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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2019–0330; Special Conditions No. 25–761–SC]

Special Conditions: The Boeing Company Model 777–9 Series; Overhead Flight Attendant Rest Compartment

Correction

In Rule document 2020–03475, appearing on pages 11836–11841, in the issue of Friday, February 28, 2020, make the following corrections:

On page 11838, in the third column, on the thirty-second line from the top of the page, the paragraph entry titled ''*Exit Signs and Placards.*'' should read ''4. *Exit Signs and Placards.*''.

[FR Doc. C1–2020–03475 Filed 3–12–20; 8:45 am]

BILLING CODE 1301–00–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0712; Product Identifier 2019–NM–115–AD; Amendment 39–19849; AD 2020–04–10]

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 A330–200 Freighter, A330–200, A330–300, A340–200, and A340–300 series airplanes. This AD was prompted by reports that elevator skin panels were found disbonded as a result of water ingress. This AD requires repetitive detailed inspections of skin panels on both elevators, and corrective actions if necessary, 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 17, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 17, 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–2019–0712.

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–2019–0712; 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 2019–0138, dated June 12, 2019 (''EASA AD 2019–0138'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus SAS Model A330–200 Freighter, A330–200, A330–300, A340–200, and A340–300 series 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 A330–200 Freighter, A330–200, A330–300, A340–200, and A340–300 series airplanes. The NPRM published in the **Federal Register** on October 9, 2019 (84 FR 54049). The NPRM was prompted by reports that elevator skin panels were found disbonded as a result of water ingress. The NPRM proposed to require repetitive detailed inspections of skin panels on both elevators, and corrective actions if necessary.

The FAA is issuing this AD to address disbonding of the elevator skin panels. This condition, if not detected and corrected, could affect the structural integrity of the elevators, possibly resulting in reduced control of the airplane. See the MCAI for additional background information.

Comments

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

Request To Modify the Applicability of the Proposed AD

Delta Air Lines (DAL) requested that paragraph (c) of the proposed AD be modified to refer to Table 1 of EASA AD 2019–0138 for affected parts, or that the proposed AD include a paragraph providing actions for airplanes not equipped with the affected part numbers. DAL asserted that although the NPRM is applicable to all Airbus SAS airplanes, EASA AD 2019–0138 provides additional details, namely the affected elevator part numbers, and those details should be referenced in paragraph (c) of the proposed AD.

The FAA disagrees with the requested modification. EASA AD 2019–0138 is

applicable to Airbus SAS Model A330–200 Freighter, A330–200, A330–300, A340–200, and A340–300 series airplanes, all manufacturer serial numbers, the same airplanes to which this AD applies. Further, paragraph (g) of this AD requires the actions specified in EASA AD 2019–0138, which includes the list of affected parts in Table 1 of EASA AD 2019–0138. Therefore, no change to this AD is necessary in this regard.

Request To Add Clarifying Statement to the Proposed AD

DAL also requested clarification of whether the requirements of paragraph (i) of AD 2011–03–10, Amendment 39–16594 (76 FR 6543, February 7, 2011) (''AD 2011–03–10''), are still retained, and that a statement specifying that retention be added to the proposed AD. The commenter observed that paragraph (i) of the proposed AD terminates all requirements of AD 2011–03–10, yet paragraph (i) of AD 2011–03–10 identifies specific part number and serial number combinations as having conditional activities, and identification of those combinations can be verified by records review. DAL further remarked that the proposed AD does not address the actions specified in paragraph (i) of AD 2011–03–10 nor retain the requirement to verify part number and serial number combinations.

The FAA does not agree to add a clarifying statement in this AD. Paragraph (i) of AD 2011–03–10 is the restatement of the requirements of paragraph (g) of AD 2005–20–32, Amendment 39–14329 (70 FR 59263, October 12, 2005), which is superseded by paragraph (k) of AD 2011–03–10. Accomplishment of actions specified in paragraph (k) of AD 2011–03–10 terminates the requirements of paragraph (i) of AD 2011–03–10. Paragraph (k) of AD 2011–03–10 refers to Table 1 of AD 2011–03–10, which defines the affected elevator part numbers.

In addition, FAA AD 2011–03–10 is based on EASA AD 2009–0255, dated December 1, 2009 (''EASA AD 2009–0255''). EASA AD 2019–0138 retains the requirements of EASA AD 2009–0255, which is superseded. Table 1 of EASA AD 2019–0138 contains the affected elevator part numbers, which are the same as those defined in Table 1 of FAA AD 2011–03–10. Compliance with EASA AD 2019–0138 in its entirety constitutes compliance with this AD and thus terminates all actions specified in AD 2011–03–10, as reflected in paragraph (i) of this AD.

The FAA has not changed this AD with regard to this request.

Change Made to This AD

The FAA has revised the formatting of paragraph (h) of this AD. This change does not affect the content or intent of that paragraph.

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 with the change described previously and 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.

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this final rule.

Related IBR Material Under 1 CFR Part 51

EASA AD 2019–0138 describes procedures for a detailed inspection of the affected parts and corrective actions. 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 103 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
Up to 14 work-hours × $85 per hour = Up to $1,190	$0	Up to $1,190	Up to $122,570.

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
Up to 24 work-hours × $85 per hour = Up to $2,040	$0	Up to $2,040.

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):

2020–04–10 Airbus SAS: Amendment 39–19849; Docket No. FAA–2019–0712; Product Identifier 2019–NM–115–AD.

(a) Effective Date

This AD is effective April 17, 2020.

(b) Affected ADs

This AD affects AD 2011–03–10, Amendment 39–16594 (76 FR 6543, February 7, 2011) (''AD 2011–03–10'').

(c) Applicability

This AD applies to all Airbus SAS airplanes, certificated in any category, identified in paragraphs (c)(1) through (5) of this AD.

(1) Model A330–223F and –243F airplanes.

(2) Model A330–201, –202, –203, –223, and –243 airplanes.

(3) Model A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.

(4) Model A340–211, –212, and –213 airplanes.

(5) Model A340–311, –312, and –313 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 55, Stabilizers.

(e) Reason

This AD was prompted by reports that elevator skin panels were found disbonded as a result of water ingress. The FAA is issuing this AD to address disbonding of the elevator skin panels. This condition, if not detected and corrected, could affect the structural integrity of the elevators, possibly resulting in reduced control of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2019–0138, dated June 12, 2019 (''EASA AD 2019–0138'').

(h) Exceptions to EASA AD 2019–0138

(1) Where EASA AD 2019–0138 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2019–0138 refers to December 15, 2009 (the effective date of EASA AD 2009–0255), this AD requires using March 14, 2011 (the effective date of AD 2011–03–10).

(3) The ''Remarks'' section of EASA AD 2019–0138 does not apply to this AD.

(i) Terminating Action for AD 2011–03–10

Accomplishing the actions required by this AD terminates all requirements of AD 2011–03–10.

(j) No Reporting Requirement

Although EASA AD 2019–0138 and the service information referenced in it specify to submit certain information to the manufacturer, this AD does not include that requirement.

(k) 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 (l) 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 2019–0138 that contains RC procedures and tests: Except as required by paragraph (k)(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.

(l) 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.*

(m) 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 2019–0138, dated June 12, 2019.

(ii) [Reserved]

(3) For information about EASA AD 2019–0138, 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–2019–0712.

(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 19, 2020.

Gaetano A. Sciortino,

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

[FR Doc. 2020–05123 Filed 3–12–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0199; Product Identifier 2020–NM–035–AD; Amendment 39–19860; AD 2020–05–12]

RIN 2120–AA64

Airworthiness Directives; Gulfstream Aerospace Corporation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Gulfstream Aerospace Corporation Model GVII–G500 and GVII–G600 airplanes. This AD requires revising the airplane flight manual (AFM) for your airplane to incorporate revised limitations and procedures. This AD was prompted by a report of a landing incident where the alpha limiter engaged in the landing flare in unstable air while on the approach, resulting in a high rate of descent landing and damage to the airplane. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 13, 2020.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 13, 2020.

The FAA must receive comments on this 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 final rule, contact Gulfstream Aerospace Corporation, Technical Publications Dept., P.O. Box 2206, Savannah, GA 31402–2206; telephone 800–810–4853; fax 912–965–3520; email *pubs@gulfstream.com;* internet *https://www.gulfstream.com/customer-support.* You may view this service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call 816–329–4148. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0199.

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–2020–0199; 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 street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Myles Jalalian, Aerospace Engineer, Systems and Equipment Section, FAA, Atlanta ACO Branch, 1701 Columbia Avenue, College Park, GA 30337; phone: 404–474–5572; fax: 404–474–5606; email: *Myles.Jalalian@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA has received a report of a Gulfstream Model GVII–G500 airplane that was involved in a landing incident where the alpha (angle of attack) limiter engaged during the landing flare in unstable air. The engagement of the alpha limiter resulted in insufficient nose-up authority to control the descent rate at touchdown even though the sidestick was in the full aft position. The airplane landed in a 900-feet-per-minute descent, with resulting damage to the airplane. The flight control system alpha limiter can engage even when the airplane is not near a critical angle of attack and limit the pilot's pitch authority in the flare, resulting in a landing at a high rate of descent. Unstable air, combined with rapid, large, and alternating pitch commands, contributes to the alpha limiter engaging at an inappropriate time, possibly resulting in a high rate of descent contact with the runway and loss of control of the airplane as a result of a hard landing. To address this issue, the FAA is requiring revisions to be made to the AFM for your airplane. The revised AFM limits the maximum crosswind component for landing, and also increases the normal approach speeds, based on steady-state winds and wind gusts. These new and revised operating limitations and revised landing procedures minimize the possibility of unintended alpha limiter engagement thereby minimizing the possibility of reduced pilot flight control authority during the landing flare.

Related Service Information Under 1 CFR Part 51

The FAA reviewed following service information, which has been revised to provide new and revised operating limitations and flight control and landing procedures in strong winds and gusty conditions.

Gulfstream GVII–G500 Airplane Flight Manual, GAC–AC–GVII–G500–OPS–0001, Revision 5, dated March 3, 2020.

- Step 3., ''Wind Conditions,'' of Section 01–02–10, ''Runway, Slope and Wind Conditions,'' of Chapter 01, ''LIMITATIONS.''
- Step 15., ''Approach Speed,'' of Section 01–03–40, ''Airspeed Limitations,'' of Chapter 01, ''LIMITATIONS.''
- Section 01–27–10, ''Normal Control Laws,'' of Chapter 01, ''LIMITATIONS.''
- Step 5., Section 01–34–40, ''Takeoff and Landing Data (TOLD),'' of Chapter 01, ''LIMITATIONS.''
- ''WARNING,'' preceding Step 4. of Section 02–05–50, ''Landing,'' of Chapter 02, ''NORMAL OPERATIONS.''
- Step 11., ''Landing,'' of Section 03–12–10, ''Zero Flaps or Partial Flaps Landings,'' of Chapter 03, ''ABNORMAL PROCEDURES.''
- Step 8., ''Final Approach Fix,'' of Section 04–08–40, ''One Engine Inoperative Landing Procedure,'' of Chapter 04, ''EMERGENCY PROCEDURES.''
- Step 1, ''Introduction,'' of Section 05–11–10, ''Threshold Speeds,'' of Chapter 05, ''PERFORMANCE FAA BASELINE.''
- Step 1, ''Introduction,'' of Section 5A–11–10, ''Threshold Speeds,'' of Chapter 5A, ''PERFORMANCE (ASC 022).''

Gulfstream GVII–G600 Airplane Flight Manual, GAC–AC–GVII–G600–OPS–0001, Revision 3, dated March 3, 2020.

- Step 3., ''Wind Conditions,'' of Section 01–02–10, ''Runway, Slope and Wind Conditions,'' of Chapter 01, ''LIMITATIONS.''
- Step 15., ''Approach Speed,'' of Section 01–03–40, ''Airspeed Limitations,'' of Chapter 01, ''LIMITATIONS.''
- Section 01–27–10, ''Normal Control Laws,'' of Chapter 01, ''LIMITATIONS.''
- Steps 3. and 4., Section 01–34–40, ''Takeoff and Landing Data (TOLD),'' of Chapter 01, ''LIMITATIONS.''

• ''WARNING,'' preceding Step 4., of Section 02–05–50, ''Landing,'' of Chapter 02, ''NORMAL OPERATIONS.''
• Step 11., ''Landing,'' of Section 03–12–10, ''Zero Flaps or Partial Flaps Landings,'' of Chapter 03, ''ABNORMAL PROCEDURES.''
• Step 8.,'' ''Final Approach Fix,'' of Section 04–08–40, ''One Engine Inoperative Landing Procedure,'' of Chapter 04, ''EMERGENCY PROCEDURES.''
• Step 1, ''Introduction,'' of Section 05–11–10, ''Threshold Speeds,'' of Chapter 05, ''PERFORMANCE.''
• Step 1, ''Introduction,'' of Section 05–11–20, ''Tire Speed and BKE Limited Maximum Landing Weight,'' of Chapter 05, ''PERFORMANCE.''

