required monitoring of HCl in multiple national standards in recent years, and the EPA should strengthen monitoring in this rule due to these demonstrated developments.

Another commenter argued that because the EPA identified blowing still technologies that emit no HCl, a standard for HCl emissions from new blowing stills should be established at zero. The commenter stated that while the EPA does ''not anticipate any air quality impacts'' from these emissions, this does not justify allowing emissions greater than the MACT floor.

Response: CAA section 112(d)(6) requires the EPA to review and revise, as necessary (taking into account developments in practices, processes, and control technologies), emission standards promulgated under this section. We do not agree with the commenter's assertion that the EPA must establish new standards for unregulated emission points or pollutants as part of a technology review of the existing standards. The EPA reads CAA section 112(d)(6) as a limited provision requiring the Agency to, at least every 8 years, review the emission standards already promulgated in the NESHAP and to revise those standards as necessary taking into account developments in practices, processes, and control technologies. Nothing in CAA section 112(d)(6) directs the Agency, as part of or in conjunction with the mandatory 8-year technology review, to develop new emission standards to address HAP or emission points for which standards were not previously promulgated. As shown by the statutory text and the structure of CAA section 112, CAA section 112(d)(6) does not impose upon the Agency any obligation to promulgate emission standards for previously unregulated emissions.

When the EPA establishes standards for previously unregulated emissions, we would not establish those initial standards pursuant to CAA section 112(d)(6) but instead would establish the standards under one of the provisions that govern initial standard setting—CAA sections 112(d)(2) and (3) or, if the prerequisites are met, CAA section 112(d)(4) or CAA section 112(h). Establishing emissions standards under these provisions of the CAA involves a different analytical approach from reviewing emissions standards under CAA section 112(d)(6).

Though the EPA has discretion (and authority) to develop standards under CAA section 112(d)(2) through (4) and CAA section 112(h) for previously unregulated pollutants at the same time as the Agency completes the CAA section 112(d)(6) review, any such action is not part of the CAA section 112(d)(6) review, and there is no obligation to undertake such actions at the same time as the CAA section 112(d)(6) review. For this rulemaking, we do not have sufficient data to establish an emissions standard that reasonably reflects the performance of the best sources pursuant to the requirements of CAA section 112(d)(2) and (3).[24] We have data from one

[23] The commenter cited the following rulemakings as examples where EPA has added standards for previously unregulated HAP emissions sources for certain emission points: Primary Lead NESHAP, Final Rule, 76 FR 70834 (November 15, 2011); Petroleum Refineries NESHAP, 74 FR 55670 (October 28, 2009); Generic MACT NESHAP, Final Rule, 79 FR 60898 (October 8, 2014); Polymers & Resins Group IV; Pesticide Active Ingredient Production; Polyether Polyols Prod. NESHAP, Final Rule, 79 FR 17340 (March 27, 2014); Polymers & Resins I NESHAP, Final Rule, 76 FR 22566, 22569 (April 21, 2011); and Oil and Gas NESHAP, 77 FR 49490, 49492, 49530 (August 16, 2012).

[24] We also note that, given the currently available information, establishing standards for HCl from blowing stills under CAA section 112(d)(4) or (h) would not be appropriate.

emission test from a single facility and it would take significant time, well beyond the court-ordered deadline for completing this rulemaking, to acquire sufficient additional data and other emissions information and perform the analyses needed to establish an appropriate standard under CAA section 112(d)(2) and (3). Further, given the court-ordered deadline of March 13, 2020, we do not have time to collect the needed data and information. Therefore, it is impracticable for the EPA to establish new standards for previously unregulated emissions as part of this rulemaking.[25]

Comment: One commenter contended that the EPA must evaluate and require use of the Digital Camera Opacity Technique (DCOT) as a method for assessing and demonstrating compliance with the opacity limits in the emission standards. The commenter noted that the Agency has required use of the DCOT in the Ferromanganese and Silicomanganese Production NESHAP (40 CFR part 63, subpart XXX) and supported its use because it provides a photographic record of each of the opacity readings, allows for third-party evaluation, and provides better documentation of fugitive emissions. The commenter added that the EPA determined the DCOT is a development in monitoring and will improve the facility's, the EPA's, and the state's ability to assure compliance with the standards. The commenter stated that the EPA noted that the DCOT provides reliable, unbiased opacity readings and required this rather than the human eye-based, visual-only smoke assessment protocol of EPA Method 9. The commenter concluded that because DCOT is a ''development'' within the meaning of CAA section 112(d)(6), the EPA must take it into account and require use of it in this rule. The commenter contended that failing to do so would also be unlawful, arbitrary, and capricious.

Response: We are not finalizing a requirement to use DCOT in place of EPA Method 9 for this rule. The DCOT system, as required in the Ferroalloys rule, uses a handheld American Society for Testing and Materials (ASTM) D7520–16 compliant camera system, which was only available from a single vendor at the time. There are currently no vendors supplying the portable ASTM D7520–16 compliant systems. The only DCOT systems currently available are customized fixed-location camera systems. We conclude that it is inappropriate to require the fixed location camera systems for this industry due to the relatively high cost associated with emplacing the large number of individual camera units that would be needed, one at each emission point for the intermittent opacity readings, in addition to the difficulty in positioning the fixed location cameras to obtain a suitable background and orientation with the sun and plume throughout the day at existing source locations. Further, the advantage of the DCOT system, as discussed in the preamble of the final Ferroalloys rule, is in having better documentation ''. . . in this specific case where fugitive emissions are driving the risk . . .'' Fugitive emissions are not the driving risk for the NESHAP for the Asphalt Processing and Asphalt Roofing Manufacturing source categories. Nevertheless, the EPA is not precluding ASTM D7520–16, *Standard Test Method for Determining the Opacity of a Plume in the Outdoor Ambient Atmosphere,* from being used to comply with the opacity standards in this rule and, as proposed, has included this method with conditions as an acceptable alternative to EPA Method 9.

Comment: One commenter stated the EPA should update its regulations regarding asphalt storage tanks to require controls of all storage tanks. The commenter added that the EPA acknowledged that currently 428 out of 540 asphalt storage tanks are controlled using a packed bed scrubber or a thermal incinerator. The remaining 112 are uncontrolled and vent straight to the atmosphere. The commenter stated that the EPA should explain why it is not necessary to extend these control requirements to the remainder of the storage tanks.

Response: Based on information received in response to the CAA section 114 ICR, we have determined that there are no uncontrolled asphalt storage tanks that are subject to the requirements for Group 2 storage tanks under the 40 CFR part 63, subpart LLLLL, MACT standards. To clarify, it is true that, based on the CAA section 114 ICR, the EPA initially identified 428 asphalt storage tanks that are fixed roof tanks that vent to either a combustion control device or to a PM control device and another 112 asphalt storage tanks that are fixed roof tanks or horizontal tanks that vent to the atmosphere (uncontrolled). However, we also stated in our proposed technology review that the 112 uncontrolled asphalt storage tanks are either considered Group 2 under the 40 CFR part 63, subpart LLLLL, MACT standards or operate at an area source of HAP. After additional evaluation, we determined that only 11 of the 112 uncontrolled asphalt storage tanks that we identified from our CAA section 114 ICR could potentially be subject to the requirements for Group 2 storage tanks under the 40 CFR part 63, subpart LLLLL, MACT standards (because the other 101 tanks operate at an area source of HAP and are not subject to the 40 CFR part 63, subpart LLLLL, MACT standards). Of the 11 uncontrolled Group 2 asphalt storage tanks, six are reported as shut down, and after further investigation using responses from an industry-wide ICR on petroleum refineries (refer to section II.C of 79 FR 36886 and 36887), we determined that the remaining five are located at one petroleum refinery, have low vapor pressures (*e.g.,* about 3.38E–05 pounds per square inch), and are subject to either 40 CFR part 60, subpart UU, or 40 CFR part 63, subpart Ka, Kb, or CC (and not 40 CFR part 63, subpart LLLLL). Finally, we want to clarify that Table 1 to 40 CFR part 63, subpart LLLLL, requires that Group 2 tanks be operated such that exhaust gases are limited to 0-percent opacity. Any control device or other method that can meet the 0-percent opacity standard for storage tanks can be used, and it is possible that some facilities may not need a control device to meet the opacity limit.

Comment: One commenter noted that in the Petroleum Refinery Sector final rule at 80 FR 75178, 75193, and 75194 (December 1, 2015), the EPA recognized as a ''development'' the availability of fenceline monitoring technology and methods and, therefore, required all facilities to implement these tools. The commenter added that the use of fenceline monitoring, such as the passive samplers or absorbent tubes that the EPA required using EPA Methods 325A and 325B, reflects an up-to-date method to evaluate leaks of HAP. The commenter noted that although in the Petroleum Refinery Sector Rule the EPA chose the chemical benzene as the analyte, the tools the EPA required for refineries can monitor for other pollutants as well. The commenter added that since 2015, there have been even further ''developments'' in fenceline monitoring, and local and state jurisdictions have required implementation of real-time fenceline monitoring, using various types of technology selected by the facility from approved methods and presented for

[25] While not related to the technology review, we note that related to the residual risk review, we found the risks associated with the Asphalt Processing and Asphalt Roofing Manufacturing source categories to be acceptable and that the current NESHAP provides an ample margin of safety in the absence of additional CAA section 112(d)(2) and (3) standards for unregulated pollutants. The HCl emissions from blowing stills were included in the residual risk analysis.

public notice and comment. The commenter concluded that the EPA would violate CAA section 112(d)(6) by failing to consider and account for the ''developments'' in fenceline monitoring, and pollution controls here—particularly where data show significant health risks from emitted pollutants.

Response: We are not finalizing any requirements for fenceline monitoring in the final rule. The passive samplers and adsorbent tubes of EPA Methods 325A and 325B are a method of evaluating potential fugitive and area source emissions of VOC and are not suitable for all HAP. Fenceline monitoring, as discussed in the preamble to the proposed Petroleum Refinery rule (79 FR 36920), may identify significant increases in emissions, but small increases in emissions are unlikely to impact the fenceline concentrations. The four refineries subject to the 40 CFR part 63, subpart LLLLL, MACT standards are also subject to 40 CFR part 63, subpart CC, and currently have fenceline monitoring in place under that rule. The potential for fugitive volatile organic HAP emissions at the remaining four subject facilities not collocated at a refinery is vastly lower as a result of the reduced amount of piping and the reduced storage of volatile organic materials. The EPA disagrees with the commenter that the data show significant health risks from emitted pollutants. As noted in the *Residual Risk Assessment for the Asphalt Processing and Asphalt Roofing Manufacturing Source Categories in Support of the 2019 Risk and Technology Review Final Rule,* the maximum cancer risk from category emissions is less than 1-in-1 million, and the maximum whole facility cancer risk is 9-in-1 million, driven by non-category refinery emissions, at a facility which already has fenceline monitoring due to the Petroleum Refinery rule.

Comment: We received two comments in response to our request for comments on the relationship between the technology review conducted under CAA section 112(d)(6) and the residual risk analysis under CAA section 112(f)(2) and whether it is necessary for the EPA to amend rules based on CAA section 112(d) to reflect the results of the CAA section 112(d)(6) technology review if the results of the residual risk analysis under CAA section 112(f)(2) show that the current rule provides an ample margin of safety to protect public health and prevent an adverse environmental effect. One commenter argued that the EPA must complete the technology review and propose standards based on the findings of that review, regardless of the results of the residual risk analysis. Another commenter argued technology reviews need not consider whether to reduce emission limits in response to developments in emission control technologies as long as the health-based ample margin of safety determination remains unchanged. For a more thorough summary of these comments, refer to the comment summary and response document, *Summary of Public Comments and Responses for Risk and Technology Review for Asphalt Processing and Asphalt Roofing Manufacturing,* which is available in the docket for this rulemaking.

Response: The EPA is not taking final action on the proposed interpretation that the EPA take into account in the CAA section 112(d)(6) technology review the results of a residual risk analysis under CAA section 112(f)(2). Instead, the EPA is finalizing our determination that no revision to the NESHAP is necessary pursuant to CAA section 112(d)(6) based on our consideration of developments in practices, processes, and control technologies, as explained above. Because we are not relying on the potential interpretation that was discussed in the proposal preamble in our final action, we are not addressing the comments we received regarding the relationship between the technology review conducted under CAA section 112(d)(6) and the residual risk review conducted under CAA section 112(f)(2).