These documents are distinct because they apply to different airplane models. 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

The FAA is issuing this AD because the agency evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

AD Requirements

This AD requires revising the AFM for your airplane to incorporate revised limitations and procedures. Specific revisions must be made to the sections of the applicable AFM described previously.

This AD specifies that the owner/operator (pilot) may revise the AFM. Revising an AFM is not considered a maintenance action that must be performed by a certified person as specified in 14 CFR 43.3 and may be done by a pilot holding at least a private pilot certificate. This action must be recorded in the aircraft maintenance records to show compliance with this AD.

Interim Action

The FAA considers this AD interim action. The manufacturer is currently developing a modification that will address the unsafe condition identified in this AD. Once this modification is developed, approved, and available, the FAA might consider additional rulemaking.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C.) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for ''good cause,'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under this section, an agency, upon finding good cause, may issue a final rule without seeking comment prior to the rulemaking. Similarly, Section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies foregoing notice and comment prior to adoption of this rule because, as described in the Discussion section of this AD, inappropriate alpha limiter engagement during the landing flare limits the pilot's pitch authority during a critical phase of flight near the ground, and could result in a landing at a high rate of descent and the possible consequent loss of control of the airplane. Given the significance of the risk presented by this unsafe condition, it must be immediately addressed.

Accordingly, notice and opportunity for prior public comment are impracticable pursuant to 5 U.S.C. 553(b)(3)(B). In addition, for the reasons stated above, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days.

Regulatory Flexibility Act (RFA)

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

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, the FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2020–0199 and Product Identifier 2020–NM–035–AD at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this final rule. The FAA will consider all comments received by the closing date and may amend this final rule because of 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 final rule.

Costs of Compliance

The FAA estimates that this AD affects 62 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
AFM revision	1 work-hour × $85 per hour = $85	$0	$85	$5,270

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, and

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2020–05–12 Gulfstream Aerospace Corporation: Amendment 39–19860; Docket No. FAA–2020–0199; Product Identifier 2020–NM–035–AD.

(a) Effective Date

This AD is effective March 13, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Gulfstream Aerospace Corporation Model GVII–G500 and GVII–G600 airplanes, certificated in any category, all serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight controls.

(e) Unsafe Condition

This AD was prompted by report of a landing incident in which the alpha limiter engaged in the landing flare in unstable air while on the approach, resulting in a high rate of descent landing and damage to the airplane. The FAA is issuing this AD to address inappropriate alpha limiter engagement during the landing flare, which can limit pilot pitch authority during a critical phase of flight near the ground, and result in a high rate of descent landing and the possible consequent loss of control of the airplane on landing.

(f) Compliance

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

(g) AFM Revision for GVII–G500

For Model GVII–G500 airplanes: Within 5 days after the effective date of this AD, revise the airplane flight manual (AFM) for your airplane to incorporate the information specified in paragraphs (g)(1) through (9) of this AD.

(1) Step 3. ''Wind Conditions'' of Section 01–02–10, ''Runway, Slope and Wind Conditions,'' of Chapter 01, ''LIMITATIONS,'' of the Gulfstream GVII–G500 Airplane Flight Manual, GAC–AC–GVII–G500–OPS–0001, Revision 5, dated March 3, 2020.

(2) Step 15. ''Approach Speed'' of Section 01–03–40, ''Airspeed Limitations,'' of Chapter 01, ''LIMITATIONS,'' of the Gulfstream GVII–G500 Airplane Flight Manual, GAC–AC–GVII–G500–OPS–0001, Revision 5, dated March 3, 2020.

(3) Section 01–27–10, ''Normal Control Laws,'' of Chapter 01, ''LIMITATIONS,'' of the Gulfstream GVII–G500 Airplane Flight Manual, GAC–AC–GVII–G500–OPS–0001, Revision 5, dated March 3, 2020.

(4) Step 5. of Section 01–34–40, ''Takeoff and Landing Data (TOLD),'' of Chapter 01, ''LIMITATIONS,'' of the Gulfstream GVII–G500 Airplane Flight Manual, GAC–AC–GVII–G500–OPS–0001, Revision 5, dated March 3, 2020.

(5) ''WARNING,'' preceding Step 4., of Section 02–05–50, ''Landing,'' of Chapter 02, ''NORMAL OPERATIONS,'' of the Gulfstream GVII–G500 Airplane Flight Manual, GAC–AC–GVII–G500–OPS–0001, Revision 5, dated March 3, 2020.

(6) Step 11. ''Landing,'' of Section 03–12–10, ''Zero Flaps or Partial Flaps Landings,'' of Chapter 03, ''ABNORMAL PROCEDURES,'' of the Gulfstream GVII–G500 Airplane Flight Manual, GAC–AC–GVII–G500–OPS–0001, Revision 5, dated March 3, 2020.

(7) Step 8. ''Final Approach Fix,'' of Section 04–08–40, ''One Engine Inoperative Landing Procedure,'' of Chapter 04, ''EMERGENCY PROCEDURES,'' of the Gulfstream GVII–G500 Airplane Flight Manual, GAC–AC–GVII–G500–OPS–0001, Revision 5, dated March 3, 2020.

(8) Step 1., ''Introduction,'' of Section 05–11–10, ''Threshold Speeds,'' of Chapter 05, ''PERFORMANCE FAA BASELINE,'' of the Gulfstream GVII–G500 Airplane Flight Manual, GAC–AC–GVII–G500–OPS–0001, Revision 5, dated March 3, 2020.

(9) Step 1., ''Introduction,'' of Section 5A–11–10, ''Threshold Speeds,'' of Chapter 5A, ''PERFORMANCE (ASC 022),'' of the Gulfstream GVII–G500 Airplane Flight Manual, GAC–AC–GVII–G500–OPS–0001, Revision 5, dated March 3, 2020.

(h) AFM Revision for GVII–G600

For Model GVII–G600 airplanes: Within 5 days after the effective date of this AD, revise the AFM for your airplane to incorporate the information specified in paragraphs (h)(1) through (9) of this AD.

(1) Step 3., ''Wind Conditions'' of Section 01–02–10, ''Runway, Slope and Wind Conditions,'' of Chapter 01, ''LIMITATIONS,'' of the Gulfstream GVII–G600 Airplane Flight Manual, GAC–AC–GVII–G600–OPS–0001, Revision 3, dated March 3, 2020.

(2) Step 15., ''Approach Speed'' of Section 01–03–40, ''Airspeed Limitations,'' of Chapter 01, ''LIMITATIONS,'' of the Gulfstream GVII–G600 Airplane Flight Manual, GAC–AC–GVII–G600–OPS–0001, Revision 3, dated March 3, 2020.

(3) Section 01–27–10, ''Normal Control Laws,'' of Chapter 01, ''LIMITATIONS,'' of the Gulfstream GVII–G600 Airplane Flight Manual, GAC–AC–GVII–G600–OPS–0001, Revision 3, dated March 3, 2020.

(4) Steps 3. and 4. of Section 01–34–40, ''Takeoff and Landing Data (TOLD),'' of Chapter 01, ''LIMITATIONS,'' of the Gulfstream GVII–G600 Airplane Flight Manual, GAC–AC–GVII–G600–OPS–0001, Revision 3, dated March 3, 2020.

(5) ''WARNING,'' preceding Step 4., of Section 02–05–50, ''Landing,'' of Chapter 02, ''NORMAL OPERATIONS,'' of the Gulfstream GVII–G600 Airplane Flight Manual, GAC–AC–GVII–G600–OPS–0001, Revision 3, dated March 3, 2020.

(6) Step 11., ''Landing,'' of Section 03–12–10, ''Zero Flaps or Partial Flaps Landings,'' of Chapter 03, ''ABNORMAL PROCEDURES,'' of the Gulfstream GVII–G600 Airplane Flight Manual, GAC–AC–GVII–G600–OPS–0001, Revision 3, dated March 3, 2020.

(7) Step 8., ''Final Approach Fix,'' of Section 04–08–40, ''One Engine Inoperative Landing Procedure,'' of Chapter 04, ''EMERGENCY PROCEDURES,'' of the Gulfstream GVII–G600 Airplane Flight Manual, GAC–AC–GVII–G600–OPS–0001, Revision 3, dated March 3, 2020.

(8) Step 1, ''Introduction,'' of Section 05–11–10, ''Threshold Speeds,'' of Chapter 05, ''PERFORMANCE,'' of the Gulfstream GVII–G600 Airplane Flight Manual, GAC–AC–GVII–G600–OPS–0001, Revision 3, dated March 3, 2020.

(9) Step 1, ''Introduction,'' of Section 05–11–20, ''Tire Speed and BKE Limited Maximum Landing Weight,'' of Chapter 05, ''PERFORMANCE,'' of the Gulfstream GVII–G600 Airplane Flight Manual, GAC–AC–GVII–G600–OPS–0001, Revision 3, dated March 3, 2020.

(i) Alternative Methods of Compliance (AMOCs)

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

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager

of the local flight standards district office/ certificate holding district office.

(j) Related Information

For more information about this AD, contact Myles Jalalian, Aerospace Engineer, Systems and Equipment Section, FAA, Atlanta ACO Branch, 1701 Columbia Avenue, College Park, GA 30337; phone: 404–474–5572; fax: 404–474–5606; email: *Myles.Jalalian@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) Gulfstream GVII–G500 Airplane Flight Manual, GAC–AC–GVII–G500–OPS–0001, Revision 5, dated March 3, 2020.

(A) Step 3., ''Wind Conditions,'' of Section 01–02–10, ''Runway, Slope and Wind Conditions,'' of Chapter 01, ''LIMITATIONS.''

(B) Step 15., ''Approach Speed,'' of Section 01–03–40, ''Airspeed Limitations,'' of Chapter 01, ''LIMITATIONS.''

(C) Section 01–27–10, ''Normal Control Laws,'' of Chapter 01, ''LIMITATIONS.''

(D) Step 5., Section 01–34–40, ''Takeoff and Landing Data (TOLD),'' of Chapter 01, ''LIMITATIONS.''

(E) ''WARNING,'' preceding Step 4. of Section 02–05–50, ''Landing,'' of Chapter 02, ''NORMAL OPERATIONS.''

(F) Step 11., ''Landing,'' of Section 03–12–10, ''Zero Flaps or Partial Flaps Landings,'' of Chapter 03, ''ABNORMAL PROCEDURES.''

(G) Step 8., ''Final Approach Fix,'' of Section 04–08–40, ''One Engine Inoperative Landing Procedure,'' of Chapter 04, ''EMERGENCY PROCEDURES.''

(H) Step 1, ''Introduction,'' of Section 05–11–10, ''Threshold Speeds,'' of Chapter 05, ''PERFORMANCE FAA BASELINE.''

(I) Step 1, ''Introduction,'' of Section 5A–11–10, ''Threshold Speeds,'' of Chapter 5A, ''PERFORMANCE (ASC 022).''

(ii) Gulfstream GVII–G600 Airplane Flight Manual, GAC–AC–GVII–G600–OPS–0001, Revision 3, dated March 3, 2020.

(A) Step 3., ''Wind Conditions,'' of Section 01–02–10, ''Runway, Slope and Wind Conditions,'' of Chapter 01, ''LIMITATIONS.''

(B) Step 15., ''Approach Speed,'' of Section 01–03–40, ''Airspeed Limitations,'' of Chapter 01, ''LIMITATIONS.''

(C) Section 01–27–10, ''Normal Control Laws,'' of Chapter 01, ''LIMITATIONS.''

(D) Steps 3. and 4., Section 01–34–40, ''Takeoff and Landing Data (TOLD),'' of Chapter 01, ''LIMITATIONS.''

(E) ''WARNING,'' preceding Step 4. of Section 02–05–50, ''Landing,'' of Chapter 02, ''NORMAL OPERATIONS.''

(F) Step 11., ''Landing,'' of Section 03–12–10, ''Zero Flaps or Partial Flaps Landings,'' of Chapter 03, ''ABNORMAL PROCEDURES.''

(G) Step 8., ''Final Approach Fix,'' of Section 04–08–40, ''One Engine Inoperative Landing Procedure,'' of Chapter 04, ''EMERGENCY PROCEDURES.''

(H) Step 1, ''Introduction,'' of Section 05–11–10, ''Threshold Speeds,'' of Chapter 05, ''PERFORMANCE.''

(I) Step 1, ''Introduction,'' of Section 05–11–20, ''Tire Speed and BKE Limited Maximum Landing Weight,'' of Chapter 05, ''PERFORMANCE.''

(3) For service information identified in this AD, contact Gulfstream Aerospace Corporation, Technical Publications Dept., P.O. Box 2206, Savannah, GA 31402–2206; telephone 800–810–4853; fax 912–965–3520; email *pubs@gulfstream.com;* internet *https://www.gulfstream.com/customer-support.*

(4) You may view this service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call 816–329–4148.

(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. 2020–05242 Filed 3–11–20; 11:15 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 573

[Docket No. FDA–2018–F–3347]

Food Additives Permitted in Feed and Drinking Water of Animals; Chromium Propionate

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA, we, or the Agency) is amending the regulations for food additives permitted in feed and drinking water of animals to provide for the safe use of chromium propionate as a source of supplemental chromium in horse feed. This action is in response to a food additive petition filed by Kemin Industries, Inc.

DATES: This rule is effective March 13, 2020. See section V of this document for further information on the filing of objections. Submit either electronic or written objections and requests for a hearing on the final rule by April 13, 2020.

ADDRESSES: You may submit objections and requests for a hearing as follows. Please note that late, untimely filed objections will not be considered. Electronic objections must be submitted on or before April 13, 2020. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of April 13, 2020. Objections received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic objections in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting objections. Objections submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your objection will be made public, you are solely responsible for ensuring that your objection 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 objection, that information will be posted on *https://www.regulations.gov.*

• If you want to submit an objection with confidential information that you do not wish to be made available to the public, submit the objection 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 objections submitted to the Dockets Management Staff, FDA will post your objection, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–F–3347 for ''Food Additives Permitted in Feed and Drinking Water of Animals; Chromium Propionate.'' Received objections, those filed in a

timely manner (see **ADDRESSES**), 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 an objection with confidential information that you do not wish to be made publicly available, submit your objections only as a written/paper submission. You should submit two copies in 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 objections. 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 objections 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 objections 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.

FOR FURTHER INFORMATION CONTACT: Chelsea Cerrito, Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl. (HFV–224), Rockville, MD 20855, 240–402–6729, *Chelsea.Cerrito@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In a document published in the **Federal Register** of October 2, 2018 (83 FR 49508), FDA announced that we had filed a food additive petition (animal use) (FAP 2306) submitted by Kemin Industries, Inc., 1900 Scott Ave., Des Moines, IA 50317. The petition proposed that the regulations for food additives permitted in feed and drinking water of animals be amended to provide for the safe use of chromium propionate as a source of supplemental chromium in horse feed.

II. Conclusion

FDA concludes that the data establish the safety and utility of chromium propionate as a source of supplemental chromium in horse feed and that the food additive regulations should be amended as set forth in this document.

III. Public Disclosure

In accordance with § 571.1(h) (21 CFR 571.1(h)), the petition and documents we considered and relied upon in reaching our decision to approve the petition will be made available for public disclosure (see **FOR FURTHER INFORMATION CONTACT**). As provided in § 571.1(h), we will delete from the documents any materials that are not available for public disclosure.

IV. Analysis of Environmental Impact

The Agency has carefully considered the potential environmental impact of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. FDA's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Staff (see **ADDRESSES**) between 9 a.m. and 4 p.m., Monday through Friday.

V. Objections and Hearing Requests

Any person who will be adversely affected by this regulation may file with the Dockets Management Staff (see **ADDRESSES**) either electronic or written objections. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provision of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection.

List of Subjects in 21 CFR Part 573

Animal feeds, Food additives.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 573 is amended as follows:

PART 573—FOOD ADDITIVES PERMITTED IN FEED AND DRINKING WATER OF ANIMALS

■ 1. The authority citation for part 573 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348.

■ 2. In § 573.304, revise paragraphs (b), (c), (d)(3), and (e)(2)(ii) to read as follows:

§ 573.304 Chromium propionate.

* * * * *

(b) The additive is added to feed as follows:

(1) In complete feed for broiler chickens at a level not to exceed 0.2 milligrams (mg) of chromium from chromium propionate per kilogram feed.

(2) In feed for horses at a level not to exceed an intake of 4 mg of chromium from chromium propionate per horse per day.

(c) The additive meets the following specifications:

(1) Total chromium content, 8 to 10 percent.

(2) Hexavalent chromium content, less than 2 parts per million (ppm).

(3) Arsenic, less than 1 ppm.

(4) Cadmium, less than 1 ppm.

(5) Lead, less than 0.5 ppm.

(6) Mercury, less than 0.5 ppm.

(7) Viscosity, not more than 2,000 centipoise.

(d) * * *

(3) Chromium from all sources of supplemental chromium cannot exceed:

(i) A level of 0.2 ppm in complete feed for broiler chickens.

(ii) An intake of 4 mg per horse per day.

(e) * * *

(2) * * *

(ii) Adequate directions for use and cautions for use including these statements: ''Caution: Follow label directions'' and consistent with the directions for use, the following:

(A) For feed for broiler chickens, ''Chromium from all sources of supplemental chromium cannot exceed 0.2 parts per million of the complete feed for broiler chickens.''

(B) For feed for horses, ''Chromium from all sources of supplemental

chromium cannot exceed 4 milligrams per horse per day.''

Dated: March 6, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–04988 Filed 3–12–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 300

[TD 9894]

RIN 1545–BN38

User Fees for Offers in Compromise

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulation.

SUMMARY: This document contains the final regulations that provide user fees for offers in compromise. The final regulations affect taxpayers who wish to pay their Federal tax liabilities through offers in compromise.

DATES:

Effective date: These regulations are effective on April 27, 2020.

Applicability date: These regulations apply to offers in compromise submitted on or after April 27, 2020.

FOR FURTHER INFORMATION CONTACT: Concerning the regulations, Jordan L. Thomas at (202) 317–5437; concerning cost methodology, Michael Weber, at (202) 803–9738 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

This document contains amendments to the User Fee Regulations under 26 CFR part 300 regarding user fees charged for processing offers in compromise submitted in accordance with section 7122 of the Internal Revenue Code (Code) and § 301.7122–1 of the Procedure and Administration Regulations.

I. Authority To Charge User Fees

The Independent Offices Appropriations Act of 1952 (IOAA), which is codified at 31 U.S.C. 9701, authorizes Federal agencies, including the IRS, to prescribe regulations establishing user fees for services provided by the agency. Regulations prescribing user fees are subject to the policies of the President, which are currently set forth in the Office of Management and Budget Circular A–25 (OMB Circular), 58 FR 38142 (July 15, 1993). The OMB Circular allows agencies to impose user fees for services that confer a special benefit to identifiable recipients beyond those accruing to the general public. The agency must calculate the full cost of providing those benefits, and, in general, the amount of a user fee should recover the full cost of providing the service, unless the Office of Management and Budget (OMB) grants an exception under the OMB Circular.

II. Notice of Proposed Rulemaking

On October 13, 2016, the Treasury Department and the IRS published in the **Federal Register** (81 FR 70654) a notice of proposed rulemaking (REG–108934–16) relating to the user fees charged for processing offers in compromise under section 7122 and § 301.7122–1. The notice of proposed rulemaking proposed to increase the fee under 26 CFR 300.3 for processing an offer in compromise from $186 to $300, effective for offers in compromise submitted on or after February 27, 2017. Under the notice of proposed rulemaking, offers based on doubt as to liability and offers from low-income taxpayers, as defined in § 300.3(b)(1)(ii), would continue to be excepted from a user fee. As explained in the notice of proposed rulemaking, the proposed user fee (even after the increase) was substantially less than the full cost to the IRS of providing this service and the OMB has granted an exception to the full-cost requirement.

III. The Taxpayer First Act

Section 1102 of the Taxpayer First Act, Public Law 116–25, 133 Stat. 981, 986 (2019), which was enacted on July 1, 2019, added paragraph (3) to section 7122(c). Section 7122(c)(3) exempts certain low-income taxpayers from payment of the offer in compromise user fee otherwise required in connection with the submission of an offer in compromise. These low-income taxpayers are individuals with adjusted gross income, as determined for the most recent taxable year for which such information is available, which does not exceed 250 percent of the applicable poverty level (as determined by the Secretary of the Treasury or his delegate). Section 1102(b) of the Taxpayer First Act provides that section 7122(c)(3) ''shall apply to offers-in-compromise submitted after the date of the enactment of this Act,'' that is, offers in compromise submitted after July 1, 2019.

Summary of Comments and Explanation of Revisions

I. Overview

In response to the notice of proposed rulemaking, four comments were received. One comment requested a public hearing, which was held on December 16, 2016. At the hearing, the Treasury Department and the IRS received testimony from two speakers from one organization who shared the allotted speaking time.

After careful consideration of the comments and hearing testimony, the Treasury Department and the IRS have made some modifications to the proposed regulations, including nonsubstantive editorial changes to the text of § 300.3(b)(2)(ii).

Specifically, in response to the comments and testimony received, the final regulations provide a more limited increase of the user fee under § 300.3 for processing an offer in compromise from $186 to $205, a 10 percent increase. This more limited increase is effective for offers in compromise submitted on or after April 27, 2020. The $205 user fee remains substantially less than the full cost to the IRS of providing this service. As required by the IOAA and the OMB Circular, the IRS will continue to biennially review the user fee, and the Treasury Department and the IRS will adjust and increase the fee as appropriate.

The final regulations also continue to except offers based on doubt as to liability from a user fee, and expand the definition of low-income taxpayer consistent with section 7122(c)(3) to help reduce the burden on taxpayers.

This Treasury Decision adopts the proposed regulations, as modified.

II. First Comment

The first comment suggested that the user fee for processing an offer in compromise should either remain at $186 or be lowered. In support of this recommendation, the comment stated that ''[t]he service that the IRS provides does not make a large enough financial dent to justify hurting those who need this service with larger fees.'' As noted more fully in the notice of proposed rulemaking, the full cost to the IRS for an offer in compromise in 2016 was $2,450. As required by the IOAA and the OMB Circular, the IRS recently completed its 2019 biennial review of the offer in compromise program and determined that the full cost of an offer in compromise was $2,374.

When an offer in compromise is accepted, the user fee is either applied against the amount to be paid under the offer or refunded to the taxpayer if the

taxpayer requests a refund pursuant to § 300.3(b)(2). Therefore, except for the timing of the payment, a taxpayer that can afford to pay the fee who has an accepted offer in compromise under effective tax administration pursuant to § 301.7122–1(b)(3), or doubt as to collectibility with a determination that collection of an amount greater than the amount offered would create economic hardship within the meaning of § 301.6343–1, is no worse off having paid the user fee because the amount of the user fee reduces the amount of the offer accepted to compromise the taxpayer's existing tax obligation owed to the IRS or is refunded to the taxpayer. In other cases, a taxpayer with an accepted offer in compromise is no worse off having paid the user fee because the fees paid to request an offer in compromise are generally applied to offset existing tax obligations so no amounts are kept in excess of amounts owed to the IRS. Under the OMB Circular, the user fee for a special benefit generally should recoup the full cost to the government for providing that special benefit. As explained in the notice of proposed rulemaking, an agency should set the user fee at an amount that recovers the full cost of providing the service unless the agency requests, and the OMB grants, an exception to the full cost requirement. The IRS has requested, and the OMB has granted, an exception to the full cost requirement for low-income taxpayers and offers based on doubt as to liability from the user fee because the Commissioner of Internal Revenue has determined that there is a compelling tax administration reason for doing so. The increased user fee for offers in compromise balances the need to recover more of the costs with the goal of encouraging offers in compromise.

III. Second Comment

The second comment had seven main concerns and additional concerns with respect to each of these main concerns.

A. Justification for Charging Fee

The second comment's first main concern was that offers in compromise should not be subject to fees because in the commenter's opinion the IRS generally does not charge for fundamental government services that primarily benefit the general public. The comment stated that the offer in compromise program provides at least an incidental benefit to taxpayers seeking offers in compromise; however, the offer in compromise program is a fundamental government service that primarily and independently benefits the government and the public fisc. The comment suggested that because the IRS is prohibited from taking collection action against a taxpayer when an offer is pending, for 30 days after an offer has been rejected, and for the duration of time that a taxpayer appeals a rejected offer, these were not discretionary activities that the IRS could choose to discontinue. Rather, the comment asserted that these are fundamental government services available to all taxpayers, not just those taxpayers choosing to conduct a particular business. The comment suggested that these purported fundamental services independently benefit all taxpayers rather than providing special benefits to special interests. The comment stated that it was not clear the OMB Circular authorized the IRS to charge a fee for processing offers in compromise as any specific beneficiary of an offer in compromise is arguably obscured by the fact that the IRS and the public fisc are the primary and direct beneficiaries of the offer in compromise program. The comment noted that any benefit accruing to the taxpayer seeking an offer in compromise was designed as an incentive to encourage tax debtors to seek an offer in compromise, which is a benefit to the government. The comment identified entering into a closing agreement, visiting a taxpayer assistance center, calling the IRS, using the electronic payment or filing systems, receiving a communication, making quarterly payments or deposits, processing a Form 2848, or using the ''where's my refund'' website as services the IRS provides without charging a user fee. The comment concluded that charging a user fee for processing an offer in compromise appears inconsistent and arbitrary when compared to the previously identified services provided without a user fee.