4. What is the rationale for our final approach for the technology review?

The EPA is not finalizing the technology review as proposed with regard to HCl emissions standards for blowing stills. As discussed in section IV.B of this preamble, we determined that it is not appropriate to establish new standards for previously unregulated sources or pollutants under the technology review. Pursuant to CAA section 112(d)(6), we are finalizing all required aspects of the technology review as proposed. For the reasons explained in the proposed rule, we determined that there are no developments in practices, processes, or control technologies that warrant revisions to the standards. We evaluated all of the comments on the EPA's technology review and we determined no changes to the review are needed. More information concerning our technology review is in the memorandum titled *Clean Air Act Section 112(d)(6) Review for the Asphalt Processing and Asphalt Roofing Manufacturing Source Categories Final,* in the docket for this action, and in the preamble to the proposed rule (84 FR 18939).

C. Amendments Addressing Emissions During Periods of SSM

1. What amendments did we propose to address emissions during periods of SSM?

We proposed removing and revising provisions related to SSM that are not consistent with the requirement that standards apply at all times. More information concerning our proposal on SSM can be found in the proposed rule (84 FR 18939).

2. How did the SSM provisions change since proposal?

Since proposal, the SSM provisions have not changed.

3. What key comments did we receive on the SSM revisions and what are our responses?

Comment: One commenter disagreed with the EPA's claims that they have discretion to set standards for malfunctions ''where feasible.'' The commenter contended that the CAA denies the EPA authority to set malfunction-based standards or exemptions; and cited CAA section 112(d), (h), and CAA section 302(k). The commenter also cited a reconsideration petition for the Refinery Sector Rule, where malfunction standards were developed, that the Court held in abeyance.

Response: The EPA disagrees that it lacks the authority to set standards for malfunctions where feasible but notes that the EPA did not propose separate standards for periods of malfunction. The EPA's approach to malfunctions is consistent with CAA section 112 and is a reasonable interpretation of the statute. At proposal, we explained our interpretation of CAA section 112 as not requiring emissions that occur during periods of malfunction to be factored into the development of CAA section 112 standards, and noted that this reading has been upheld as reasonable by the Court in *U.S. Sugar Corp.* v. *EPA,* 830 F.3d 579, 606–10 (2016). (84 FR 18946.)

The EPA further explained that ''[a]lthough no statutory language compels the EPA to set standards for malfunctions, the EPA has the discretion to do so where feasible.'' (84 FR 18946). We explained that, ''[t]he EPA will consider whether circumstances warrant setting work practice standards for a particular type of malfunction and, if so, whether the EPA has sufficient information to

identify the relevant best performing sources and establish a standard for such malfunctions'' (84 FR 18946).

The EPA is not finalizing separate standards for periods of malfunction. As explained at proposal, in the unlikely event that a source fails to comply with the applicable CAA section 112(d) standards as a result of a malfunction event, the EPA would determine an appropriate response based on, among other things, the good faith efforts of the source to minimize emissions during malfunction periods, including preventative and corrective actions, as well as root cause analyses to ascertain and rectify excess emissions. The EPA would also consider whether the source's failure to comply with the CAA section 112(d) standard was, in fact, sudden, infrequent, not reasonably preventable, and was not instead caused in part by poor maintenance or careless operation. 40 CFR 63.2 (definition of malfunction). If the EPA determines in a particular case that an enforcement action against a source for violation of an emission standard is warranted, the source can raise any and all defenses in that enforcement action and the Federal district court will determine what, if any, relief is appropriate. The same is true for citizen enforcement actions. Similarly, the presiding officer in an administrative proceeding can consider any defense raised and determine whether administrative penalties are appropriate (84 FR 18946).

Comment: One commenter objected to the incorporation of 40 CFR 63.6(e)(1)(ii) because it removes the requirement for a source to correct a malfunction within a specified time period. The commenter stated that the incorporation of this provision into the rule can result in increased emissions; and it is unlikely that this potential increase in emissions was accounted for in the risk assessment conducted by the EPA. The commenter recommended the provision not be incorporated into the final rule, and instead sources should be required to initiate corrective action as soon as practicable but no later than 72 hours from the start of the malfunction.

Response: The final rule does not incorporate 40 CFR 63.6(e)(1)(i) and (ii) as they are no longer applicable. The EPA is finalizing as proposed 40 CFR 63.8685(b), which incorporates the general duty to minimize emissions at all times. The finalized regulatory language at 40 CFR 63.8685(b) characterizes what the general duty entails during periods of SSM. Since the EPA is eliminating the SSM exemption and the standards are applicable at all times, there is no need to distinguish among normal operations, startup and shutdown, and malfunction events in describing the general duty.

Comment: One commenter said that because this rulemaking is being conducted on a shorter-than-normal timetable due to judicial deadlines, they did not have sufficient time to adequately study the proposed revisions to SSM requirements and are unable to respond to the EPA's request for recommendations on possible approaches. The commenter asserted that different emission standards should be adopted to reflect the realities of different operating conditions and reserves the right to propose such standards at a later date. The commenter stated that despite the EPA's interpretation of the *Sierra Club* v. *EPA* Court ruling, it is an unsupportable position to require emissions sources undergoing a condition of startup, shutdown or malfunction to comply with an emission standard developed to reflect normal operations. The commenter said that even to the extent that an acceptable work practice standard can be developed for startup and shutdown emissions, the use of ''enforcement discretion'' during periods of malfunction (when emissions cannot be readily controlled) fails to qualify as an attainable regulatory standard.

The commenter also stated that if the EPA decides to finalize its proposal to eliminate the SSM exemptions, then they support the EPA's proposed revisions to Table 7 addressing the General Provision requirement to develop an SSM Plan and related provisions. The commenter also agrees with the EPA's proposed revisions to eliminate requirements that are inappropriate, unnecessary, or redundant consistent with the elimination of SSM provisions.

Response: The final rule text at 40 CFR 63.8685(b) sets forth the general duty to minimize emissions, and states that, ''[a]t all times, you must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.'' The regulatory text further explains that ''[t]he general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved.'' *Id.*

As explained at proposal and as discussed earlier in this preamble (in response to another comment we received), in the unlikely event that a source fails to comply with the applicable CAA section 112(d) standards as a result of a malfunction event, the EPA would determine an appropriate response based on, among other things, the good faith efforts of the source to minimize emissions during malfunction periods, including preventative and corrective actions, as well as root cause analyses to ascertain and rectify excess emissions. The EPA would also consider whether the source's failure to comply with the CAA section 112(d) standard was, in fact, sudden, infrequent, not reasonably preventable, and was not instead caused in part by poor maintenance or careless operation. 40 CFR 63.2 (definition of malfunction). If the EPA determines in a particular case that an enforcement action against a source for violation of an emission standard is warranted, the source can raise any and all defenses in that enforcement action and the Federal district court will determine what, if any, relief is appropriate. The same is true for citizen enforcement actions. Similarly, the presiding officer in an administrative proceeding can consider any defense raised and determine whether administrative penalties are appropriate. In summary, the EPA's interpretation of the CAA and, in particular, CAA section 112, is reasonable and encourages practices that will avoid malfunctions. Administrative and judicial procedures for addressing exceedances of the standards fully recognize that violations may occur despite good faith efforts to comply and can accommodate those situations. *U.S. Sugar Corporation* v. *EPA,* 830 F.3d 579, 606–610 (2016) (84 FR 18946).

4. What is the rationale for our final approach and final decisions to SSM-related Requirements?

We evaluated all of the comments on the EPA's proposed amendments to the SSM provisions. For the reasons explained in the proposed rule (84 FR 18939), we determined that these amendments remove and revise provisions related to SSM that are not consistent with the requirement that the standards apply at all times. Therefore, we are finalizing the amendments to remove and revise provisions related to SSM, as proposed.

D. Technical Amendments to the MACT Standards

1. What other amendments did we propose for the Asphalt Processing and Asphalt Roofing Manufacturing source categories?

We proposed to add an option at 40 CFR 63.8689(d) and Table 2 to subpart LLLLL of part 63 to allow the use of

manufacturers' specifications to establish the maximum pressure drop across the control device used to comply with the PM standards. We also proposed to add a footnote to Table 2 to subpart LLLLL of part 63, the Asphalt Processing and Asphalt Roofing Manufacturing NESHAP, to allow owners and operators to use the performance test average inlet temperature and apply an operating margin of +20 percent to determine maximum inlet gas temperature of a control device used to comply with the PM standards. Furthermore, we proposed a requirement at 40 CFR 63.8691(e) that periodic performance tests be conducted at least once every 5 years for each APCD used to comply with the PM, THC, opacity, or visible emission standards.

We also proposed that owners and operators submit electronic copies of required performance test reports, performance evaluation reports, compliance reports, and NOCS reports through the EPA's CDX using the CEDRI, and we proposed two broad circumstances in which we may provide an extension to these requirements. We proposed at 40 CFR 63.8693(h) that an extension may be warranted due to outages of the EPA's CDX or CEDRI that precludes an owner or operator from accessing the system and submitting required reports. We also proposed at 40 CFR 63.8639(i) that an extension may be warranted due to a force majeure event, such as an act of nature, act of war or terrorism, or equipment failure or safety hazards beyond the control of the facility.

Finally, we proposed numerous provisions clarifying text or correcting typographical errors, grammatical errors, and cross-reference errors. These editorial corrections and clarifications are summarized in Table 4 of the proposal. See 54 FR 18951 and 18952.

2. How did the other amendments for the Asphalt Processing and Asphalt Roofing Manufacturing source categories change since proposal?

Instead of using manufacturers' specifications or a performance test to establish a maximum pressure drop across the control device used to comply with the PM standards as proposed, we are finalizing a requirement that requires owners and operators to establish a pressure drop range (*i.e.,* a minimum and a maximum pressure drop) across the PM control device with the option to either use manufacturers' specifications or a performance test to establish the range. Also, although we are finalizing the proposed requirement that allows owners and operators to apply an operating margin of +20 percent to the performance test average inlet temperature to determine maximum inlet gas temperature of a control device used to comply with the PM standards, in the final rule, we are clarifying the operating margin applies to temperatures expressed in units of degrees Celsius or degrees Fahrenheit. Furthermore, in the final rule amendments, we have added language to the periodic performance testing requirements to allow facilities to synchronize their periodic performance testing schedule with a previously conducted emission test. Since proposal, the electronic reporting requirements and the technical and editorial corrections in Table 4 of the proposal (see 54 FR 18951 and 18952) have not changed.

3. What key comments did we receive on the other amendments for the Asphalt Processing and Asphalt Roofing Manufacturing source categories, and what are our responses?

Comment: One commenter argued that the proposed amendment to 40 CFR 63.8689(d) establishing maximum pressure drop as an operating limit for particulate control devices is not a reliable indicator of continued compliance because holes or other defects in the filter bags will result in decreased pressure drop and an increase in emissions.

Response: The EPA agrees that the maximum pressure drop is insufficient in itself to demonstrate ongoing compliance, as malfunctions such as holes, leaks, and even bypass of the control device would not be indicated by an exceedance of the pressure drop maximum. The inclusion of pressure drop minimum, creating an operating range for the pressure drop, provides a more complete indication of filter bank performance. Therefore, to better assure proper operation of the particulate control device, we are requiring in the final rule at item 3 of Table 2 and item 3 of Table 5 that the operating criteria for each particulate control device include both a maximum and minimum pressure drop operating limit as opposed to solely a maximum pressure drop operating limit. The addition of a minimum limitation to the operating range of the PM control device mirrors the approach in the Asphalt Processing and Asphalt Roofing Manufacturing area source NESHAP, 40 CFR part 63, subpart AAAAAAA, and provides an indication of breakthrough or bypass of the control device, as a drop in the differential pressure below that established by the manufacturer's specification would indicate that potentially either the control device has been inadvertently bypassed (leaking around the filter) or possible tearing or distortion of the filter has occurred. As discussed later in this preamble (in response to another comment we received), we are also clarifying in the final rule at item 12 of Table 3 procedures for establishing the maximum and minimum pressure drop operating limits.