As described in the preamble to the proposed regulations, the offer in compromise program confers a special benefit on identifiable recipients beyond those accruing to the general public. A taxpayer with an accepted offer in compromise receives the special benefit of resolving his or her tax liabilities for a compromised amount, provided the taxpayer complies with the terms of the offer, and the benefit of paying the compromised amount over a period not to exceed 24 months. The comment addresses this specific benefit as incidental, however, it is the core benefit of an offer in compromise. The comment was accurate in stating that section 6331(k)(1) of the Code generally prohibits the IRS from levying to collect taxes while a request to enter into an offer in compromise is pending, for 30 days after a rejection, and, if a timely appeal of a rejection is filed, for the duration of the appeal. However, while the IRS is required by statute to cease levying to collect taxes during this period, the IRS may still charge a fee for providing that service. In fact, under the OMB Circular, there are several examples of special benefits (*e.g.,* passport, visa, patent) for which the issuing agency may charge a fee even though the agency is required to issue such benefit if the individual meets certain statutory or regulatory requirements. Because of these special benefits, the IOAA and the OMB Circular authorize the IRS to charge a user fee for the offer in compromise that reflects the full cost of providing the service of the offer in compromise program to the taxpayer. This special benefit does not accrue to the general public because taxpayers are otherwise obligated to pay the entire amount of outstanding taxes immediately when due and are otherwise subject to all authorized IRS collection actions.

Even if it is argued that the government derives some general benefit from collecting outstanding tax liabilities, it is still appropriate under the OMB Circular to charge a user fee for processing an offer in compromise because offers in compromise provide ''specific services to specific individuals.'' *Seafarers Int'l Union of N. Am.* v. *U.S. Coast Guard,* 81 F.3d 179, 183 (D.C. Cir. 1996). The specific individual is the identifiable taxpayer who requests an offer in compromise and receives the specific benefits previously described and more fully described in the notice of proposed rulemaking. The benefit to the government of collecting on outstanding tax liabilities is a benefit that accrues to the public generally and does not diminish the special benefit provided to the specific, identifiable taxpayer requesting an offer in compromise. As noted in the notice of proposed rulemaking, the IOAA permits the IRS to charge a user fee for providing a ''service or thing of value.'' 31 U.S.C. 9701(b). A government activity constitutes a ''service or thing of value'' when it provides ''special benefits to an identifiable recipient beyond those that accrue to the general public.'' *See* OMB Circular section 6(a)(1). Among other things, a ''special benefit'' exists when a government service is performed at the request of a taxpayer and is beyond the services regularly received by other members of the same group or the general public. *See* OMB Circular section 6(a)(1)(c). In connection with an offer in compromise, the special benefit

is only provided in response to a request by a taxpayer for the consideration of an offer in compromise.

By the very nature of government action, the general public will almost always experience some benefit from an activity that is subject to a user fee. *See, e.g., Seafarers,* 81 F.3d at 184–85 (D.C. Cir. 1996). However, as long as the activity confers a specific benefit upon an identifiable beneficiary, it is permissible for the agency to charge the beneficiary a fee even though the public will also experience an incidental benefit. *See Engine Mfrs. Ass'n* v. *EPA,* 20 F.3d 1177, 1180 (D.C. Cir. 1994) (''If the agency does confer a specific benefit upon an identifiable beneficiary . . . then it is of no moment that the service may incidentally confer a benefit upon the general public as well.'') *citing Nat'l Cable Television Ass'n* v. *FCC,* 554 F.2d 1094, at 1103 (D.C. Cir. 1976). Furthermore, the benefit to the public fisc of collecting outstanding taxes is not an additional benefit to the government because the IRS would collect those amounts through other means absent the offer in compromise. Even so, an agency is still entitled to charge for services that assist a person in complying with his or her statutory duties. *See Elec. Indus Ass'n* v. *FCC,* 554 F.2d 1109, 1115 (D.C. Cir. 1976).

For purposes of these regulations, the IRS has considered comments relating to the offer in compromise user fees and comments relating to other services for which no fee is charged are outside the scope of this rulemaking. With respect to offer in compromise user fees, the IRS has charged fees since 2003 in accordance with the OMB Circular that requires full cost unless an exception is granted. The OMB Circular requires the IRS to review the user fees it charges for special services biennially to ensure that the fees are adjusted for cost. *See* OMB Circular section 8(e). As explained in detail in the notice of proposed rulemaking, the reduced offer in compromise user fee is consistent with these requirements.

B. Justification for Increasing Fee

The second comment's second main concern was that Congress's decision to impose ''constraints on IRS resources'' is an inadequate justification for increasing the offer in compromise fee.

Section 6(a)(2)(a) of the OMB Circular provides that user fees will be sufficient to recover the full cost to the government of providing the service except as provided in section 6(c) of the OMB Circular. The exceptions in section 6(c)(2) of the OMB Circular provide that agency heads may recommend to the OMB that exceptions to the full cost requirement be made when either (1) the cost of collecting the user fee would represent an unduly large part of the fee or (2) any other condition exists that, in the opinion of the agency head, justifies an exception. The cost of collecting the proposed user fees for offers in compromise will not represent an unduly large part of the fee for the activity because the IRS returns offers in compromise submitted without a user fee without consideration. *See* Internal Revenue Manual (IRM) 5.8.2 and 5.8.3.

The OMB Circular requires the IRS to review the user fees it charges for special services biennially to ensure that the fees are adjusted to reflect the full cost to the IRS. As discussed in the notice of proposed rulemaking, the IRS completed its 2015 biennial review of the offer in compromise program and determined that the full cost to the IRS of providing the special service of an offer in compromise was $2,450. As required by the IOAA and the OMB Circular, the IRS recently completed its 2019 biennial review of the offer in compromise program and determined that the full cost of an offer in compromise was $2,374. As noted above, section 6(a)(2)(a) of the OMB Circular requires that user fees recover the full cost to the government of providing the service and nothing in the OMB Circular mandates agency heads to seek an exception to the full cost requirement. Nonetheless, the Commissioner of Internal Revenue determined that there is a compelling tax administration reason for seeking an exception to the full cost requirement and made the decision to seek such an exception from the OMB. The OMB granted the exception. After consideration of the comments received, the Treasury Department and the IRS determined the proposed fee should be lowered to $205, which is substantially less than the full cost incurred by the IRS to provide this special benefit to taxpayers seeking it. The $205 user fee balances the need to recover more of the costs with the goal of encouraging offers in compromise. Furthermore, the IRS has continued to request, and the OMB has continued to grant, an exception to the full cost requirement for offers in compromise submitted by low-income taxpayers and offers in compromise based on doubt as to liability.

C. Public Policy Goal of Fee

The second comment's third main concern was that public policy weighs in favor of eliminating the offer in compromise fee. The comment stated that section 7803(a)(3) provides that the Commissioner of Internal Revenue shall execute his duties in accord with taxpayer rights and shall ensure that all employees are familiar with and act in accord with taxpayer rights, including the right to privacy, which includes the right to expect that enforcement ''will be no more intrusive than necessary.'' The comment stated that the user fee was inconsistent with the right to privacy because charging an increased user fee would dissuade taxpayers from seeking offers in compromise, thus triggering enforcement action that would otherwise be unnecessary. The comment stated that increasing the fee creates an obstacle for many taxpayers who would otherwise consider an offer in compromise to resolve their tax liability, and the IRS would thereby undermine public policy goals expressed by Congress.

The comment's reliance on section 7803(a)(3) is misplaced because the amount of the offer in compromise user fee is governed by section 7122 and the IOAA. The IOAA states that the services provided by an agency should be self-sustaining to the extent possible. 31 U.S.C. 9701(a).

D. Revenue Impact of Charging a Fee

The second comment's fourth main concern was that the offer in compromise fee was likely to cost more, in terms of lost tax revenue and increased enforcement costs, than it will generate in user fees. The comment claimed that the proposed user fee increase was likely to dissuade taxpayers in every income category from submitting offers in compromise. The comment cites to the Treasury Department's *General Explanations of the Administration's Fiscal Year 2017 Revenue Proposals,* which included a proposal to repeal the section 7122(c)(1) requirement for a down payment to accompany submitted offers in compromise, for its conclusion that eliminating such a requirement would raise revenue by improving access to the offer in compromise program.

The prior Administration's legislative proposal, which was not adopted, addressed the statutory requirement for a down payment to accompany submitted offers in compromise. The down payment requirement is a separate issue, mandated by section 7122(c)(1). Section 7122(c)(1) does not address user fees, but instead requires submissions of offers in compromise to be accompanied by down payments, which is unrelated to the determination of the appropriate user fee to charge for the offer in compromise program. By statute, each service or thing of value provided by an agency to a person is to be self-sustaining to the extent possible. 31

U.S.C. 9701(a). The user fee associated with the service must be fair and based on the costs to the government, the value of the service to the recipient, and public policy or interest served. 31 U.S.C. 9701(b). The updated user fee balances the need for the service to be self-sustaining with the goal of encouraging offers in compromise.

E. Conflict of Interest

The second comment's fifth main concern was that the offer in compromise fee is an accounting ''device'' that the IRS is pursuing due to a conflict of interest. The comment stated that an offer in compromise fee will reduce tax revenue by converting what would otherwise be tax collections that benefit the public fisc into user fee collections that only benefit the IRS. According to the comment, the conversion occurs because the offer in compromise user fee reduces funds that the taxpayer can use to settle the liability and the amount that the IRS will accept as a compromise. The comment alleged that the IRS pursues this accounting ''device'' because of a claimed conflict of interest, which is claimed to be the IRS's authority to retain certain user fee collections.

As noted above, the full cost to the IRS for an offer in compromise was $2,374. The IRS, however, is increasing the user fee for providing this special benefit from $186 to $205. When considering whether the taxpayer has offered an acceptable amount for an offer in compromise, the IRS reduces the taxpayer's reasonable collection potential (RCP) by the amount of the user fee paid because those funds are no longer part of the taxpayer's assets. When an offer in compromise is accepted under effective tax administration pursuant to § 301.7122–1(b)(3), or doubt as to collectibility with a determination that collection of an amount greater than the amount offered would create economic hardship within the meaning of § 301.6343–1, the user fee is either applied against the amount to be paid under the offer or refunded to the taxpayer if the taxpayer requests a refund pursuant to § 300.3(b)(2). In other cases, a taxpayer with an accepted offer in compromise is no worse off having paid the user fee because the fees paid to request an offer in compromise are generally applied to offset existing tax obligations so no amounts are kept in excess of amounts owed to the IRS. Thus, the taxpayer receives the benefit of the specific services provided by the IRS in processing the offer in compromise and a reduction in the taxpayer's tax liability. A taxpayer paying $205 for a special service the provision of which costs the IRS more than $205 creates no conflict of interest for the IRS.

F. Cost Benefit Analysis

The second comment's sixth main concern was that to help mitigate the IRS's conflict of interest, the IRS should conduct a cost benefit analysis before moving forward with an increase to the offer in compromise user fee as the IRS has agreed to do for future user fee proposals and that may also be required by Executive Order 13563. The comment asked the IRS to mitigate its conflict of interest by quantifying and considering the following factors before adopting or increasing any offer in compromise user fee: (1) Indirect costs that are likely to result from the proposed user fee(s), (2) effect of user fees on taxpayer rights or burdens, (3) any resulting reductions in voluntary compliance, or (4) any impairment of the IRS mission. The comment stated that even though the IRS agreed to update the Internal Revenue Manual to require IRS business units to consider these factors, because the offer in compromise fee increase was proposed before that agreement was made, the IRS should not move forward with these regulations before it conducts this analysis and discloses it to the public.

As discussed in the notice of proposed rulemaking and the Special Analyses in the Treasury Decision, certain IRS regulations, including this one, are exempt from the requirements of Executive Order 12866, as supplemented and reaffirmed by Executive Order 13563. Further, the notice of proposed rulemaking contained detailed accounting of the costs of the offer in compromise program. As discussed more fully in the previous response to the comment's second main concern and in the notice of proposed rulemaking, the OMB Circular requires the IRS to review the user fees it charges for special services biennially to ensure that the fees are adjusted for cost. As noted more fully in the notice of proposed rulemaking, the IRS determined after its 2015 biennial review that the full cost to the IRS for providing the special service of an offer in compromise was $2,450. The Commissioner of Internal Revenue then determined that there is a compelling tax administration reason for seeking an exception to the full cost requirement from the OMB and sought such an exception from the OMB, which the OMB granted. After completing its 2019 biennial review, the IRS determined that the full cost to the IRS for providing the special service of an offer in compromise was $2,374. The $205 fee balances the need to recover more of the costs with the goal of encouraging offers in compromise. Furthermore, the IRS has continued to request, and the OMB has continued to grant, an exception to the full cost requirement for offers in compromise submitted by low-income taxpayers and offers in compromise based on doubt as to liability. In deciding to seek the exception to the full cost requirement for all taxpayers, low-income taxpayers, and taxpayers seeking an offer in compromise based on doubt as to liability, the Commissioner of Internal Revenue considered the four factors identified in the comment: The indirect costs that are likely to result from the proposed fee(s); the effect of fees on taxpayer rights or burden; any resulting reductions in voluntary compliance; and any impairment of the IRS mission, and carefully weighed them against the goal of recovering costs. Rather than charging the full cost, the Commissioner of Internal Revenue sought and received an exception from the OMB to charge all taxpayers a user fee of $300, and low-income taxpayers and taxpayers seeking offers in compromise based on doubt as to liability a user fee of $0. These fee amounts are substantially less than the full cost to the IRS of providing this service. The Treasury Department and the IRS have now determined that the user fee should only be increased to $205. The further lowering of the user fee from $300 to $205 and the exceptions to the fee strike a balance between the goal of recovering costs and the concerns identified in the factors in the IRM regarding the impact of the offer in compromise program.