Comment: Two commenters argued that the proposed amendment to 40 CFR 63.8689(d) allowing the use of manufacturers' recommendations to establish operating limits for particulate control devices is not a reliable indicator of continued compliance.

One commenter said that control system vendors may incorporate components from various manufacturers in their systems and the manufacturers may be unaware of the configuration. The commenter also said that control systems may also be reconfigured from time to time to reflect changes in the manufacturing process or the raw materials used, and manufacturers are unable to predict these changes. Similarly, another commenter asserted that the revisions change the limit from a demonstrated point to an assumed point of compliance. The commenter stated that manufacturer specifications may show where a control device should operate within compliance but are not sufficient to show whether a device is operating within compliance.

One commenter contended that the change was proposed in response to industry's claim that tests to capture the maximum pressure drop and gas temperature are difficult due to their dependence on ambient temperature and operating life of the filter. The commenter added that the EPA previously acceded to industry requests for pressure limits but concluded that temperature was too important in evaluating emissions, because emissions are temperature dependent. The commenter added that the EPA made the change based on cost and cited the EPA's cost memorandum, which reports that the switch will save industry nearly half a million dollars, primarily by avoiding having to change out its filters as often. The commenter concluded that industry asked the EPA to save it some money by loosening its standards, and the EPA complied.

A commenter said that the EPA neither cites any authority, nor supplies a reasoned explanation to demonstrate how this change satisfies the CAA. The commenter added that the EPA may not change the standards without demonstrating how the revised standard

satisfies CAA section 112(d)(2) through (3) and the EPA has no authority to weaken the existing standard under CAA section 112(d)(6) or otherwise. The commenter concluded that the EPA may not use cost to set or weaken floor standards under CAA section 112(d)(3) or to weaken standards below the ''maximum achievable degree of emission reduction'' under CAA section 112(d)(2).

A commenter alleged that the EPA failed to provide the emission and health impacts of the revisions or the scientific or engineering basis for the decision. The commenter added that the EPA did not explain how or whether it validated industry claims that actually running tests created difficulties due to scheduling, whether this change risks an increase in malfunctions or emissions, the impact on the effectiveness of filters when not switching them more frequently, and why manufacturer specifications are sufficient to fit facilities that may vary in their ambient conditions, in their equipment, and in their production. The commenter added that by not providing these analyses, the EPA has deprived the public of the opportunity to file meaningful comments on the change, which is a violation of notice-and-comment rulemaking.

Response: The EPA agrees that for some control technologies, manufacturers' specifications may not be sufficient to determine operating limits; however, manufacturers' specifications in conjunction with the periodic performance tests are sufficient to demonstrate compliance for the operation of filter banks such as those used in this source category (where the replaceable parts are limited to the filters themselves and the induced draft fan). Specifically, the EPA disagrees that the use of manufacturers' specifications for the maximum pressure drop is not a reliable indicator of filter bank performance at the upper end of filter bank pressure drop. The EPA further disagrees that the use of manufacturers' specifications in setting the maximum pressure drop is a loosening of the standard. The efficiency of a filter bank increases as the pressure drop increases through use because the deposition of material on the filter forms a layer of dust that decreases the effective pore size and increases capture efficiency. The purpose of a maximum pressure drop as a regulatory limit in the case of a filter bank is to prevent overloading of the filter, which may eventually cause breakthrough or result in structural damage to the filter or a possible bypass of the control device. The use of manufacturers' specifications as an option for setting the operating range allows for a facility to remain in compliance with the operating limits when the filter is replaced, because that is the moment at which the pressure drop of a properly functioning filter bank is the lowest. As stated in our proposal, allowing use of manufacturers' specifications to establish operating limits provides flexibility and alleviates the need for a facility to have to retest the PM control device to reestablish new operating limits due to the inability of a source to ''dial in'' the differential pressure of their control device for a particular performance test as the differential pressure increases over time as a result of particulate deposition. Finally, as discussed previously in this preamble (in response to another comment), we are requiring in the final rule at item 3 of Table 2 and item 3 of Table 5 that the operating criteria for each particulate control device include both a maximum and minimum pressure drop as opposed to solely a maximum pressure drop operating limit. Therefore, in consideration of this comment and in order to provide additional flexibility, we are clarifying in the final rule at 40 CFR 63.8689(d) that facilities may either use the manufacturers' specifications or a performance test to set each operating limit. For example, facilities may choose to establish the minimum pressure drop operating limit using the manufacturer's specifications and choose to establish the maximum pressure drop operating limit using a performance test. In this example, the facility could use the performance test to demonstrate that it can still meet the emission limit beyond the maximum pressure drop recommended by the manufacturer's specifications.

Comment: One commenter supported allowing facilities a 20-percent margin of compliance on the average inlet temperature of a PM control device other than a thermal oxidizer. The commenter stated that it is typically necessary to schedule tests at least 1 to 2 months in advance to assure the availability of stack testing contractors. The commenter also agreed with the EPA that it is impractical to schedule testing at times of the year when maximum temperatures will occur because ambient temperatures cannot be precisely predicted in advance. The commenter stated that they appreciate that the EPA recognizes the variations in operating conditions that facilities may routinely experience consistent with the proper operation of such control devices within the manufacturer's specifications. However, the commenter suggested that the EPA clarify this 20-percent allowance applies to temperatures expressed in units of degrees Fahrenheit because the application of a 20-percent margin to temperature expressed in other units of measure would not result in the same temperature.

On the contrary, two other commenters opposed allowing facilities a 20-percent margin of compliance on the average inlet temperature of a PM control device other than a thermal oxidizer.

One commenter disagreed with the EPA's claims that the change addresses the high impact of ambient conditions on the inlet temperature and removes some of the scheduling uncertainty while still accounting for the temperature dependence of emissions. The commenter contended that the difficulty industry faces is in trying to capture the maximum gas inlet temperature at which they can achieve compliance, which is the maximum point at which that facility can show it can operate while being in compliance. The commenter contended that the 20-percent extra allowance for temperature is a malfunction buffer and the EPA is statutorily barred from creating a malfunction exemption, and they cited *Sierra Club* v. *EPA,* 551 F.3d 1019, 1028 (D.C. Cir. 2008) (citing CAA sections 112 and 302(k)).

Additionally, the commenter contended that the EPA did not include an analysis that explains why it chose to add the 20-percent margin for temperature limits, the impact that this will have, and why this change to its prior standards is justified by the best available science. The commenter asserted that the EPA needs to also cite its authority for the proposed change, demonstrate how its proposal stays within the bounds of that authority, and explain and show its work, so that the public can evaluate and comment on it. Similarly, another commenter said the 20-percent extra allowance for temperature is unsupported by any data.

A commenter stated that where condensable PM, including high boiling point asphalt components, is present, control efficiency is affected by the vapor pressure of the components, and emissions will increase at higher temperatures. The commenter suggested that facilities that are unable to maintain the operating limits established during a successful performance test conducted in the winter should be required to conduct an additional performance test in the summer to establish a seasonal operating limit. Further, the commenter said that there is no rationale to allow a 20-percent margin for facilities that

have conducted their performance tests in the summer. Additionally, the commenter pointed out that it is unclear whether the risk assessment included these potentially increased emissions (of condensable PM due to higher control device operating temperatures) and called attention to the statement in the preamble (84 FR 18952) that no air quality impacts are anticipated. The commenter said this statement in the preamble incorrectly ignores the increased emissions due to higher control device operating temperatures that would be allowed in the proposed amendments.

Response: The EPA disagrees with the commenter's assessment that the proposed 20-percent extra allowance on the inlet gas temperature limit of the PM control device is a malfunction buffer. Malfunction is defined in 40 CFR 63.2 as ''any sudden, infrequent, and not reasonably preventable failure of air pollution control and monitoring equipment, process equipment, or a process to operate in a normal or usual manner which causes, or has the potential to cause, the emission limitations in an applicable standard to be exceeded.'' The potential temperature exceedance being addressed by this provision is not a failure to operate in a normal or usual manner, but a normal variation of inlet temperature in accordance with natural temperature variation. The temperature at the inlet to these PM control devices is highly dependent on the ''sweep'' air from the process area, a non-temperature controlled environment. The inlet temperature, thus, swings over the course of a day and through the seasons based upon the ambient temperature. Facilities are not equipped to modulate the inlet temperature. The issue facilities face is not one of testing in the winter and, thus, being out of compliance in the summer, as there is no lower temperature limit being set and facilities are not testing in the winter, but of trying to accurately predict the hottest day of the next 5 summer weeks in advance to be sure that the temperature at the inlet is at its peak during the test event. An 85 degrees Fahrenheit day instead of an anticipated 95 degrees Fahrenheit day is sufficient to cause potential issues in the setting of maximum temperature limitations, as facilities do not have a mechanism for controlling the inlet temperature. The EPA has used operating margins in the setting of control device operating parameter limits for certain other rules such as 40 CFR part 63, subparts AA and BB, NESHAP for Phosphoric Acid Manufacturing Plants and Phosphate Fertilizers Production Plants, respectively, where the daily average differential pressure across an absorber and the flow rate of the liquid to each absorber or the secondary voltage for a wet electrostatic precipitator is ±20 percent of the baseline average; 40 CFR part 63, subpart LLL, NESHAP for the Portland Cement Manufacturing Industry, where the temperature of the inline kiln/raw mill during startup/shutdown may exceed the temperature limit by 10 percent; and 40 CFR part 63, subpart RRR, NESHAP for Secondary Aluminum Production, where the flow rate of the capture/collection system indicators is maintained at greater than 90 percent of the flow rate measured during the performance test.

The EPA anticipates no increases in emissions as a result of the change in the mechanism of determining the maximum allowable inlet temperature. As discussed above, facilities have no control over the inlet temperature; the temperature of the sweep air to a large extent defines the inlet temperature. Facilities will not be increasing the inlet operating temperature as a result of this change but will be better able to schedule their periodic performance test as a result. Facilities will likely continue to aim to perform their performance tests at the highest temperature possible in order to best insulate themselves from potentially exceeding their maximum temperature limit as a result of higher ambient temperatures. The inclusion of the periodic performance test will also help ensure that emissions are maintained below the emission limit through the recurring measurement of actual emissions.

The EPA agrees that a clarification of which temperature scale the temperature is to be determined is necessary because the application of a 20-percent margin to temperature expressed in units other than degrees Celsius or degrees Fahrenheit would result in too large of an operating limit window (*e.g.,* although 305 Kelvin is equal to about 90 degrees Fahrenheit, 20 percent of 305 Kelvin is very different from 20 percent of 90 degrees Fahrenheit). Therefore, the EPA is specifying in the final rule at item 12 of Table 3 that the temperature must be measured in units of degrees Celsius or degrees Fahrenheit. We acknowledge that the use of Celsius will result in a slightly more conservative temperature range (6.4 degrees Fahrenheit less when compared to the corresponding Fahrenheit range), but want to ensure the flexibility of either temperature scale for facilities.

Comment: One commenter pointed out that Table 3 to the proposed rule does not specify a required frequency for the EPA Method 22 visible emissions test. The commenter suggested EPA Method 22 should be conducted daily because it serves to ensure continued satisfactory performance of the emissions capture system. The commenter said that defects in the capture system and duct work leading to a control device should not be allowed to persist for 5 years before initiating corrective action.

Response: The EPA disagrees with the commenter that the frequency for EPA Method 22 evaluations is not specified in the rule. Table 3 to 40 CFR part 63, subpart LLLLL, presents the Requirements for Performance Tests; the frequency of these tests, after the initial Performance Test, is set in 40 CFR 63.8691(e). The EPA is clarifying that the visible emissions and opacity tests are included in the periodic performance tests by removing the phrase ''during the initial compliance period described in 63.8686'' from the appropriate rows in Table 4 to 40 CFR part 63, subpart LLLLL (Initial and Continuous Compliance With Emissions Limitations), dealing with opacity and visible emissions measurements. The inclusion of the EPA Method 22 visible emissions measurement during the performance test documents that, during the performance test, the emissions capture system was operating correctly and that emissions directed to the control device are maximized. The addition of a daily EPA Method 22 evaluation is not necessary. The requirement to limit visible emissions from the capture system is applicable at all times, and the continuing operation of the emissions capture system outside of the performance test is governed by the general duty to operate and maintain any affected source including the air pollution control equipment in a manner consistent with safety and good air pollution control practices.

Comment: One commenter supported the EPA's proposal to require performance testing within 3 years of publication and every 5 years thereafter, to ensure compliance. Another commenter said the requirement to perform testing once every 5 years is redundant with existing requirements. The commenter contended that facilities subject to the current NESHAP are subject to title V permitting, and many title V permits now require re-testing once every 5 years consistent with the title V renewal cycle.

Response: The EPA is finalizing the requirement that the performance tests must be conducted at least once every

5 years, as proposed; however, we are adding language to the final rule text at 40 CFR 63.8691(e)(1) to clarify that facilities are allowed to synchronize their periodic performance testing schedule with a previously conducted emission test, such as a test associated with title V permit renewal, provided the facility can demonstrate to the Administrator's satisfaction that the testing meets the requirements of 40 CFR 63.8686(b).

Comment: One commenter suggested that if the EPA will not reconsider the regulation requiring periodic testing every 5 years, then the EPA should propose an approach that allows testing to be curtailed after a facility demonstrates repeated compliance in successive testing events.

Response: The EPA is not revising the proposed rule to incorporate a reduction in testing frequency greater than 5 years. The EPA has, in some other rules, included a provision that allows for a reduction in the frequency of testing from annual to a 3 or 5-year period after multiple demonstrations of compliance. The 5-year interval for testing in this rule between performance tests would require at least 15 years to demonstrate a trend. Due to the timeframe of recurrent testing (once every 5 years) being promulgated in this rule, the EPA concludes that allowance for a reduced testing frequency is not warranted.

Comment: One commenter declared that the requirement for periodic testing is overly broad and fails to acknowledge both the costs incurred (direct and indirect) and whether additional testing would result in any environmental benefit. The commenter said the proposed rule would require performance testing of each control device used to comply with NESHAP standards for PM, THC, opacity, or visible emissions but argued that NESHAP regulations typically require testing only for the control devices on larger sources, not all control devices. The commenter recommended that for smaller control devices, opacity controls (*e.g.,* mist eliminators), and flares, it should be adequate to operate and maintain each control device as recommended by the manufacturer. The commenter pointed out that petroleum refineries are not required to do any periodic testing for flares subject to the Petroleum Refineries NESHAP (40 CFR part 63, subpart CC). The commenter said that by focusing on only the largest emission sources, there is a clear environmental benefit from the testing, much less disruption to operations, and much less cost incurred by the operator. To the extent the EPA requires some periodic testing, the commenter recommended that the testing requirement exclude opacity and visible emission control devices, the testing requirement exclude flares, and the periodic testing should focus only on the largest emitting source, where risk is determined to be higher or above some specified threshold.

Response: The EPA is finalizing the testing requirements as proposed. The EPA disagrees with the commenter's assertion that the NESHAP regulations typically require testing only for larger emissions sources. The periodic performance test on all sources (small and large) provides a demonstration that the control devices associated with these sources are continuing to operate as designed. The operation of mist eliminators is not merely to control opacity, but also to control emissions of the PM and organic compounds which cause the opacity. The visible emissions tests of the emissions capture system are integral to determining if the overall capture and control system are operating as designed. The commenter indicates that the Petroleum Refineries NESHAP (40 CFR part 63, subpart CC) does not have periodic testing for flares; however, the Petroleum Refineries NESHAP includes robust continuous monitoring requirements associated with flares that are not present in the Asphalt Processing and Asphalt Roofing Manufacturing NESHAP (40 CFR part 63, subpart LLLLL).

Comment: One commenter argued that the net cost benefit that the EPA presents in its justification for added performance testing requirements is significantly overstated and may become a net burden. The commenter suggested the EPA develop more accurate estimates of testing costs to provide a more realistic estimate of the cost impact for the subject facilities. The commenter stated the EPA's cost estimate for performance testing assumes that each source to be tested has an existing emissions point that can actually be sampled, but this may not always be the case, and the costs of adding a stack, sampling ports, and/or sample platforms and ladders should be included. Additionally, the commenter said the EPA's performance test cost estimates for thermal oxidizers treating vent gas from blowing stills are too low. The commenter argued that the EPA underestimated the number of thermal oxidizer/blowing still tests required, and a test on a thermal oxidizer treating vent gas from one or more blowing stills typically requires testing over 3 separate workdays because only one test run can be completed in a typical workday. The commenter stated that blowing stills operate using a batch process that takes up to 6 hours, and to assure the test measurements are representative of the batch cycle, testing is performed for the duration of a batch. The commenter said the cost for testing one thermal oxidizer associated with one or more blowing stills, with each test run covering an entire batch cycle of up to 6 hours, is $44,000. Using this value, the commenter estimated total testing costs to be $172,600 from an asphalt roofing facility that has five reactors controlled by two different thermal oxidizers which discharge to separate stacks. The commenter applied the increased blowing still/thermal oxidizer costs to the number of tests required for the four facilities that do not already have 5-year testing requirements under their respective state title V programs, and showed that the nationwide cost impact is $309,100 rather than the EPA's estimate of $138,800. The commenter said their cost estimate was more than double the estimate the EPA provided in Appendix A of the Cost Impacts memorandum. The commenter said their cost estimate is greater than the EPA's estimated cost savings of $221,100 from proposed changes in monitoring requirements, resulting in a net cost burden rather than net cost benefit.

Response: The EPA agrees that further review of the costs is warranted and based on this review, we have revised our proposed cost impacts analysis. All sources required to be tested have existing initial performance testing requirements and so have already been tested at least once. Therefore, the additional costs for adding a stack, sampling ports, and/or sample platforms and ladders have not been added to the burden of this rule because we have assumed these items already exist (due to the existing initial performance testing requirements). However, the EPA agrees that, based on the longer run time duration for the blowing stills, the initial cost estimates for these tests was low. Therefore, we revised our cost impacts analysis to reflect the commenter's recommended higher blowing still/thermal oxidizer testing costs (*i.e.,* $44,000). We also revised the number of thermal oxidizer/blowing still tests required for one facility. Our revised analysis (even after considering the information provided by this commenter) still results in a net cost savings rather than a net cost burden as suggested by the commenter. We estimate that the final amendments will result in a nationwide net cost savings of $132,000 (2017$) over the 5-year period following promulgation of the amendments. For further information on

the costs and cost savings associated with the final amendments, see the memoranda, *Cost Impacts of Asphalt Processing and Asphalt Roofing Manufacturing Risk and Technology Review Final* and *Economic Impact Analysis for Asphalt Processing and Asphalt Roofing Manufacturing NESHAP RTR Final,* which are available in the docket for this action.

4. What is the rationale for our final approach and final decisions for the other amendments for the Asphalt Processing and Asphalt Roofing Manufacturing source categories?

We evaluated all of the comments on the EPA's proposed amendments for this subpart including the proposed technical and editorial corrections. For the reasons explained in the proposed rule (84 FR 18939), and in sections III.D and IV.D.3 of this preamble, we are finalizing these amendments.

V. Summary of Cost, Environmental, and Economic Impacts and Additional Analyses Conducted

A. What are the affected facilities?

There are four asphalt processing facilities, plus another four asphalt processing facilities collocated with asphalt roofing manufacturing facilities, currently operating as major sources of HAP. As such, eight facilities are subject to the final amendments. A complete list of facilities that are currently subject to the MACT standards is available in Appendix A of the memorandum titled *Clean Air Act Section 112(d)(6) Review for the Asphalt Processing and Asphalt Roofing Manufacturing Source Categories Final,* in Docket ID No. EPA–HQ–OAR–2017–0662.

B. What are the air quality impacts?

Because we are not establishing new numerical emission limits and are not requiring additional controls, no air quality impacts are expected as a result of the final amendments to the rule. Requiring periodic performance testing has the potential to reduce excess emissions from sources using poorly performing add-on controls, even though facilities are required to be in compliance at all times.

The final amendments will have no effect on the energy needs of the affected facilities in either source category and would, therefore, have no indirect or secondary air emissions impacts.

C. What are the cost impacts?

We revised our proposed cost impacts analysis based on a comment received during the public comment period (see section IV.D.3 of this preamble). We estimate that the final amendments will result in a nationwide net present value of net cost savings of $132,000 (2017$) over the 5-year period following promulgation of amendments (2019–2023). The equivalent annualized value of these net cost savings is $32,000 per year when costs are discounted at a 7-percent discount rate. Because periodic performance testing would be required every 5 years, we estimated and summarized the cost savings over a 5-year period. The costs associated with the final amendments are related to recordkeeping and reporting labor costs and periodic performance testing. The requirement for periodic testing of once every 5 years results in an estimated increase in the present value of costs of about $252,000 over the 5-year period in addition to an estimated present value of costs of about $4,000 for reviewing the final amendments. However, the changes to the monitoring requirements for PM control devices result in an estimated present value of cost savings of about $388,000 over the 5-year period. Therefore, overall, we estimate the net present value of net cost savings of about $132,000 for the 5-year period. The final amendments to the monitoring requirements are projected to alleviate some need for asphalt roofing manufacturing facilities to have to retest the PM control device for the sole purpose of reestablishing new temperature and pressure drop operating limits and to allow facilities to extend filter replacement by 3 months. For further information on the costs and cost savings associated with the final amendments, see the memoranda, *Cost Impacts of Asphalt Processing and Asphalt Roofing Manufacturing Risk and Technology Review Final* and *Economic Impact Analysis for Asphalt Processing and Asphalt Roofing Manufacturing NESHAP RTR Final,* which are available in the docket for this action.

D. What are the economic impacts?

As noted earlier, we estimated a nationwide cost savings associated with the final requirements over the 5-year period following promulgation of these amendments. This cost savings is not expected to have adverse economic impacts. For further information on the economic impacts associated with the final requirements, see the memorandum, *Economic Impact Analysis for Asphalt Processing and Asphalt Roofing Manufacturing NESHAP RTR Final,* which is available in the docket for this action.

E. What are the benefits?

The EPA is not finalizing changes to emissions limits, and we estimate the final changes (*i.e.,* changes to SSM, monitoring, recordkeeping, reporting) are not economically significant. Because these final amendments are not considered economically significant, as defined by Executive Order 12866, and because no emissions reductions were estimated, we did not estimate any benefits from reducing emissions.

F. What analysis of environmental justice did we conduct?

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

To examine the potential for any environmental justice issues that might be associated with the source category, we performed a demographic analysis, which is an assessment of risks to individual demographic groups of the populations living within 5 kilometers (km) and within 50 km of the facilities. In the analysis, we evaluated the distribution of HAP-related cancer and noncancer risks from the Asphalt Processing and Asphalt Roofing Manufacturing source categories across different demographic groups within the populations living near facilities.

Results of the demographic analysis indicate that, for six of the 11 demographic groups, African American, Native American, other and multiracial, ages 0–17, ages 18–64, and below the poverty level, the percentage of the population living within 5 km of facilities in the source categories is greater than the corresponding national percentage for the same demographic groups. When examining the risk levels of those exposed to emissions from asphalt processing and asphalt roofing manufacturing facilities, we find that no one is exposed to a cancer risk at or above 1-in-1 million or to a chronic noncancer TOSHI greater than 1.

The methodology and the results of the demographic analysis are presented in a technical report, *Risk and Technology Review—Analysis of Demographic Factors for Populations Living Near Asphalt Processing and Asphalt Roofing Manufacturing Source*

Categories Operations, available in the docket for this action.

G. What analysis of children's environmental health did we conduct?

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA concludes, based on the results of the risk assessment, that the environmental health or safety risks addressed by this action do not present a disproportionate risk to children. This action's health and risk assessments are summarized in section IV.A of this preamble and are further documented in the risk report, *Residual Risk Assessment for the Asphalt Processing and Asphalt Roofing Manufacturing Source Categories in Support of the 2019 Risk and Technology Review Final Rule,* available in the docket for this action.