G. Taxpayer Burden

The second comment's seventh main concern was that if the IRS charges a user fee for processing an offer in compromise, it should minimize the burden for taxpayers. The comment suggested this be done by collecting the user fee from the amount paid on the offer in compromise, such as is done with the collection of the installment agreement user fee.

As discussed earlier, the IRS already collects the offer in compromise user fee in a taxpayer-friendly manner in that the taxpayer's RCP is reduced by the amount of the user fee and the user fee is generally directly offset against the taxpayer's outstanding tax liability. The taxpayer thus receives a double benefit of the user fee amount.

IV. Third Comment

The third comment in response to the notice of proposed rulemaking acknowledged and agreed with the IRS's

findings regarding costs per offer and the need to raise the user fee to $300 based on those findings. However, the third comment had two main concerns and suggestions. The comment's first main concern was regarding taxpayers who fall outside the parameters of the low-income threshold of 250 percent of the poverty guidelines, as established and updated annually by the Department of Health and Human Services (HHS). According to the comment, taxpayers whose income falls between 250 percent and 400 percent of the HHS poverty guidelines will be most negatively affected by the user fee increase. The comment stated that taxpayers between 250 percent and 400 percent of the HHS poverty guidelines face similar hardships as those whose incomes fall at or below 250 percent of the HHS poverty guidelines. The comment suggested that the IRS maintain the current $186 user fee for taxpayers whose income falls between 250 percent and 400 percent of the HHS poverty guidelines, noting that such taxpayers qualify for premium tax credits on the Health Insurance Marketplace.

Requesting an exception to the full cost requirement of the OMB Circular is within the discretion of the agency head and must be approved by the OMB. The Commissioner of Internal Revenue requested and the OMB approved excepting from the user fee taxpayers whose income falls at or below the dollar criteria established by the poverty guidelines as established and updated annually by HHS. The regulations maintain this exception as a floor. As a policy decision, the IRS has not charged the offer in compromise user fee if the taxpayer's income falls at or below 250 percent of the HHS poverty guidelines. This policy balances the need to recover more of the costs with the goal of encouraging offers in compromise. Creating an additional exception for taxpayers whose income falls between 250 percent and 400 percent of the HHS poverty guidelines would not properly address the need to recover more of the costs for processing offers in compromise.

The comment's second main concern was regarding taxpayers whose RCP is less than the user fee. The comment explained that the RCP equals the total of the future income potential plus the equity in all assets and that future income is excess income over allowable expenses times a multiplier. The comment suggested waiving the user fee in its entirety for taxpayers whose RCP is less than the user fee. The comment then set out the following example, based on a real case, and on which the two speakers elaborated at the public hearing: A taxpayer with an RCP of $9 submitted an offer in compromise and checked the low-income taxpayer certification box. The taxpayer's income stemmed from a seasonal job and monthly disability payments from the Department of Veterans Affairs, as exigent circumstances prevented him from maintaining a steady job. When the offer was submitted, the taxpayer's income was higher than in previous months when he was not working the seasonal job, but the taxpayer's annual average income fell below 250 percent of the HHS poverty guidelines. The taxpayer's offer was accepted for processing but the IRS required the payment of the user fee. After obtaining outside assistance, the taxpayer was able to demonstrate that the taxpayer qualified for the low-income exception and the offer was accepted without requiring the payment of a user fee.

Pursuant to the written procedures in IRM 5.8.4.7, the IRS should determine whether the taxpayer qualifies for the low-income exception to the user fee by reviewing the household income at the time the offer was submitted as compared to the household income at the time the offer is processed and using the lower of the two. If the taxpayer's household income was below 250 percent of the HHS poverty guidelines when the offer was processed, then the IRS should not have required a user fee. To the extent the taxpayer had difficulty demonstrating to the IRS offer examiner that the taxpayer qualified for low-income status, that difficulty is independent of the amount of the user fee. If the taxpayer had not requested low-income taxpayer status and paid the user fee at the time of submission, the IRS would have reduced the taxpayer's RCP by the amount of the user fee paid because those funds are no longer part of the taxpayer's assets. Taxpayers may request a refund of the user fee pursuant to § 300.3(b)(2) in two situations: (1) If the offer is accepted to promote effective tax administration pursuant to § 301.7122–1(b)(3), and (2) if the offer is accepted based on doubt as to collectibility and the IRS determines that collecting an amount greater than the amount offered would create economic hardship within the meaning of § 301.6343–1. This current system balances the need to collect a fee with the need to accommodate taxpayers who may have exigent circumstances.

V. Fourth Comment

The fourth comment stated that the increased user fee is too onerous and will result in the IRS collecting less on past due liabilities than it could otherwise collect. According to the comment, recent statistics show that 47 percent of Americans cannot come up with $400 to cover an unexpected emergency. The comment, however, does not cite to the source of these statistics. The comment states that taxpayers who cannot afford the increased user fee will enter into currently not collectible (CNC) status. The comment states then that the increased user fee will result in the IRS collecting less revenue.

Offers in compromise are a collection alternative for taxpayers who are unable to pay their tax liability in full. As discussed above, the IRS has options for those taxpayers who, in addition to being unable to pay their tax liability in full, would struggle to pay the user fee for the offer in compromise. For low-income taxpayers, the IRS waives the user fee in its entirety. For taxpayers who do not qualify as low-income taxpayers but for whom the user fee would cause them an economic hardship, the IRS refunds the user fee. The comment states that CNC status is available for certain taxpayers. However, it is not the case that the availability of CNC status as an option to some taxpayers will necessarily cause the IRS to collect less revenue. The comment does not take into account that taxpayers who are eligible for CNC status may also be eligible for a refund of the user fee or waiver of the fee because of their income level.

VI. Final Regulations

As noted previously, in response to the comments and testimony received, the final regulations provide a more limited increase of the user fee and an expanded definition of low-income taxpayer to help reduce the burden on taxpayers.

The Treasury Department and the IRS have now determined that the user fee should only be increased to $205, a 10 percent increase. Additionally, pursuant to the Taxpayer First Act, the final regulations incorporate the definition of low-income taxpayer provided in section 7122(c)(3), thereby providing an additional means of receiving the low-income taxpayer waiver. Section 7122(c)(3) excepts low-income taxpayers from any user fee otherwise required in connection with the submission of an offer in compromise and defines a low-income taxpayer as an individual with an adjusted gross income, as determined for the most recent taxable year for which such information is available, which does not exceed 250 percent of the applicable poverty guidelines. Thus, the final regulations provide that low-income

taxpayers, as defined in section 7122(c)(3), are also exempt from payment of the offer in compromise user fee with respect to offers submitted after July 1, 2019.

Special Analyses

Certain IRS regulations, including this one, are exempt from the requirements of Executive Order 12866, as supplemented and reaffirmed by Executive Order 13563. These regulations do not have a significant effect on the economy as the fees paid to request an offer in compromise are generally applied to offset existing tax obligations so no amounts are kept in excess of amounts owed to the IRS. In addition, the IRS estimates that approximately 31 percent of the offer in compromise cases closed annually are from low-income taxpayers and taxpayers making offers in compromise based on doubt as to liability. As taxpayers making these offers in compromise are not charged a fee, there is no effect on the economy. Therefore, a regulatory impact assessment is not required.

It is hereby certified that these regulations will not have a significant economic impact on a substantial number of small entities. This certification is based on the information that follows. There is no significant economic impact from these regulations on any small entity required to pay a fee prescribed by these regulations to request an offer in compromise because generally the fee is applied to offset an existing tax obligation that the small entity owes the IRS. As such, the fee does not represent a payment of any amount greater than what a small entity already owes the IRS. In addition, as small entities making offers in compromise based on doubt as to liability will continue not to be charged a fee, these small entities will not be impacted economically by these regulations. Further, the economic impact of these regulations will not be on a substantial number of small entities because few small entities submit offers in compromise. In FY 2017, the IRS received a total of 52,016 processable offers, of which 3,851, or 7.4 percent, were from taxpayers with a business liability. In FY 2018, the IRS received 49,901 processable offers, of which 3,325 or 6.6 percent were from taxpayers with a business liability. Taxpayers with a business liability include all businesses, thus the number of businesses that could be classified as small businesses would be even less significant than the 7.4 percent and 6.6 percent requesting offers in compromise in FY 2017 and FY 2018, respectively. Accordingly, this rule will not have a significant economic impact on a substantial number of small entities.

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

Statement of Availability of IRS Documents

IRS Revenue Procedures, Revenue Rulings notices, and other guidance cited in this document are published in the Internal Revenue Bulletin (or Cumulative Bulletin) and are available from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402, or by visiting the IRS website at *http://www.irs.gov.*

Drafting Information

The principal author of these regulations is Jordan L. Thomas of the Office of the Associate Chief Counsel (Procedure and Administration). Other personnel from the Treasury Department and the IRS participated in their development.

List of Subjects in 26 CFR Part 300

Reporting and recordkeeping requirements, User fees.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 300 is amended as follows:

PART 300—USER FEES

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

Authority: 31 U.S.C. 9701.

■ **Par. 2.** Section 300.3 is amended by revising paragraphs (b)(1) and (d) to read as follows:

§ 300.3 Offer to compromise fee.

* * * * *

(b) * * *

(1) The fee for processing an offer to compromise submitted before April 27, 2020, is $186. The fee for processing an offer to compromise submitted on or after April 27, 2020, is $205. No fee will be charged if an offer is—

(i) Based solely on doubt as to liability as defined in § 301.7122–1(b)(1) of this chapter;

(ii) Made by a low-income taxpayer, that is, an individual whose income falls at or below the dollar criteria established by the poverty guidelines updated annually in the **Federal Register** by the U.S. Department of Health and Human Services under authority of section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (95 Stat. 357, 511) or such other measure that is adopted by the Secretary; or

(iii) Made by a low-income taxpayer, as described in section 7122(c)(3) of the Internal Revenue Code, and submitted after July 1, 2019.

* * * * *

(d) *Applicability date.* This section is applicable beginning April 27, 2020.

Sonita Lough,

Deputy Commissioner for Services and Enforcement.

Approved: February 24, 2020.

David J. Kautter,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2020–05115 Filed 3–12–20; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 591

General Licenses Issued Pursuant to Venezuela-Related Executive Order 13835

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of General Licenses.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing three Venezuela-related general licenses in the **Federal Register:** General Licenses 5 and 5A, which have been superseded, and General License 5B, each of which was previously issued on OFAC's website.

DATES: General License 5B was issued on January 17, 2020 and the authorizations in such General License will be effective April 22, 2020.

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

SUPPLEMENTARY INFORMATION:

Electronic Availability

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

Background

On March 8, 2015, the President, invoking the authority of, *inter alia,* the International Emergency Economic Powers Act (50 U.S.C. 1701–1706), issued Executive Order (E.O.) 13692 (''Blocking Property and Suspending Entry of Certain Persons Contributing to the Situation in Venezuela'') (80 FR 12747, March 11, 2015) (E.O. 13692). In E.O. 13692, the President found that the situation in Venezuela, including the Government of Venezuela's erosion of human rights guarantees, persecution of political opponents, curtailment of press freedoms, use of violence and human rights violations and abuses in response to antigovernment protests, and arbitrary arrest and detention of antigovernment protestors, as well as the exacerbating presence of significant public corruption, constitutes an unusual and extraordinary threat to the national security and foreign policy of the United States, and declared a national emergency to deal with that threat.

The President has issued six additional Executive orders pursuant to the national emergency declared in E.O. 13692: E.O. 13808 of August 24, 2017 (''Imposing Additional Sanctions With Respect to the Situation in Venezuela'') (82 FR 41155, August 29, 2017); E.O. 13827 of March 19, 2018 (''Taking Additional Steps to Address the Situation in Venezuela'') (83 FR 12469, March 21, 2018); E.O. 13835 of May 21, 2018 (''Prohibiting Certain Additional Transactions With Respect to Venezuela'') (83 FR 24001, May 24, 2018) (E.O. 13835); E.O. 13850 of November 1, 2018 (''Blocking Property of Additional Persons Contributing to the Situation in Venezuela'') (83 FR 55243, November 2, 2018), E.O. 13857 of January 25, 2019 (''Taking Additional Steps To Address the National Emergency With Respect to Venezuela'') (84 FR 509, January 30, 2019), and E.O. 13884 of August 5, 2019 (''Blocking Property of the Government of Venezuela'') (84 FR 38843, August 7, 2019).