VI. Statutory and Executive Order Reviews

Additional information about these statutes and Executive orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Orders 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was, therefore, not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

This action is considered an Executive Order 13771 deregulatory action. Details on the estimated cost savings of this final rule can be found in the EPA's analysis of the potential costs and benefits associated with this action. See document titled *Economic Impact Analysis for Asphalt Processing and Asphalt Roofing Manufacturing NESHAP RTR Final,* which is available in the docket for this action.

C. Paperwork Reduction Act (PRA)

Information collection activities in this rule have been submitted for approval to OMB under the PRA. The ICR document that the EPA prepared has been assigned EPA ICR number 2598.02. You can find a copy of the ICR in the docket for this rule, and it is briefly summarized here. The information collection requirements are not enforceable until OMB approves them.

The EPA is not revising the numerical emission limitation requirements for this subpart. The EPA is finalizing a requirement to conduct control device performance testing no less frequently than once every 5 years. The EPA has also revised the SSM provisions of the rule and is requiring the use of electronic data reporting for future performance test results and reports, performance evaluation reports, compliance reports, and NOCS reports. This information would be collected to assure compliance with 40 CFR part 63, subpart LLLLL.

Respondents/affected entities: Owners or operators of asphalt processing facilities and asphalt roofing manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart LLLLL).

Estimated number of respondents: Eight (total).

Frequency of response: Initial, semiannual, and annual.

Total estimated burden: 69 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $95,900 (per year), which includes $88,400 annualized capital and operation and maintenance costs.

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 OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. There are no small entities affected in this regulated industry. See the document, *Economic Impact Analysis for Asphalt Processing and Asphalt Roofing Manufacturing NESHAP RTR Final,* available in the docket for this action.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local, or tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It 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.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. None of the eight asphalt processing and asphalt roofing manufacturing facilities that have been identified as being affected by this final action are owned or operated by tribal governments or located within tribal lands. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA concludes, based on the results of the risk assessment, that the environmental health or safety risks addressed by this action do not present a disproportionate risk to children. This action's health and risk assessments are contained in section IV.A of this preamble.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR Part 51

This rulemaking involves technical standards. As discussed in the preamble of the proposal, the EPA conducted searches for the Asphalt Processing and Asphalt Roofing Manufacturing NESHAP through the Enhanced National Standards Systems Network Database managed by the American National Standards Institute. We also contacted voluntary consensus standards (VCS) organizations and accessed and searched their databases. We conducted searches for EPA Methods 3A, 5A, 9, 10, 22, and 25A of 40 CFR part 60, appendix A. During the EPA's VCS search, if the title or abstract (if provided) of the VCS described technical sampling and analytical procedures that are similar to the EPA's

reference method, the EPA reviewed it as a potential equivalent method.

The EPA incorporates by reference ASTM D7520–16, ''Standard Test Method for Determining the Opacity of a Plume in the Outdoor Ambient Atmosphere,'' with conditions as an acceptable alternative to EPA Method 9. We note that this version of the method (*i.e.,* ASTM D7520–16) is a newer version than what we proposed (*i.e.,* ASTM D7520–2013). The same proposed conditions apply to this newer version; therefore, we are finalizing these conditions, as proposed. The method provides procedures for determining the opacity of a plume, using digital imagery and associated hardware and software. During the DCOT certification procedure outlined in Section 9.2 of ASTM D7520–16, the owner or operator or the DCOT vendor must present the plumes in front of various backgrounds of color and contrast representing conditions anticipated during field use such as blue sky, trees, and mixed backgrounds (clouds and/or a sparse tree stand). The owner or operator must also have standard operating procedures in place, including daily or other frequency quality checks, to ensure the equipment is within manufacturing specifications as outlined in Section 8.1 of ASTM D7520–16. The owner or operator must follow the recordkeeping procedures outlined in 40 CFR 63.10(b)(1) for the DCOT certification, compliance report, data sheets, and all raw unaltered JPEG formatted images used for opacity and certification determination. The owner or operator or the DCOT vendor must have a minimum of four (4) independent technology users apply the software to determine the visible opacity of the 300 certification plumes. For each set of 25 plumes, the user may not exceed 15-percent opacity of any one reading, and the average error must not exceed 7.5-percent opacity. This approval does not provide or imply a certification or validation of any vendor's hardware or software. The onus to maintain and verify the certification and/or training of the DCOT camera, software, and operator in accordance with ASTM D7520–16 and this letter is on the facility, DCOT operator, and DCOT vendor. This method is available at ASTM International, 1850 M Street NW, Suite 1030, Washington, DC 20036. See *https://www.astm.org/.*

The EPA decided not to include 11 other VCS; these methods are impractical as alternatives because of the lack of equivalency, documentation, validation date, and other important technical and policy considerations. The search and review results have been documented and are in the memorandum, *Voluntary Consensus Standard Results for National Emission Standards for Hazardous Air Pollutants for Asphalt Processing and Asphalt Roofing Manufacturing,* which is available in the docket for this action.

Under 40 CFR 63.7(f) and 40 CFR 63.8(f) of subpart A of the General Provisions, a source may apply to the EPA for permission to use alternative test methods or alternative monitoring requirements in place of any required testing methods, performance specifications, or procedures in the final rule or any amendments.

K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA concludes, based on the results of an analysis of demographic factors, that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994).

The documentation for this decision is contained in section IV.A of this preamble and in the technical report, *Risk and Technology Review—Analysis of Demographic Factors for Populations Living Near Asphalt Processing and Asphalt Roofing Manufacturing Source Categories Operations,* available in the docket for this action.

L. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedures, Air pollution control, Hazardous substances, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: January 30, 2020.

Andrew R. Wheeler,

Administrator.

For the reasons set forth in the preamble, the EPA is amending 40 CFR part 63 as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

■ 1. The authority citation for part 63 continues to read as follows:

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

Subpart A—General Provisions

■ 2. Section 63.14 is amended by revising paragraph (h)(102) to read as follows:

§ 63.14 Incorporations by reference.

* * * * *

(h) * * *

(102) ASTM D7520–16, Standard Test Method for Determining the Opacity of a Plume in the Outdoor Ambient Atmosphere, approved April 1, 2016, IBR approved for § 63.1625(b) and table 3 to subpart LLLLL.

* * * * *

Subpart LLLLL—National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing

■ 3. Section 63.8681 is amended by revising paragraph (a) and removing and reserving paragraph (f) to read as follows:

§ 63.8681 Am I subject to this subpart?

(a) You are subject to this subpart if you own or operate an asphalt processing facility or an asphalt roofing manufacturing facility, as defined in § 63.8698, that is a major source as defined in § 63.2, or is located at, or is part of a major source as defined in § 63.2.

* * * * *

■ 4. Section 63.8683 is amended by revising paragraphs (c) introductory text and (d) to read as follows:

§ 63.8683 When must I comply with this subpart?

* * * * *

(c) If you have an area source that increases its emissions or its potential to emit such that it becomes a (or part of a) major source as defined in § 63.2, then the following requirements apply:

* * * * *

(d) You must meet the notification requirements in § 63.8692 according to the schedules in §§ 63.8692 and 63.9(a) through (f) and (h). Some of the notifications must be submitted before you are required to comply with the emission limitations in this subpart.

■ 5. Section 63.8684 is amended by revising the section heading to read as follows:

§ 63.8684 What emission limitations and operating limits must I meet?

■ 6. Section 63.8685 is amended by revising paragraphs (a) through (c) to read as follows:

§ 63.8685 What are my general requirements for complying with this subpart?

(a) Before September 9, 2020, you must be in compliance with the emission limitations (including operating limits) in this subpart at all times, except during periods of startup, shutdown, and malfunction. On and after September 9, 2020, you must be in compliance with the emission limitations (including operating limits) in this subpart at all times, except during periods of nonoperation of the affected source (or specific portion thereof) resulting in cessation of the emissions to which this subpart applies.

(b) Before September 9, 2020, you must always operate and maintain your affected source, including air pollution control and monitoring equipment, according to the provisions in § 63.6(e)(1)(i). On and after September 9, 2020, at all times, you must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether a source is operating in compliance with operation and maintenance requirements will be based on information available to the Administrator that may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the affected source.

(c) Before September 9, 2020, you must develop a written startup, shutdown, and malfunction plan (SSMP) according to the provisions in § 63.6(e)(3). On and after September 9, 2020, a startup, shutdown, and malfunction plan is not required.

* * * * *

■ 7. Section 63.8686 is amended by:

■ a. Revising the section heading;

■ b. Revising paragraphs (a) and (b)(3); and

■ c. Adding paragraph (b)(4).

The revisions and addition read as follows:

§ 63.8686 By what date must I conduct initial performance tests or other initial compliance demonstrations?

(a) For existing affected sources, you must conduct initial performance tests no later than 180 days after the compliance date that is specified for your source in § 63.8683 and according to the provisions in § 63.7(a)(2).

(b) * * *

(3) The control device and process parameter values established during the previously-conducted emission test are used to demonstrate continuous compliance with this subpart; and

(4) The previously-conducted emission test was completed within the last 60 months.

* * * * *

■ 8. Section 63.8687 is amended by revising paragraph (b) and removing and reserving paragraph (c) to read as follows:

§ 63.8687 What performance tests, design evaluations, and other procedures must I use?

* * * * *

(b) Each performance test must be conducted under normal operating conditions and under the conditions specified in Table 3 to this subpart. Operations during periods of startup, shutdown, or nonoperation do not constitute representative conditions for purposes of conducting a performance test. You may not conduct performance tests during periods of malfunction. You must record the process information that is necessary to document operating conditions during the test and explain why the conditions represent normal operation. Upon request, you must make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

* * * * *

■ 9. Section 63.8688 is amended by revising paragraphs (f) and (h) to read as follows:

§ 63.8688 What are my monitoring installation, operation, and maintenance requirements?

* * * * *

(f) As an option to installing the CPMS specified in paragraph (a) of this section, you may install a continuous emissions monitoring system (CEMS) or a continuous opacity monitoring system (COMS) that meets the applicable requirements in § 63.8 according to Table 7 to this subpart and the applicable performance specifications of 40 CFR part 60, appendix B.

* * * * *

(h) In your site-specific monitoring plan, you must also address the following:

(1) Ongoing operation and maintenance procedures in accordance with the general requirements of § 63.8(c)(1)(ii), (c)(3), (c)(4)(ii), and (c)(7) and (8);

(2) Ongoing data quality assurance procedures in accordance with the general requirements of § 63.8(d); and

(3) Ongoing recordkeeping and reporting procedures in accordance with §§ 63.8693 and 63.8694 and the general requirements of § 63.10(e)(1) and (e)(2)(i).

* * * * *

■ 10. Section 63.8689 is amended by revising paragraph (b) and adding paragraph (d) to read as follows:

§ 63.8689 How do I demonstrate initial compliance with the emission limitations?

* * * * *

(b) Except as specified in paragraph (d) of this section, you must establish each site-specific operating limit in Table 2 to this subpart that applies to you according to the requirements in § 63.8687 and Table 3 to this subpart.

* * * * *

(d) For control devices used to comply with the particulate matter standards in Table 1 to this subpart, you may establish any of the operating limits for pressure drop range (*i.e.,* a minimum and a maximum pressure drop) across the control device using manufacturers' specifications in lieu of complying with paragraph (b) of this section.

■ 11. Section 63.8690 is amended by revising paragraph (b) to read as follows:

§ 63.8690 How do I monitor and collect data to demonstrate continuous compliance?

* * * * *

(b) Before September 9, 2020, except for monitor malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), you must monitor continuously (or collect data at all required intervals) at all times that the affected source is operating including periods of startup, shutdown, and malfunction when the affected source is operating. On and after September 9, 2020, you must monitor and collect data at all times in accordance with § 63.8685(b), except during periods of nonoperation of the affected source (or specific portion thereof) resulting in cessation of the emissions to which this subpart applies.

* * * * *

■ 12. Section 63.8691 is amended by:

■ a. Revising the section heading;
■ b. Revising paragraphs (a), (b), and (d); and
■ c. Adding paragraph (e).

The revisions and addition read as follows:

§ 63.8691 How do I conduct periodic performance tests and demonstrate continuous compliance with the emission limitations and operating limits?

(a) You must demonstrate continuous compliance with each operating limit in Table 2 to this subpart that applies to you according to the procedures specified in Table 5 to this subpart, and you must conduct performance tests as specified in paragraph (e) of this section.

(b) Before September 9, 2020, you must report each instance in which you did not meet each operating limit in Table 5 to this subpart that applies to you. This includes periods of startup, shutdown, and malfunction. These instances are deviations from the emission limitations in this subpart. These deviations must be reported according to the requirements in § 63.8693. On and after September 9, 2020, you must report each instance in which you did not meet each operating limit in Table 5 to this subpart that applies to you, except during periods of nonoperation of the affected source (or specific portion thereof) resulting in cessation of the emissions to which this subpart applies.

* * * * *

(d) Before September 9, 2020, consistent with §§ 63.6(e) and 63.7(e)(1), deviations that occur during a period of startup, shutdown, or malfunction are not violations if you demonstrate to the Administrator's satisfaction that you were operating in accordance with § 63.6(e)(1). The Administrator will determine whether deviations that occur during a period of startup, shutdown, or malfunction are violations, according to the provisions in § 63.6(e). On and after September 9, 2020, this paragraph (d) no longer applies.

(e) For each control device used to comply with the PM, THC, opacity, or visible emission standards of this subpart, you must conduct periodic performance tests using the applicable procedures specified in § 63.8687 and Table 4 to this subpart to demonstrate compliance with § 63.8684(a), and to confirm or reestablish the operating limits required by § 63.8684(b). You must conduct periodic performance tests according to the schedule specified in paragraphs (e)(1) through (3) of this section.

(1) Except as specified in paragraph (e)(3) of this section, for each existing affected source, and for each new and reconstructed affected source that commences construction or reconstruction after November 21, 2001 and on or before March 12, 2020, you must conduct the first periodic performance test on or before March 13, 2023. As an alternative to the first periodic performance test, you may use the results of a previously-conducted emission test to demonstrate compliance with the emission limitations in this subpart, such as tests for renewing your facility's operating permit under 40 CFR part 70 or 40 CFR part 71, if you demonstrate to the Administrator's satisfaction that it meets the requirements of § 63.8686(b)(1) through (4). The subsequent periodic performance tests must be conducted no later than 60 months thereafter following the previous performance test.

(2) Except as specified in paragraph (e)(3) of this section, for each new and reconstructed affected source that commences construction or reconstruction after March 12, 2020, you must conduct the first periodic performance test no later than 60 months following the initial performance test required by § 63.8689. If you used the alternative compliance option specified in § 63.8686(b) to comply with the initial performance test, then you must conduct the first periodic performance test no later than 60 months following the date you demonstrated to the Administrator that the requirements of § 63.8686(b) had been met.

(3) If an affected source is not operating on the dates the periodic performance test is required to be conducted as specified in paragraph (e)(1) or (2) of this section, then you are not required to restart the affected source for the sole purpose of complying with paragraph (e)(1) or (2) of this section. Instead, upon restart of the affected source, you must conduct the first periodic performance test within 60 days of achieving normal operating conditions but no later than 180 days from startup. You must conduct subsequent periodic performance tests no later than 60 months thereafter following the previous performance test.

■ 13. Section 63.8692 is amended by revising paragraphs (a), (e), and (f) to read as follows:

§ 63.8692 What notifications must I submit and when?

(a) You must submit all the notifications in §§ 63.6(h)(4) and (5), 63.7(b) and (c), 63.8(f), and 63.9(b) through (f) and (h) that apply to you by the dates specified in these sections, except as provided in paragraphs (b) through (f) of this section.

* * * * *

(e) If you are required to conduct a performance test, design evaluation, opacity observation, visible emission observation, or other compliance demonstration as specified in Table 3 or 4 to this subpart, you must submit a Notification of Compliance Status according to § 63.9(h)(2)(ii). You must submit the Notification of Compliance Status, including the performance test results, before the close of business on the 60th calendar day following the completion of the performance test according to § 63.10(d)(2). On and after September 9, 2020, you must submit all subsequent Notification of Compliance Status reports to EPA via the Compliance and Emissions Data Reporting Interface (CEDRI), which can be accessed through EPA's Central Data Exchange (CDX) (*https://cdx.epa.gov/*). If you claim some of the information required to be submitted via CEDRI is confidential business information (CBI), then submit a complete report, including information claimed to be CBI, to EPA. Submit the file on a compact disc, flash drive, or other commonly used electronic storage medium and clearly mark the medium as CBI. Mail the electronic medium to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404–02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted must be submitted to EPA via EPA's CDX as described earlier in this paragraph (e). You may assert a claim of EPA system outage or force majeure for failure to timely comply with the reporting requirement in this paragraph (e) provided you meet the requirements outlined in § 63.8693(h) or (i), as applicable.

(f) If you are using data from a previously-conducted emission test to serve as documentation of conformance with the emission standards and operating limits of this subpart as specified in § 63.8686(b), you must submit the test data in lieu of the initial performance test results with the Notification of Compliance Status required under paragraph (e) of this section.

■ 14. Section 63.8693 is amended by:
■ a. Adding paragraph (b)(6);
■ b. Revising paragraphs (c)(4) and (5), (d) introductory text, (d)(1) through (4), and (d)(6);
■ c. Adding paragraph (d)(13);
■ d. Revising paragraph (f); and
■ e. Adding paragraphs (g) through (i).

The revisions and additions read as follows:

§ 63.8693 What reports must I submit and when?

* * * * *

(b) * * *

(6) On and after September 9, 2020, you must submit all compliance reports to EPA via the CEDRI, which can be accessed through EPA's CDX (*https://cdx.epa.gov/*). You must use the appropriate electronic report template on the CEDRI website (*https://www.epa.gov/electronic-reporting-air-emissions/compliance-and-emissions-data-reporting-interface-cedri*) for this subpart. The date report templates become available will be listed on the CEDRI website. The report must be submitted by the deadline specified in this subpart, regardless of the method in which the report is submitted. If you claim some of the information required to be submitted via CEDRI is CBI, submit a complete report, including information claimed to be CBI, to EPA. The report must be generated using the appropriate form on the CEDRI website or an alternate electronic file consistent with the extensible markup language (XML) schema listed on the CEDRI website. Submit the file on a compact disc, flash drive, or other commonly used electronic storage medium and clearly mark the medium as CBI. Mail the electronic medium to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404–02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted must be submitted to EPA via EPA's CDX as described earlier in this paragraph (b)(6). You may assert a claim of EPA system outage or force majeure for failure to timely comply with the reporting requirement in this paragraph (b)(6) provided you meet the requirements outlined in § 63.8693(h) or (i), as applicable.

(c) * * *

(4) Before September 9, 2020, if you had a startup, shutdown, or malfunction during the reporting period and you took actions consistent with your SSMP, the compliance report must include the information in § 63.10(d)(5)(i). On and after September 9, 2020, this paragraph (c)(4) no longer applies.

(5) For each reporting period, you must include in the compliance report the total number of deviations that occurred during the reporting period. If there are no deviations from any emission limitations (emission limit, operating limit, opacity limit, and visible emission limit) in § 63.8684 that apply to you, then you must include a statement that there were no deviations from the emission limitations during the reporting period.

(d) For each deviation from an emission limitation (emission limit, operating limit, opacity limit, and visible emission limit) in § 63.8684, you must include in the compliance report the information in paragraphs (c)(1) through (6) of this section, and the information in paragraphs (d)(1) through (13) of this section.

(1) The start date, start time, and duration of each malfunction.

(2) For each instance that the CPMS, CEMS, or COMS was inoperative, except for zero (low-level) and high-level checks, the start date, start time, and duration that the CPMS, CEMS, or COMS was inoperative; the cause (including unknown cause) for the CPMS, CEMS, or COMS being inoperative; and descriptions of corrective actions taken.

(3) For each instance that the CPMS, CEMS, or COMS was out-of-control as specified in § 63.8(c)(7), the start date, start time, and duration that the CPMS, CEMS, or COMS was out-of-control, including the information in § 63.8(c)(8).

(4) Before September 9, 2020, the start date, start time, and duration of the deviation, and whether each deviation occurred during a period of startup, shutdown, or malfunction or during another period. On and after September 9, 2020, the start date, start time, and duration of the deviation including a description of the deviation and the actions you took to minimize emissions in accordance with § 63.8685(b). You must also include:

(i) A list of the affected sources or equipment for which the deviation occurred;

(ii) The cause of the deviation (including unknown cause, if applicable); and

(iii) Any corrective actions taken to return the affected unit to its normal or usual manner of operation.

* * * * *

(6) Before September 9, 2020, a breakdown of the total duration of the deviations during the reporting period into those that are due to startup, shutdown, control equipment problems, process problems, other known causes, and other unknown causes. On and after September 9, 2020, a breakdown of the total duration of the deviations during the reporting period into those that are due to control equipment problems, process problems, other known causes, and other unknown causes.

* * * * *

(13) On and after September 9, 2020, for each deviation from an emission limitation in § 63.8684, you must include an estimate of the quantity of each regulated pollutant emitted over any emission limitation in § 63.8684, and a description of the method used to estimate the emissions.

* * * * *

(f) On and after September 9, 2020, within 60 days after the date of completing each performance test required by this subpart, you must submit the results of the performance test following the procedures specified in paragraphs (f)(1) through (3) of this section.

(1) *Data collected using test methods supported by EPA's Electronic Reporting Tool (ERT) as listed on EPA's ERT website (https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert) at the time of the test.* Submit the results of the performance test to EPA via the CEDRI, which can be accessed through EPA's CDX (*https://cdx.epa.gov/*). The data must be submitted in a file format generated through the use of EPA's ERT. Alternatively, you may submit an electronic file consistent with the XML schema listed on EPA's ERT website.

(2) *Data collected using test methods that are not supported by EPA's ERT as listed on EPA's ERT website at the time of the test.* The results of the performance test must be included as an attachment in the ERT or an alternate electronic file consistent with the XML schema listed on EPA's ERT website. Submit the ERT generated package or alternative file to EPA via CEDRI.

(3) *CBI.* If you claim some of the information submitted under paragraph (f)(1) of this section is CBI, you must submit a complete file, including information claimed to be CBI, to EPA. The file must be generated through the use of EPA's ERT or an alternate electronic file consistent with the XML schema listed on EPA's ERT website. Submit the file on a compact disc, flash drive, or other commonly used electronic storage medium and clearly mark the medium as CBI. Mail the electronic medium to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404–02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted must be submitted to EPA via EPA's CDX as described in paragraph (f)(1) of this section.

(g) On and after September 9, 2020, within 60 days after the date of completing each continuous monitoring system (CMS) performance evaluation (as defined in § 63.2) as specified in your site-specific monitoring plan, you must submit the results of the performance evaluation following the procedures specified in paragraphs (g)(1) through (3) of this section.

(1) *Performance evaluations of CMS measuring relative accuracy test audit (RATA) pollutants that are supported by EPA's ERT as listed on EPA's ERT website at the time of the evaluation.* Submit the results of the performance evaluation to EPA via CEDRI, which can be accessed through EPA's CDX. The data must be submitted in a file format generated through the use of EPA's ERT. Alternatively, you may submit an electronic file consistent with the XML schema listed on EPA's ERT website.

(2) *Performance evaluations of CMS measuring RATA pollutants that are not supported by EPA's ERT as listed on EPA's ERT website at the time of the evaluation.* The results of the performance evaluation must be included as an attachment in the ERT or an alternate electronic file consistent with the XML schema listed on EPA's ERT website. Submit the ERT generated package or alternative file to EPA via CEDRI.

(3) *CBI.* If you claim some of the information submitted under paragraph (g)(1) of this section is CBI, you must submit a complete file, including information claimed to be CBI, to EPA. The file must be generated through the use of EPA's ERT or an alternate electronic file consistent with the XML schema listed on EPA's ERT website. Submit the file on a compact disc, flash drive, or other commonly used electronic storage medium and clearly mark the medium as CBI. Mail the electronic medium to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404–02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted must be submitted to EPA via EPA's CDX as described in paragraph (g)(1) of this section.