OFAC, in consultation with the Department of State, issued Venezuela-related General License (GL) 5 on July 19, 2018, pursuant to E.O. 13835, to authorize certain transactions related to the Petróleos de Venezuela, S.A. 2020 8.5 Percent Bond that were prohibited by Subsection 1(a)(iii) of E.O. 13835. On October 24, 2019, OFAC issued GL 5A, which replaced and superseded GL 5. GL 5A delayed until January 22, 2020 the effectiveness of the authorization that was previously contained in GL 5. On January 17, 2020, OFAC issued GL 5B, which replaced and superseded GL 5A. GL 5B further delayed until April 22, 2020 the effectiveness of the authorization that was previously contained in GL 5. As a result, no transactions may be conducted pursuant to GL 5B until April 22, 2020. The text of GL 5, GL 5A, and GL 5B is provided below.

Office of Foreign Assets Control

Executive Order 13835 of May 21, 2018—Prohibiting Certain Additional Transactions With Respect to Venezuela

General License No. 5

Authorizing Certain Transactions Related to the Petroleos de Venezuela SA 2020 8.5 Percent Bond

(a) Except as provided in paragraph (b) of this general license, all transactions related to, the provision of financing for, and other dealings in the Petroleos de Venezuela SA 2020 8.5 Percent Bond that would be prohibited by Subsection l(a)(iii) of Executive Order 13835 of May 21, 2018 (''Prohibiting Certain Additional Transactions With Respect to Venezuela'') (E.O. 13835) are authorized.

(b) This general license does not authorize any transaction that is otherwise prohibited by E.O. 13835, Executive Order 13827 of March 19, 2018, Executive Order 13808 of August 24, 2017, Executive Order 13692 of March 8, 2015, or any part of 31 CFR chapter V.

Bradley T. Smith
Acting Director
Office of Foreign Assets Control

Dated: July 19, 2018

Office of Foreign Assets Control

Executive Order 13835 of May 21, 2018—Prohibiting Certain Additional Transactions With Respect to Venezuela

General License No. 5A

Authorizing Certain Transactions Related to the Petróleos de Venezuela, S.A. 2020 8.5 Percent Bond on or After January 22, 2020

(a) Except as provided in paragraph (b) of this general license, on or after January 22, 2020, all transactions related to, the provision of financing for, and other dealings in the Petróleos de Venezuela, S.A. 2020 8.5 Percent Bond that would be prohibited by Subsection l(a)(iii) of Executive Order (E.O.) 13835, as amended by E.O. 13857 of January 25, 2019, are authorized.

(b) This general license does not authorize any transaction that is otherwise prohibited by E.O. 13884 of August 5, 2019, or E.O. 13850 of November 1, 2018, E.O. 13835, E.O. 13827 of March 19, 2018, E.O. 13808 of August 24, 2017, or E.O. 13692 of March 8, 2015, each as amended by E.O. 13857, or any part of 31 CFR chapter V.

(c) Effective October 24, 2019, General License No. 5, dated July 19, 2018, is replaced and superseded in its entirety by this General License No. 5A.

Andrea Gacki
Director
Office of Foreign Assets Control

Dated: October 24, 2019

Office of Foreign Assets Control

Executive Order 13835 of May 21, 2018—Prohibiting Certain Additional Transactions With Respect to Venezuela

General License No. 5B

Authorizing Certain Transactions Related to the Petróleos de Venezuela, S.A. 2020 8.5 Percent Bond on or After April 22, 2020

(a) Except as provided in paragraph (b) of this general license, on or after April 22, 2020, all transactions related to, the provision of financing for, and other dealings in the Petróleos de Venezuela, S.A. 2020 8.5 Percent Bond that would be prohibited by Subsection l(a)(iii) of Executive Order (E.O.) 13835, as amended by E.O. 13857 of January 25, 2019, are authorized.

(b) This general license does not authorize any transaction that is otherwise prohibited by E.O. 13884 of August 5, 2019, or E.O. 13850 of November 1, 2018, E.O. 13835, E.O. 13827 of March 19, 2018, E.O. 13808 of August 24, 2017, or E.O. 13692 of March 8, 2015, each as amended by E.O. 13857, or any part of 31 CFR chapter V.

(c) Effective January 17, 2020, General License No. 5A, dated October 24, 2019, is replaced and superseded in its entirety by this General License No. 5B.

Andrea Gacki
Director
Office of Foreign Assets Control

Dated: January 17, 2020

Dated: March 9, 2020.

Andrea Gacki,

Director, Office of Foreign Assets Control.

[FR Doc. 2020–05109 Filed 3–12–20; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2020–0149]

RIN 1625–AA00

Safety Zone; Munitions Transfer Safety Zone; Alameda Estuary, Alameda, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the navigable waters of the Alameda Estuary near Coast Guard Island in Alameda, CA in support of a munitions transfer on March 15, 2020. This safety zone is necessary to protect personnel, vessels, and the marine environment from the dangers associated with live munitions. Unauthorized persons or vessels are prohibited from entering into, transiting through, or remaining in the safety zone without permission of the Captain of the Port or a designated representative.

DATES: This rule is effective from 8 a.m. to 3:30 p.m. on March 15, 2020.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2020–0149 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Emily Rowan, U.S. Coast Guard Sector San Francisco; telephone (415) 399–7443, email *SFWaterways@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking with respect to this rule because it is impracticable. The Coast Guard did not receive final details for this event until March 4, 2020. There was insufficient time to undergo the full rulemaking process, including providing a reasonable comment period and considering those comments, because the Coast Guard must establish this temporary safety zone by March 15, 2020.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to public interest because immediate action is necessary to respond to the potential safety hazards associated with the munitions transfer near Alameda, CA.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port San Francisco has determined that potential hazards associated with the munitions transfer on March 15, 2020, will be a safety concern for anyone within 250-foot radius of the pier. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters around the munitions transfer site during the munitions transfer.

IV. Discussion of the Rule

This rule establishes a temporary safety zone from 8 a.m. to 3:30 p.m. on March 15, 2020. At 8 a.m. the safety zone will encompass the navigable waters, from surface to bottom, within 250 feet of the munitions transfer pier located on the southwest side of Coast Guard Island near the South Channel of the Alameda Estuary. The safety zone will terminate at 3:30 p.m. on March 15, 2020.

This regulation is needed to keep persons and vessels away from the immediate vicinity of the munitions transfer location to ensure the safety of people and transiting vessels. Except for persons or vessels authorized by the COTP or the COTP's designated representative, no person or vessel may enter or remain in the restricted area. A ''designated representative'' means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel or a Federal, State, or local officer designated by or assisting the COTP in the enforcement of the safety zone. The COTP or the COTP's designated representative will notify the maritime community of periods during which this zone will be enforced using information broadcasts.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the limited duration and narrowly tailored geographic area of the safety zone. This safety zone impacts a 250-foot-wide portion of the South Channel of the Alameda Estuary along the southwest side of Coast Guard Island in Alameda, CA for 7 hours and 30 minutes. The vessels desiring to transit through or around the temporary safety zone may do so upon express permission from the COTP or the COTP's designated representative.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the temporary safety zone may be small entities, for the reasons stated in section V.A. above, this rule will not have a

significant economic impact on any vessel owner or operator.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and U.S. Coast Guard Environmental Planning Policy, COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting six hours and thirty minutes that prevents entry to a 250-foot-wide area of the Alameda Estuary in Alameda, CA. It is categorically excluded from further review under paragraph L60(a) in Table 3–1 of Department of Homeland Security Directive 023–01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T11–020 to read as follows:

§ 165.T11–020 Safety Zone; Munitions Transfer Safety Zone, Alameda Estuary, Alameda, CA.

(a) *Location.* This temporary safety zone is established in the navigable waters of the South Channel of the Alameda Estuary near the Pier along the southwest side of Coast Guard Island in Alameda, CA as depicted in National Oceanic and Atmospheric Administration (NOAA) Chart 18662. From 8:00 a.m. until 3:30 p.m. on March 15, 2020, the temporary safety zone will apply to all navigable waters of the Alameda Estuary, from surface to bottom, within 250 feet of the pier along the southwest side of Coast Guard Island, during which time the pier will be used as the munitions transfer location.

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

(c) *Regulations.* (1) Under the general safety zone regulations in subpart B, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

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

(3) Vessel operators desiring to enter or operate within the safety zone must contact the COTP or the COTP's designated representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative. Persons and vessels may request permission to enter the safety zone on VHF–23A or through the 24-hour Command Center at telephone (415) 399–3547.

(d) *Enforcement period.* This section will be enforced from 8 a.m. until 3:30 p.m. on March 15, 2020.

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

Dated: March 9, 2020.

Howard H. Wright,

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

[FR Doc. 2020–05145 Filed 3–12–20; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2020–0120]

RIN 1625–AA00

Safety Zone; Firestone Grand Prix of St. Petersburg, St. Petersburg, Florida

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the navigable waters of Tampa Bay, in the vicinity of the St. Petersburg Municipal Yacht Basin, St. Petersburg, Florida during the Firestone Grand Prix of St. Petersburg. The temporary safety zone is needed to protect the safety of race participants, spectators, and vessels on the surrounding waterway during the race. Persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port St. Petersburg or a designated representative.

DATES: This rule is effective daily from 6:00 a.m. until 10:00 p.m. on March 13, 2020 through March 15, 2020.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2020–0120 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Marine Science Technician First Class Michael Shackleford, Sector St. Petersburg Prevention Department, Coast Guard; telephone (813) 228–2191, email *Michael.D.Shackleford@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. The Coast Guard received information regarding the need for a safety zone on February 6, 2020. Insufficient time remains to publish an NPRM and to receive public comments, as the event will occur before the rulemaking process would be completed. Because of the potential safety hazards associated with the race, the regulations is necessary to provide for the safety of race participants, spectators, and other vessels navigating the surrounding waterways. For those reasons, it would be impracticable to publish an NPRM.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. For the reasons discussed above, the Coast Guard finds that good cause exists.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under the authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port St. Petersburg has determined that potential hazards associated with the race, will be a safety concern for race participants, spectators, and vessels. This rule is needed to ensure the safety of life for vessels and persons within the navigable waters of the safety zone during the Firestone Grand Prix of St. Petersburg, Florida.

IV. Discussion of the Rule

This rule establishes a safety zone from 6:00 a.m. on March 13, 2020 through 10:00 p.m. on March 15, 2020. The safety zone will cover all navigable waters within a specified area of Tampa Bay, St. Petersburg. The duration of the zone is intended to ensure the safety of the public and designated navigable waters during the race event. No vessel or person will be permitted to enter, transit through, anchor in, or remain within the safety zone without obtaining permission from the Captain of the Port St. Petersburg or a designated representative.

Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the regulated area by contacting the Captain of the Port St. Petersburg by telephone at (727) 824–7506, or a designated representative via VHF radio on channel 16. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted by the Captain of the Port St. Petersburg or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port St. Petersburg or a designated representative. The Coast Guard will provide notice of the safety zone by Local Notice to Mariners, Broadcast Notice to Mariners, and/or on-scene designated representatives.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration and available exceptions to the enforcement of the safety zone. The safety zone will be enforced for a limited period of time over the course of three days and is thus limited in duration. The safety zone is limited to only those areas in which race events will be occurring for the Firestone Grand Prix of St. Petersburg, Florida race event and is thus limited in size. Although persons and vessels are prohibited to enter, transit through,

anchor in, or remain within the regulated area without authorization from the Captain of the Port St. Petersburg or a designated representative, they may operate in the surrounding area during the enforcement period. The rule allows for vessels to seek permission to enter the safety zone. The Coast Guard will provide advance notification of the safety zone to the local maritime community by Local Notice to Mariners and/or Broadcast Notice to Mariners.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities.

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting only 5 hours that will prohibit entry within 700 feet wide by 2600 feet in length on the waters of the Beaufort River in Beaufort, SC. It is categorically excluded from further review under paragraph L60(a) in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures 5090.1. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 46 U.S.C. 70034; 46 U.S.C. 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T07–0120 to read as follows:

§ 165.T07–0050 Safety Zone; Firestone Grand Prix of St. Petersburg, St. Petersburg, FL.

(a) *Location.* The following area is established as a safety zone. All waters of the Gulf of Mexico encompassed within the following points: 27°46′18″ N, 082°37′ 55.2″ W, thence to position 27°46′18″ N, 082°37′54.6″ W, thence to position 27°46′9.6″ N, 082°37′54.6″ W, thence to position 27°46′9.6″ N, 082°37′33″ W, thence to position 27°46′4.2″ N, 082°37′33″ W, thence to position 27°45′59.4″ N, 082°37′50.4″ W, thence to position 27°46′6.6″ N, 082°37′56.4″ W, thence to position 27°46′13.8″ N, 082°37′55.8″ W, thence back to the original position 27°46′18″ N, 082°37′55.2″ W. All coordinates are North American Datum 1983.

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

Captain of the Port St. Petersburg in the enforcement of the regulated areas.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port St. Petersburg or a designated representative.