(h) If you are required to electronically submit a report through CEDRI in EPA's CDX, you may assert a claim of EPA system outage for failure to timely comply with the reporting requirement in this section. To assert a claim of EPA system outage, you must meet the requirements outlined in paragraphs (h)(1) through (7) of this section.

(1) You must have been or will be precluded from accessing CEDRI and submitting a required report within the time prescribed due to an outage of either EPA's CEDRI or CDX systems.

(2) The outage must have occurred within the period of time beginning five business days prior to the date that the submission is due.

(3) The outage may be planned or unplanned.

(4) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(5) You must provide to the Administrator a written description identifying:

(i) The date(s) and time(s) when CDX or CEDRI was accessed and the system was unavailable;

(ii) A rationale for attributing the delay in reporting beyond the regulatory deadline to EPA system outage;

(iii) Measures taken or to be taken to minimize the delay in reporting; and

(iv) The date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported.

(6) The decision to accept the claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(7) In any circumstance, the report must be submitted electronically as soon as possible after the outage is resolved.

(i) If you are required to electronically submit a report through CEDRI in EPA's CDX, you may assert a claim of force majeure for failure to timely comply with the reporting requirement in this section. To assert a claim of force majeure, you must meet the requirements outlined in paragraphs (i)(1) through (5) of this section.

(1) You may submit a claim if a force majeure event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning five business days prior to the date the submission is due. For the purposes of this section, a force majeure event is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents you from complying with the requirement to submit a report electronically within the time period prescribed. Examples of such events are acts of nature (*e.g.,* hurricanes, earthquakes, or floods), acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (*e.g.,* large scale power outage).

(2) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(3) You must provide to the Administrator:

(i) A written description of the force majeure event;

(ii) A rationale for attributing the delay in reporting beyond the regulatory deadline to the force majeure event;

(iii) Measures taken or to be taken to minimize the delay in reporting; and

(iv) The date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported.

(4) The decision to accept the claim of force majeure and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(5) In any circumstance, the reporting must occur as soon as possible after the force majeure event occurs.

■ 15. Section 63.8694 is amended by revising paragraph (a)(2) and adding paragraph (e) to read as follows:

§ 63.8694 What records must I keep?

(a) * * *

(2) Before September 9, 2020, the records in § 63.6(e)(3)(iii) through (v) related to startup, shutdown, and malfunction. On and after September 9, 2020, this paragraph (a)(2) no longer applies.

* * * * *

(e) Any records required to be maintained by this part that are submitted electronically via EPA's CEDRI may be maintained in electronic format. This ability to maintain electronic copies does not affect the requirement for facilities to make records, data, and reports available upon request to a delegated air agency or EPA as part of an on-site compliance evaluation.

■ 16. Section 63.8697 is amended by revising paragraph (b)(1) to read as follows:

§ 63.8697 Who implements and enforces this subpart?

* * * * *

(b) * * *

(1) Approval of alternatives to the requirements in §§ 63.8681, 63.8682, 63.8683, 63.8684, 63.8685, 63.8686, 63.8687, 63.8688, 63.8689, 63.8690, and 63.8691.

* * * * *

■ 17. Section 63.8698 is amended by revising definitions of ''Adhesive applicator,'' ''Deviation,'' and ''Sealant applicator'' to read as follows:

§ 63.8698 What definitions apply to this subpart?

* * * * *

Adhesive applicator means the equipment that uses open pan-type application (*e.g.,* a roller partially submerged in an open pan of adhesive) to apply adhesive to roofing shingles for

producing laminated or dimensional roofing shingles.

* * * * *

Deviation means any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

(1) Fails to meet any requirement or obligation established by this subpart including, but not limited to, any emission limitation (including any operating limit), or work practice standard;

(2) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart, and that is included in the operating permit for any affected source required to obtain such a permit; or

(3) Before September 9, 2020, fails to meet any emission limitation (including any operating limit) or work practice standard in this subpart during startup, shutdown, or malfunction, regardless of whether or not such failure is permitted by this subpart. On and after September 9, 2020, this paragraph (3) no longer applies.

* * * * *

Sealant applicator means the equipment that uses open pan-type application (*e.g.,* a roller partially submerged in an open pan of sealant) to apply a sealant strip to a roofing product. The sealant strip is used to seal overlapping pieces of roofing product after they have been applied.

* * * * *

■ 18. Table 1 to subpart LLLLL of part 63 is amended by revising row 1 and footnote b to read as follows:

TABLE 1 TO SUBPART LLLLL OF PART 63—EMISSION LIMITATIONS

For—	You must meet the following emission limitation—
1. Each blowing still, Group 1 asphalt loading rack, and Group 1 asphalt storage tank at existing, new, and reconstructed asphalt processing facilities; and each Group 1 asphalt storage tank at existing, new, and reconstructed asphalt roofing manufacturing lines; and each coating mixer, saturator (including wet looper), coater, sealant applicator, and adhesive applicator at new and reconstructed asphalt roofing manufacturing lines.	a. Reduce total hydrocarbon mass emissions by 95 percent, or to a concentration of 20 ppmv, on a dry basis corrected to 3 percent oxygen; b. Route the emissions to a combustion device achieving a combustion efficiency of 99.5 percent; c. Route the emissions to a combustion device that does not use auxiliary fuel achieving a total hydrocarbon (THC) destruction efficiency of 95.8 percent; d. Route the emissions to a boiler or process heater with a design heat input capacity of 44 megawatts (MW) or greater; e. Introduce the emissions into the flame zone of a boiler or process heater; or f. Route emissions to a flare meeting the requirements of § 63.11(b).
* * * * * * *	
* * * * *	

[b] The opacity limit can be exceeded for one consecutive 15-minute period in any 24-hour period when the storage tank transfer lines are being cleared. During this 15-minute period, the control device must not be bypassed. If the emissions from the asphalt storage tank are ducted to the saturator control device, the combined emissions from the saturator and storage tank must meet the 20 percent opacity limit (specified in 3.a of Table 1 to this subpart) during this 15-minute period. At any other time, the opacity limit applies to Group 2 asphalt storage tanks.

■ 19. Table 2 to subpart LLLLL of part 63 is amended by revising rows 3 and 4 and footnotes a and c to read as follows:

TABLE 2 TO SUBPART LLLLL OF PART 63—OPERATING LIMITS

For—	You must [a]
* * * * * * *	
3. Control devices used to comply with the particulate matter standards..	a. Maintain the 3-hour average [b] inlet gas temperature at or below the operating limit established during the performance test; and b. Maintain the 3-hour average [b] pressure drop across the device [c] within the operating range limits (*i.e.,* at or above a minimum pressure drop and at or below a maximum pressure drop) established during the performance test, or as an alternative, established according to the manufacturer's specifications as specified in § 63.8689(d).
4. Other control devices that are neither a combustion device nor a control device used to comply with the particulate matter emission standards.	Maintain the approved monitoring parameters within the operating limits established during the performance test.

[a] The operating limits specified in Table 2 to this subpart are applicable if you are monitoring control device operating parameters to demonstrate continuous compliance. If you are using a CEMS or COMS, you must maintain emissions below the value established during the initial performance test.

[b] A 15-minute averaging period can be used as an alternative to the 3-hour averaging period for this parameter.

[c] As an alternative to monitoring the pressure drop across the control device, owners or operators using an ESP to achieve compliance with the emission limits specified in Table 1 to this subpart can monitor the voltage to the ESP. If this option is selected, the ESP voltage must be maintained at or above the operating limit established during the performance test.

■ 20. Table 3 to subpart LLLLL of part 63 is amended by revising rows 1, 7, and 11 through 13 and footnotes a and c and adding footnotes d through f to read as follows:

TABLE 3 TO SUBPART LLLLL OF PART 63—REQUIREMENTS FOR PERFORMANCE TESTS [a] [b]

For—	You must—	Using—	According to the following requirements—
1. All particulate matter, total hydrocarbon, carbon monoxide, and carbon dioxide emission tests.	a. Select sampling port's location and the number of traverse points.	i. EPA test method 1 or 1A in appendix A to part 60 of this chapter.	A. For demonstrating compliance with the total hydrocarbon percent reduction standard, the sampling sites must be located at the inlet and outlet of the control device prior to any releases to the atmosphere. B. For demonstrating compliance with the particulate matter mass emission rate, THC destruction efficiency, THC outlet concentration, or combustion efficiency standards, the sampling sites must be located at the outlet of the control device prior to any releases to the atmosphere.
*	*	*	*
7. All opacity tests	Conduct opacity observations ..	EPA test method 9 in appendix A to part 60 of this chapter, or ASTM D7520–16 [d] [f].	Conduct opacity observations for at least 3 hours and obtain 30, 6-minute averages.
*	*	*	*
11. Each combustion device	Establish a site-specific combustion zone temperature operating limit.	Data from the CPMS and the applicable performance test method(s).	You must collect combustion zone temperature data every 15 minutes during the entire period of the 3-hour performance test, and determine the average combustion zone temperature over the 3-hour performance test by computing the average of all of the 15-minute readings.
12. Each control device used to comply with the particulate matter emission standards.	Establish a site-specific inlet gas temperature operating limit; and if not complying with §63.8689(d), also establish site-specific limits for the pressure drop range (*i.e.,* a minimum and a maximum pressure drop) across the device [e].	Data from the CPMS and the applicable performance test method(s).	You must collect the inlet gas temperature and pressure drop [b] data every 15 minutes during the entire period of the 3-hour performance test, and determine the average inlet gas temperature and pressure drop [c] over the 3-hour performance test by computing the average of all of the 15-minute readings. The inlet gas temperature operating limit is set at +20 percent of the test run average inlet gas temperature measured in units of degrees Celsius or degrees Fahrenheit. The maximum (or minimum) pressure drop is set as the maximum (or minimum) average pressure drop of the performance test runs which demonstrated compliance with the applicable emission limit.
13. Each control device that is neither a combustion device nor a control device used to comply with the particulate matter emission standards.	Establish site-specific monitoring parameters.	Process data and data from the CPMS and the applicable performance test method(s).	You must collect monitoring parameter data every 15 minutes during the entire period of the 3-hour performance test, and determine the average monitoring parameter values over the 3-hour performance test by computing the average of all of the 15-minute readings.
*	*	*	*

[a] For initial performance tests, as specified in §63.8686(b), you may request that data from a previously-conducted emission test serve as documentation of conformance with the emission standards and operating limits of this subpart.

[b] Performance tests are not required if: (1) The emissions are routed to a boiler or process heater with a design heat input capacity of 44 MW or greater; or (2) the emissions are introduced into the flame zone of a boiler or process heater.

[c] As an alternative to monitoring the pressure drop across the control device, owners or operators using an ESP to achieve compliance with the emission limits specified in Table 1 to this subpart can monitor the voltage to the ESP.

[d] If you use ASTM D7520–16 in lieu of EPA test method 9, then you must comply with the conditions specified in this footnote. During the digital camera opacity technique (DCOT) certification procedure outlined in Section 9.2 of ASTM D7520–16, you or the DCOT vendor must present the plumes in front of various backgrounds of color and contrast representing conditions anticipated during field use such as blue sky, trees, and mixed backgrounds (clouds and/or a sparse tree stand). You must also have standard operating procedures in place including daily or other frequency quality checks to ensure the equipment is within manufacturing specifications as outlined in Section 8.1 of ASTM D7520–16. You must follow the record keeping procedures outlined in §63.10(b)(1) for the DCOT certification, compliance report, data sheets, and all raw unaltered JPEGs used for opacity and certification determination. You or the DCOT vendor must have a minimum of four (4) independent technology users apply the software to determine the visible opacity of the 300 certification plumes. For each set of 25 plumes, the user may not exceed 15 percent opacity of any one reading and the average error must not exceed 7.5 percent opacity. This approval does not provide or imply a certification or validation of any vendor's hardware or software. The onus to maintain and verify the certification and/or training of the DCOT camera, software and operator in accordance with ASTM D7520–16 and this letter is on the facility, DCOT operator, and DCOT vendor.