(2) Designated representatives may control vessel traffic throughout the enforcement area as determined by the prevailing conditions.

(3) Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the regulated areas by contacting the Captain of the Port St. Petersburg by telephone at (727) 824–7506, or a designated representative via VHF radio on channel 16.

If authorization is granted by the Captain of the Port St. Petersburg or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port St. Petersburg or a designated representative.

(d) *Enforcement Period.* This rule will be enforced daily from 6:00 a.m. until 10:00 p.m. on March 13, 2020 through March 15, 2020.

Dated: March 10, 2020.

Matthew A. Thompson,

Captain, U.S. Coast Guard, Captain of the Port Saint Petersburg.

[FR Doc. 2020–05286 Filed 3–12–20; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2019–0695; FRL–10005–36–Region 1]

Air Plan Approval; Massachusetts; Infrastructure State Implementation Plan Requirements for the 2015 Ozone Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Massachusetts. Except as noted, this revision satisfies the infrastructure requirements of the Clean Air Act (CAA) for the 2015 ozone National Ambient Air Quality Standards (NAAQS). The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA. We are issuing a finding of failure to submit pertaining to the various aspects of infrastructure SIPS relating to the prevention of significant deterioration (PSD). The Commonwealth has long been subject to a Federal Implementation Plan (FIP) regarding PSD, thus the finding of failure to submit will result in no sanctions or further FIP requirements. We do not in this action address CAA 110(a)(2)(D)(i)(I) requirements regarding interstate transport, because we previously approved the Commonwealth's submittal addressing these requirements for the 2015 ozone standard (January 31, 2020). This action is being taken in accordance with the Clean Air Act.

DATES: This direct final rule will be effective May 12, 2020, unless EPA receives adverse comments by April 13, 2020. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2019–0695 at *https://www.regulations.gov,* or via email to *rackauskas.eric@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, 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, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.* Publicly available docket materials are available at *https://www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact 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 legal holidays.

FOR FURTHER INFORMATION CONTACT: Eric Rackauskas, Air Quality Branch, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square—Suite 100, (Mail code 05–2), Boston, MA 02109–3912, tel. 617–918–1628, email *rackauskas.eric@epa.gov.*

SUPPLEMENTARY INFORMATION:

Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

Table of Contents

I. Background and Purpose
II. Infrastructure SIP Evaluation
III. Final Action
IV. Statutory and Executive Order Reviews

I. Background and Purpose

On September 27, 2018, the Massachusetts Department of Environmental Protection (DEP) submitted a formal revision to its State Implementation Plan (SIP). The SIP revision contains the Commonwealth's ''Certification of Adequacy of the Massachusetts State Implementation Plan Regarding Clean Air Act Sections 110(a)(1) and (2) for the 2015 Ozone National Ambient Air Quality Standards.'' When EPA promulgates a new or revised NAAQS, states must submit these certifications (or infrastructure SIPS) to ensure that their SIP provides for implementation, maintenance, and enforcement of the respective NAAQS.

EPA previously approved Massachusetts' infrastructure SIP for the 2008 ozone standard (as part of a notice approving five total NAAQS infrastructure SIPS) on December 21, 2016 (81 FR 93627). The September 27, 2018 submission contains virtually the same information as the previous SIP approved version, with a few minor updates and date changes. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

A. What is the scope of this rulemaking?

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. This particular type of SIP submission is 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.[1] 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 compliance with statutory and regulatory requirements, not for the state's implementation of its SIP.[2] The EPA has other authority to address any issues concerning a state's implementation of the rules, regulations, consent orders, etc. that comprise its SIP.

B. What guidance is EPA using to evaluate Massachusetts' infrastructure SIP submission?

EPA highlighted the statutory requirement to submit infrastructure SIPs within 3 years of promulgation of a new NAAQS in an October 2, 2007, guidance document entitled ''Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 1997 8-hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards'' (2007 guidance). EPA has issued additional guidance documents and memoranda, including a September 13, 2013, guidance document entitled ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)'' (2013 guidance).

[1] 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 Massachusetts' infrastructure SIP to address the 1997 ozone, 2008 lead, 2008 ozone, 2010 nitrogen dioxide, and 2010 sulfur dioxide NAAQS. 81 FR 93627 (December 21, 2016).

[2] *See Montana Envtl. Info. Ctr.* v. *Thomas,* 902 F.3d 971 (9th Cir. 2018).

II. Infrastructure SIP Evaluation

The following review evaluates the state's submissions regarding CAA section 110(a)(2) requirements and relevant EPA guidance.

A. Section 110(a)(2)(A)—Emission Limits and Other Control Measures

This section of the Act requires SIPs to include enforceable emission limits and other control measures, means or techniques, schedules for compliance, and other related matters. However, EPA has long interpreted emission limits and control measures for attaining the standards as being due when nonattainment planning requirements are due.[3] In the context of an infrastructure SIP, EPA is not evaluating the existing SIP provisions for this purpose. Instead, EPA is only evaluating whether the state's SIP has basic structural provisions for the implementation of the NAAQS. Massachusetts General Law (M.G.L.) c. 21A, section 8, *Executive Office of Energy and Environmental Affairs Organization of Departments; powers, duties and functions,* creates and sets forth the powers and duties of the Department of Environmental Protection (MassDEP) within the Executive Office of Energy and Environmental Affairs. In addition, M.G.L. c. 111, sections 142A through 142N, which, collectively, are referred to as the *Massachusetts Pollution Control Laws,* provide MassDEP with broad authority to prevent pollution or contamination of the atmosphere and to prescribe and establish appropriate regulations. Furthermore, M.G.L. c. 21A, section 18, *Permit applications and compliance assurance fees; timeline action schedules; regulations,* authorizes MassDEP to establish fees applicable to the regulatory programs it administers.

MassDEP has adopted numerous regulations within the Code of Massachusetts Regulations (CMR) in furtherance of the objectives set out by these statutes, including 310 CMR 4.00, *Timely Action & Fee Schedule Regulations,* 310 CMR 6.00, *Ambient Air Quality Standards for the Commonwealth of Massachusetts,* and 310 CMR 7.00, *Air Pollution Control Regulations.* For example, many SIP-approved State air quality regulations within 310 CMR 7.00 provide enforceable emission limitations and other control measures, means or techniques, schedules for compliance, and other related matters that satisfy the requirements of the CAA section 110(a)(2)(A) for the 2015 ozone NAAQS, including but not limited to 7.18, *Volatile and Halogenated Organic Compounds,* 7.19, *Reasonably Available Control Technology (RACT) for Sources of NOx,* and 7.29, *Emission Standards for Power Plants.* EPA finds that MassDEP meets the infrastructure SIP requirements of section 110(a)(2)(A) with respect to the 2015 ozone NAAQS.

[3] See, *e.g.,* EPA's final rule on ''National Ambient Air Quality Standards for Lead.'' 73 FR 66964, 67034 (November 12, 2008).

B. Section 110(a)(2)(B)—Ambient Air Quality Monitoring/Data System

This section requires SIPs to provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to monitor, compile, and analyze ambient air quality data, and make these data available to EPA upon request. Each year, states submit annual air monitoring network plans to EPA for review and approval. EPA's review of these annual monitoring plans includes our evaluation of whether the State: (i) Monitors air quality at appropriate locations throughout the State using EPA-approved Federal Reference Methods or Federal Equivalent Method monitors; (ii) submits data to EPA's Air Quality System (AQS) in a timely manner; and (iii) provides EPA Regional Offices with prior notification of any planned changes to monitoring sites or the network plan.'' Under MGL c. 111, sections 142B to 142D, MassDEP operates an air monitoring network. EPA approved the state's most recent Annual Air Monitoring Network Plan on November 25, 2019. In addition to having an adequate air monitoring network, MassDEP populates AQS with air quality monitoring data in a timely manner and provides EPA with prior notification when considering a change to its monitoring network or plan. EPA finds that MassDEP has met the infrastructure SIP requirements of section 110(a)(2)(B) with respect to the 2015 ozone NAAQS.

C. Section 110(a)(2)(C)—Program for Enforcement of Control Measures and for Construction or Modification of Stationary Sources

States are required to include a program providing for enforcement of all SIP measures and the regulation of construction of new or modified stationary sources to meet NSR requirements under PSD and nonattainment new source review (NNSR) programs. Part C of the CAA (sections 160–169B) addresses PSD, while part D of the CAA (sections 171–193) addresses NNSR requirements. The evaluation of each state's submission addressing the infrastructure SIP requirements of section 110(a)(2)(C)

covers the following: (i) Enforcement of SIP measures; (ii) PSD program for major sources and major modifications; and, (iii) permitting program for minor sources and minor modifications.

i. Sub-Element 1: Enforcement of SIP Measures

MassDEP staffs and implements an enforcement program pursuant to authorities provided within the following laws: M.G.L. c. 111, section 2C, *Pollution violations; orders of department of environmental protection,* which authorizes MassDEP to issue orders enforcing pollution control regulations generally; M.G.L. c. 111, sections 142A through 142O, *Massachusetts Air Pollution Control Laws,* which, among other things, more specifically authorize MassDEP to adopt regulations to control air pollution, enforce such regulations, and issue penalties for non-compliance; and, M.G.L. c. 21A, section 16, *Civil Administrative Penalties,* which provides additional authorizations for MassDEP to assess penalties for failure to comply with the Commonwealth's air pollution control laws and regulations. Moreover, SIP-approved regulations, such as 310 CMR 7.02(12)(e) and (f), provide a program for the enforcement of SIP measures. Accordingly, EPA finds that Massachusetts has met this requirement of section 110(a)(2)(C) with respect to the 2015 ozone NAAQS.

ii. Sub-Element 2: Preconstruction Program for Major Sources and Major Modifications

Sub-element 2 of section 110(a)(2)(C) requires that states provide for the regulation of modification and construction of any stationary source as necessary to assure that the NAAQS are achieved, including a program to meet PSD and NNSR requirements. PSD applies to new major sources or modifications made to major sources for pollutants where the area in which the source is located is in attainment of, or unclassifiable regarding, the relevant NAAQS, and NNSR requires similar actions in nonattainment areas.

As MassDEP recognizes in the submittal, Massachusetts does not have an approved state PSD program and has long been subject to a Federal Implementation Plan (FIP). The Commonwealth implements and enforces the federal PSD program through a delegation agreement. *See* 76 FR 31241 (May 31, 2011). Accordingly, EPA is issuing a finding of failure to submit with respect to the PSD-related requirements of this sub-element for the 2015 ozone NAAQS. This finding will not trigger any additional FIP obligation by the EPA, because the deficiency is addressed by the FIP already in place. Nor is the Commonwealth subject to mandatory sanctions solely as a result of this finding because the SIP submittal deficiencies are neither with respect to a sub-element that is required under part D nor in response to a SIP call under section 110(k)(5) of the Act.

iii. Sub-element 3: Preconstruction Permitting for Minor Sources and Minor Modifications

To address the pre-construction regulation of the modification and construction of minor stationary sources and minor modifications of major stationary sources, an infrastructure SIP submission should identify the existing EPA-approved SIP provisions and/or include new provisions that govern the minor source pre-construction program that regulates emissions of the relevant NAAQS pollutants. EPA's most recent approval of the Commonwealth's minor NSR program occurred on April 5, 1995. 60 FR 17226. Since this date, Massachusetts and EPA have relied on the existing minor NSR program to ensure that new and modified sources not captured by the major NSR permitting programs do not interfere with attainment and maintenance of the 2015 ozone NAAQS.

In summary, EPA finds that Massachusetts meets the enforcement-related aspects of Section 110(a)(2)(C) discussed above within sub-element 1, and the preconstruction permitting requirements for minor sources discussed in sub-element 3, for the 2015 ozone NAAQS. As to preconstruction PSD permitting of major sources and major modifications, EPA finds that the Commonwealth has failed to make the required submission.

D. Section 110(a)(2)(D)—Interstate Transport

This section contains a comprehensive set of air quality management elements pertaining to the transport of air pollution with which States must comply. It covers the following five topics, categorized as sub-elements: Sub-element 1, Significant contribution to nonattainment, and interference with maintenance of a NAAQS; Sub-element 2, PSD; Sub-element 3, Visibility protection; Sub-element 4, Interstate pollution abatement; and Sub-element 5, International pollution abatement. Sub-elements 1 through 3 above are found under section 110(a)(2)(D)(i) of the Act, and these items are further categorized into the four prongs discussed below, two of which are found within sub-element 1. Sub-elements 4 and 5 are found under section 110(a)(2)(D)(ii) of the Act and include provisions insuring compliance with sections 115 and 126 of the Act relating to interstate and international pollution abatement.

i. Sub-Element 1: Section 110(a)(2)(D)(i)(I)—Contribute to Nonattainment (Prong 1) and Interfere With Maintenance of the NAAQS (Prong 2)

Section 110(a)(2)(D)(i)(I) of the CAA requires a SIP to prohibit any emissions activity in the State that will contribute significantly to nonattainment or interfere with maintenance of the NAAQS in any downwind State. EPA commonly refers to these requirements as prong 1 (significant contribution to nonattainment) and prong 2 (interference with maintenance), or jointly as the ''Good Neighbor'' or ''transport'' provisions of the CAA. EPA has previously approved Massachusetts' Good Neighbor SIP for the 2015 ozone NAAQS.[4] 85 FR 5772 (January 31, 2020). Therefore, Massachusetts has already met this requirement for the 2015 ozone NAAQS.

ii. Sub-Element 2: Section 110(a)(2)(D)(i)(II)—PSD (Prong 3)

To prevent significant deterioration of air quality, this sub-element requires SIPs to include provisions that prohibit any source or other type of emissions activity in one State from interfering with measures that are required in any other State's SIP under Part C of the CAA. One way for a State to meet this requirement, specifically with respect to in-State sources and pollutants that are subject to PSD permitting, is through a comprehensive PSD permitting program that applies to all regulated NSR pollutants and that satisfies the requirements of EPA's PSD implementation rules. For in-State sources not subject to PSD, this requirement can be satisfied through a fully-approved nonattainment new source review (NNSR) program with respect to any previous NAAQS.