[e] You may conduct two separate performance tests to establish the operating limits for pressure drop range (*i.e.,* one performance test to establish a minimum pressure drop operating limit and one performance test to establish a maximum pressure drop operating limit); however, you may choose to establish either, or both, the minimum and maximum pressure drop operating limits using the requirements of §63.8689(d) in lieu of the requirements specified in this Table.

[f] Incorporated by reference, see §63.14.

■ 21. Table 4 to subpart LLLLL of part 63 is amended by revising the table heading, the fourth column heading, and rows 4 and 5 to read as follows:

TABLE 4 TO SUBPART LLLLL OF PART 63—INITIAL AND CONTINUOUS COMPLIANCE WITH EMISSION LIMITATIONS

For—	For the following emission limitation—	You have demonstrated compliance if—
*	*	*
4. Each saturator (including wet looper) and coater at an existing, new, or reconstructed asphalt roofing manufacturing line.	a. Limit visible emissions from the emissions capture system to 20 percent of any period of consecutive valid observations totaling 60 minutes.	The visible emissions, measured using EPA test method 22 in appendix A to part 60 of this chapter, for any period of consecutive valid observations totaling 60 minutes do not exceed 20 percent.
	b. Limit opacity emissions to 20 percent	The opacity, measured using EPA test method 9 in appendix A to part 60 of this chapter, for each of the first 30 6-minute averages does not exceed 20 percent.

TABLE 4 TO SUBPART LLLLL OF PART 63—INITIAL AND CONTINUOUS COMPLIANCE WITH EMISSION LIMITATIONS—Continued

For—	For the following emission limitation—	You have demonstrated compliance if—
5. Each Group 2 asphalt storage tank at existing, new, and reconstructed asphalt processing facilities and asphalt roofing manufacturing lines.	Limit exhaust gases to 0 percent opacity	The opacity, measured using EPA test method 9 in appendix A to part 60 of this chapter, for each of the first 30 6-minute averages does not exceed 0 percent.

* * * * *

■ 22. Table 5 to subpart LLLLL of part 63 is amended by revising rows 3 and 4 and footnotes a and d to read as follows:

TABLE 5 TO SUBPART LLLLL OF PART 63—CONTINUOUS COMPLIANCE WITH OPERATING LIMITS [a]

For—	For the following operating limit—	You must demonstrate continuous compliance by—
* *	* * *	* *
3. Control devices used to comply with the particulate matter emission standards.	a. Maintain the 3-hour [c] average inlet gas temperature at or below the operating limit established during the performance test; and.	i. Passing the emissions through the control device; and ii. Collecting the inlet gas temperature and pressure drop [d] data according to § 63.8688(b) and (c); and
	b. Maintain the 3-hour [c] average pressure drop across device [d] within the operating range limits that were established pursuant to § 63.8689(b) and/or (d).	iii. Reducing inlet gas temperature and pressure drop [d] data to 3-hour [c] averages according to calculations in Table 3 to this subpart; and iv. Maintaining the 3-hour [c] average inlet gas temperature within the level established during the performance test; and v. Maintaining the 3-hour [c] average pressure drop across device [d] within the level established pursuant to § 63.8689(b) and/or (d).
4. Other control devices that are neither a combustion device nor a control device used to comply with the particulate matter emission standards.	a. Maintain the monitoring parameters within the operating limits established during the performance test.	i. Passing the emissions through the devices; ii. Collecting the monitoring parameter data according to § 63.8688(d); and iii. Reducing the monitoring parameter data to 3-hour [c] averages according to calculations in Table 3 to this subpart; and iv. Maintaining the monitoring parameters within the level established during the performance test.

[a] The operating limits specified in Table 2 to this subpart and the requirements specified in Table 5 to this subpart are applicable if you are monitoring control device operating parameters to demonstrate continuous compliance. If you use a CEMS or COMS to demonstrate compliance with the emission limits, you are not required to record control device operating parameters. However, you must maintain emissions below the value established during the initial performance test. Data from the CEMS and COMS must be reduced as specified in §§ 63.8690 and 63.8(g)(1) through (4).

* * * * * * *

[c] A 15-minute averaging period can be used as an alternative to the 3-hour averaging period for this parameter.

[d] As an alternative to monitoring the pressure drop across the control device, owners or operators using an ESP to achieve compliance with the emission limits specified in Table 1 to this subpart can monitor the voltage to the ESP. If this option is selected, the ESP voltage must be maintained at or above the operating limit established during the performance test.

■ 23. Table 6 to subpart LLLLL of part 63 is amended by revising rows 4, 5, and 6 and adding row 7 to read as follows:

TABLE 6 TO SUBPART LLLLL OF PART 63—REQUIREMENTS FOR REPORTS

You must submit—	The report must contain—	You must submit the report—
* *	* * *	* *
4. Notification of compliance status	The information in § 63.9(h)(2) through (5), as applicable.	According to the requirements in §§ 63.8692(e) and 63.9(h)(2) through (5), as applicable.

TABLE 6 TO SUBPART LLLLL OF PART 63—REQUIREMENTS FOR REPORTS—Continued

You must submit—	The report must contain—	You must submit the report—
5. A compliance report	a. A statement that there were no deviations from the emission limitations during the reporting period, if there are no deviations from any emission limitations (emission limit, operating limit, opacity limit, and visible emission limit) that apply to you.	Semiannually according to the requirements in § 63.8693(b).
	b. If there were no periods during which the CPMS, CEMS, or COMS was out-of-control as specified in § 63.8(c)(7), a statement that there were no periods during which the CPMS, CEMS, or COMS was out-of-control during the reporting period.	Semiannually according to the requirements in § 63.8693(b).
	c. If you have a deviation from any emission limitation (emission limit, operating limit, opacity limit, and visible emission limit), the report must contain the information in § 63.8693(c) and (d).	Semiannually according to the requirements in § 63.8693(b).
	d. Before September 9, 2020, if you had a startup, shutdown or malfunction during the reporting period and you took actions consistent with your startup, shutdown, and malfunction plan, the compliance report must include the information in § 63.10(d)(5)(i). On and after September 9, 2020, this paragraph no longer applies.	Semiannually according to the requirements in § 63.8693(b).
6. An immediate startup, shutdown, and malfunction report if you have a startup, shutdown, or malfunction during the reporting period before September 9, 2020, and actions taken were not consistent with your startup, shutdown, and malfunction plan. On and after September 9, 2020, this paragraph no longer applies.	The information in § 63.10(d)(5)(ii)	By fax or telephone within 2 working days after starting actions inconsistent with the plan followed by a letter within 7 working days after the end of the event unless you have made alternative arrangements with the permitting authority.
7. Performance test report	The information in § 63.7	Within 60 days after completion of the performance test according to the requirements in § 63.8693(f).

■ 24. Table 7 to subpart LLLLL of part 63 is amended by:

■ a. Removing the entry for § 63.6(e)(1) and adding entries in numerical order for §§ 63.6(e)(1)(i), 63.6(e)(1)(ii), and 63.6(e)(1)(iii);

■ b. Revising the entries for §§ 63.6(e)(3), 63.6(f)(1), 63.6(h)(1), and 63.7(e)(1);

■ c. Adding an entry in numerical order for § 63.7(e)(4);

■ d. Removing the entry for § 63.8(c)(1);

■ e. Revising the entries for §§ 63.8(c)(1)(i), 63.8(c)(1)(ii), 63.8(c)(1)(iii), and 63.8(d);

■ f. Removing the entry for § 63.10(b)(2)(i)-(v);

■ g. Adding entries in numerical order for §§ 63.10(b)(2)(i), 63.10(b)(2)(ii), 63.10(b)(2)(iii), 63.10(b)(2)(iv), and 63.10(b)(2)(v); and

■ h. Revising the entry for § 63.10(d)(5).

The revisions and additions read as follows:

TABLE 7 TO SUBPART LLLLL OF PART 63—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART LLLLL

Citation	Subject	Brief description	Applies to subpart LLLLL
* *	*	* *	* *
§ 63.6(e)(1)(i)	Operation & Maintenance	Operate to minimize emissions at all times.	Yes before September 9, 2020. No on and after September 9, 2020. See § 63.8685(b) for general duty requirement.
§ 63.6(e)(1)(ii)	Operation & Maintenance	Correct malfunctions as soon as practicable.	Yes before September 9, 2020. No on and after September 9, 2020.
§ 63.6(e)(1)(iii)	Operation & Maintenance	Operation and maintenance requirements independently enforceable; information Administrator will use to determine if operation and maintenance requirements were met.	Yes.

TABLE 7 TO SUBPART LLLLL OF PART 63—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART LLLLL—Continued

Citation	Subject	Brief description	Applies to subpart LLLLL
* *	*	* *	* *
§ 63.6(e)(3)	Startup, Shutdown, and Malfunction (SSM) Plan (SSMP).	1. Requirement for SSM and start-up, shutdown, malfunction plan. 2. Content of SSMP.	Yes before September 9, 2020. No on and after September 9, 2020.
§ 63.6(f)(1)	Compliance Except During SSM ..	You must comply with emission standards at all times except during SSM.	Yes before September 9, 2020. No on and after September 9, 2020.
* *	*	* *	* *
§ 63.6(h)(1)	Compliance with Opacity/VE Standards.	You must comply with opacity/VE emission limitations at all times except during SSM.	Yes before September 9, 2020. No on and after September 9, 2020.
* *	*	* *	* *
§ 63.7(e)(1)	Conditions for Conducting Performance Tests.	1. Performance tests must be conducted under representative conditions. Cannot conduct performance tests during SSM. 2. Not a violation to exceed standard during SSM.	Yes before September 9, 2020. No on and after September 9, 2020. See § 63.8687.
* *	*	* *	* *
§ 63.7(e)(4)	Conduct of performance tests	Administrator's authority to require testing under section 114 of the Act.	Yes.
* *	*	* *	* *
§ 63.8(c)(1)(i)	Routine and predictable CMS malfunction.	1. Keep parts for routine repairs readily available. 2. Reporting requirements for CMS malfunction when action is described in SSM plan.	Yes before September 9, 2020. No on and after September 9, 2020.
§ 63.8(c)(1)(ii)	CMS malfunction not in SSP plan	Keep the necessary parts for routine repairs if CMS.	Yes.
§ 63.8(c)(1)(iii)	Compliance with Operation and Maintenance Requirements.	Develop a written startup, shutdown, and malfunction plan for CMS.	Yes before September 9, 2020. No on and after September 9, 2020.
* *	*	* *	* *
§ 63.8(d)	CMS Quality Control	1. Requirements for CMS quality control, including calibration, etc. 2. Must keep quality control plan on record for the life of the affected source. 3. Keep old versions for 5 years after revisions.	Yes.
* *	*	* *	* *
§ 63.10(b)(2)(i)	Records related to Startup and Shutdown.	Occurrence of each of operation (process equipment).	Yes before September 9, 2020. No on and after September 9, 2020.
§ 63.10(b)(2)(ii)	Recordkeeping Relevant to Malfunction Periods and CMS.	Occurrence of each malfunction of air pollution equipment.	Yes before September 9, 2020. No on and after September 9, 2020.
§ 63.10(b)(2)(iii)	Recordkeeping Relevant to Maintenance of Air Pollution Control and Monitoring Equipment.	Maintenance on air pollution control equipment.	Yes.
§ 63.10(b)(2)(iv)	Recordkeeping Relevant to Start-up, Shutdown, and Malfunction Periods and CMS.	Actions during startup, shutdown, and malfunction.	Yes before September 9, 2020. No on and after September 9, 2020.
§ 63.10(b)(2)(v)	Recordkeeping Relevant to Start-up, Shutdown, and Malfunction Periods and CMS.	Actions during startup, shutdown, and malfunction.	Yes before September 9, 2020. No on and after September 9, 2020.
* *	*	* *	* *
§ 63.10(d)(5)	Startup, Shutdown, and Malfunction Reports.	Contents and submission	Yes before September 9, 2020. No on and after September 9, 2020.
* *	*	* *	* *

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