As discussed under element C above and as noted in the submittal, Massachusetts has long been subject to a PSD FIP and has implemented and enforced the federal PSD program through a delegation agreement with EPA. Accordingly, EPA makes a finding of failure to submit with respect to the PSD requirement of this sub-element for the 2015 ozone NAAQS. This finding does not trigger any sanctions or additional FIP obligation for the same

[4] EPA is not reopening for comment determinations made in that action.

reasons discussed under element C above.

Under prong 3 of 110(a)(2)(D)(i)(II), EPA also reviews the potential for in-State sources not subject to PSD to interfere with PSD in an attainment or unclassifiable area of another State. EPA generally considers a fully approved NNSR program adequate for purposes of meeting this requirement of prong 3 with respect to in-state sources and pollutants not subject to PSD. *See* 2013 guidance. EPA last approved the Commonwealth's NNSR program on May 29, 2019. 84 FR 24719. Accordingly, we approve Massachusetts' submittal for the 2015 ozone NAAQS for the NNSR aspect of prong 3.

iii. Sub-Element 3: Section 110(a)(2)(D)(i)(II)—Visibility Protection (Prong 4)

Regarding the applicable requirements for visibility protection of section 110(a)(2)(D)(i)(II), States are subject to visibility and regional haze program requirements under part C of the CAA (which includes sections 169A and 169B). The 2013 guidance explains that these requirements can be satisfied by an approved SIP addressing reasonably attributable visibility impairment, if required, or an approved SIP addressing regional haze. A fully approved regional haze SIP meeting the requirements of 40 CFR 51.308 will ensure that emissions from sources under an air agency's jurisdiction are not interfering with measures required to be included in other air agencies' plans to protect visibility. On September 19, 2013, EPA approved Massachusetts' Regional Haze SIP as meeting the requirements of 40 CFR 51.308. *See* 78 FR 57487. Accordingly, EPA finds that Massachusetts meets the visibility protection requirements of 110(a)(2)(D)(i)(II) for the 2015 ozone NAAQS.

iv. Sub-Element 4: Section 110(a)(2)(D)(ii)—Interstate Pollution Abatement

This sub-element requires that each SIP contain provisions requiring compliance with requirements of section 126 relating to interstate pollution abatement. Section 126(a) requires new or modified sources to notify neighboring States of potential impacts from the source. The statute does not specify the method by which the source should provide the notification. States with SIP-approved PSD programs must have a provision requiring such notification by new or modified sources.

As mentioned elsewhere in this document, Massachusetts does not have a SIP-approved PSD program and is currently subject to a PSD FIP, which includes a requirement to notify any State whose lands may be affected by emissions from the Massachusetts PSD source. *See* 40 CFR 52.21(q), 124.10(c)(1)(vii); *see also id.* section 52.1165. While we find that the Commonwealth failed to make a submittal for the 2015 ozone NAAQS for section 110(a)(2)(D)(ii) with respect to the PSD-related notice of interstate pollution, such finding does not trigger any additional FIP obligation by the EPA under section 110(c)(1), because the federal PSD rules address the notification issue. Nor does the finding trigger any sanctions. Finally, Massachusetts has no obligations under any other provision of section 126.

v. Sub-Element 5: Section 110(a)(2)(D)(ii)—International Pollution Abatement

This sub-element also requires each SIP to contain provisions requiring compliance with the applicable requirements of section 115 relating to international pollution abatement. Section 115 authorizes the Administrator to require a state to revise its SIP to alleviate international transport into another country where the Administrator has made a finding with respect to emissions of the particular NAAQS pollutant and its precursors, if applicable. There are no final findings under section 115 against Massachusetts for the 2015 ozone NAAQS. Therefore, EPA finds that Massachusetts meets the applicable infrastructure SIP requirements of section 110(a)(2)(D)(ii) related to section 115 of the CAA (international pollution abatement) for the 2015 ozone NAAQS.

E. Section 110(a)(2)(E)—Adequate Resources

Section 110(a)(2)(E)(i) requires each SIP to provide assurances that the State will have adequate personnel, funding, and legal authority under state law to carry out its SIP, and related issues. Additionally, Section 110(a)(2)(E)(ii) requires each state to comply with the requirements with respect to state boards under section 128. Finally, section 110(a)(2)(E)(iii) requires that, where a state relies upon local or regional governments or agencies for the implementation of its SIP provisions, the state retain responsibility for ensuring adequate implementation of SIP obligations with respect to relevant NAAQS. This last sub-element, however, is not applicable to this action, because Massachusetts does not rely upon local or regional governments or agencies for the implementation of its SIP provisions.

i. Sub-Element 1: Adequate Personnel, Funding, and Legal Authority Under State Law To Carry Out Its SIP, and Related Issues

Massachusetts, through its infrastructure SIP submittals, has documented that its air agency has the requisite authority and resources to carry out its SIP obligations. Massachusetts General Laws c. 111, sections 142A to 142N, provide MassDEP with the authority to carry out the state's implementation plan. The Massachusetts SIP, as originally submitted in 1971 and subsequently amended, provides descriptions of the staffing and funding necessary to carry out the plan. In the submittals, MassDEP provides assurances that it has adequate personnel and funding to carry out the SIP during the five years following infrastructure SIP submission and in future years. Additionally, the Commonwealth receives CAA section 103 and 105 grant funds through Performance Partnership agreements and provides state matching funds, which together enable Massachusetts to carry out its SIP requirements. EPA finds that Massachusetts meets the infrastructure SIP requirements of section 110(a)(2)(E)(i) for the 2015 ozone NAAQS.

ii. Sub-Element 2: State Board Requirements Under Section 128 of the CAA

Section 110(a)(2)(E) also requires each SIP to contain provisions that comply with the state board requirements of section 128(a) of the CAA. That provision contains two explicit requirements: (1) That any board or body which approves permits or enforcement orders under this chapter shall have at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits and enforcement orders under this chapter, and (2) that any potential conflicts of interest by members of such board or body or the head of an executive agency with similar powers be adequately disclosed.

Massachusetts does not have a state board that approves permits or enforcement orders under the CAA. Instead, permits and enforcement orders are approved by the Commissioner of MassDEP. Thus, Massachusetts is not subject to the requirements of paragraph (a)(1) of section 128. As to the conflict of interest provisions of section 128(a)(2), Massachusetts has cited to

M.G.L. c. 268A of the Commonwealth's Conflict of Interest law in its infrastructure SIP submittal for the 2015 ozone NAAQS. EPA previously approved M.G.L. c. 268A, sections 6 and 6A, into the SIP in satisfaction of this infrastructure SIP requirement. 81 FR 93627 (December 21, 2016). Pursuant to these state provisions, state employees in Massachusetts, including the head of an executive agency with authority to approve air permits or enforcement orders, are required to disclose potential conflicts of interest to, among others, the state ethics commission. EPA finds that the Massachusetts SIP satisfies the requirements of section 110(a)(2)(E)(ii) of the Clean Air Act for the 2015 ozone NAAQS.

F. Section 110(a)(2)(F)—Stationary Source Monitoring System

States must establish a system to monitor emissions from stationary sources and submit periodic emissions reports. Each plan shall also require 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. The state plan shall also require periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and correlation of such reports by each state agency with any emission limitations or standards established pursuant to this chapter. Lastly, the reports shall be available at reasonable times for public inspection.

Pursuant to M.G.L. c. 111, sections 142A to 142D, MassDEP has the necessary authority to maintain and operate air monitoring stations and coordinates with EPA in determining the types and locations of ambient air monitors across the state. The Commonwealth uses this authority to require the installation, maintenance, and replacement of emissions monitoring equipment by, and to collect information on air emissions from, sources in the state. Additionally, Massachusetts statutes and regulations provide that emissions data shall be available for public inspection. *See, e.g.,* M.G.L. c. 21I, section 20(K), M.G.L. c. 111, section 142B; 310 CMR section 3.33(5), 7.12(4)(b); 7.14(1). The following SIP-approved regulations enable the accomplishment of the Commonwealth's emissions recording, reporting, and correlating objectives:

1. 310 CMR 7.12, Source Registration.
2. 310 CMR 7.13, Stack Testing.
3. 310 CMR 7.14, Monitoring Devices and Reports.

EPA recognizes that Massachusetts routinely collects information on air emissions from its industrial sources and makes this information available to the public. EPA therefore finds that the Commonwealth meets the infrastructure SIP requirements of section 110(a)(2)(F) with respect to the 2015 ozone NAAQS.

G. Section 110(a)(2)(G)—Emergency Powers

This section requires that a plan provide for authority analogous to that provided in section 303 of the CAA, and adequate contingency plans to implement such authority. Section 303 of the CAA provides authority to the EPA Administrator to seek a court order to restrain any source from causing or contributing to emissions that present an ''imminent and substantial endangerment to public health or welfare, or the environment.'' Section 303 further authorizes the Administrator to issue ''such orders as may be necessary to protect public health or welfare or the environment'' in the event that ''it is not practicable to assure prompt protection . . . by commencement of such civil action.''

We find that the Commonwealth's ISIP submittal demonstrates that a combination of state statutes and regulations provide for authority comparable to that in section 303. Massachusetts' submittal cites M.G.L. C. 111, section 2B, *Air Pollution Emergencies,* which authorizes the Commissioner of the MassDEP to ''declare an air pollution emergency'' if the Commissioner ''determines that the condition or impending condition of the atmosphere in the Commonwealth . . . constitutes a present or reasonably imminent danger to health.'' During such an air pollution emergency, the Commissioner is authorized pursuant to section 2B, to ''take whatever action is necessary to maintain and protect the public health, including but not limited to . . . prohibiting, restricting and conditioning emissions of dangerous or potentially dangerous air contaminants from whatever source derived . . .'' Additionally, sections 2B and 2C authorize the Commissioner to issue emergency orders.

Moreover, M.G.L. c. 21A, section 8 provides that, ''[i]n regulating . . . any pollution prevention, control or abatement plan [or] strategy . . . through any . . . departmental action affecting or prohibiting the emission . . . of any hazardous substance to the environment . . . the department may consider the potential effects of such plans [and] strategies . . . on public health and safety and the environment . . . and said department shall act to minimize and prevent damage or threat of damage to the environment.''

These duties are implemented, in part, under MassDEP regulations at 310 CMR 8.00, *Prevention and Abatement of Air Pollution Episodes and Air Pollution Incident Emergencies,* the most recent revisions to which EPA approved into the SIP on March 4, 2019. 84 FR 7299. These regulations establish levels that would constitute significant harm or imminent and substantial endangerment to health for ambient concentrations of pollutants subject to a NAAQS, consistent with the significant harm levels and procedures for state emergency episode plans established by EPA in 40 CFR part 51.150 and 51.151. Finally, M.G.L. c. 111, section 2B authorizes the state to seek injunctive relief in the superior court for violation of an emergency order issued by the MassDEP Commissioner. While no single Massachusetts statute or regulation mirrors the authorities of CAA section 303, we find that the combination of state statutes and regulations discussed herein provide for comparable authority to immediately bring suit to restrain, and issue orders against, any person causing or contributing to air pollution that presents an imminent and substantial endangerment to public health or welfare, or the environment.

Section 110(a)(2)(G) also requires that, for any NAAQS, States have an approved contingency plan for any Air Quality Control Region (AQCR) within the state that is classified as Priority I, IA, or II. *See* 40 CFR 51.152(c). Two AQCRs in Massachusetts are classified as Priority I for ozone, with the remaining AQCRs classified as Priority III for ozone. *Id.* 52.1121. As noted above, EPA approved 310 CMR 8.00 into the SIP to satisfy the contingency plan requirements of CAA section 110(a)(2)(G) for a previous infrastructure SIP submittal for the 2008 ozone NAAQS. 84 FR 7299. This state regulation satisfies the applicable requirements for contingency plans at 40 CFR part 51, subpart H (40 CFR 51.150 through 51.153) (*Prevention of Air Pollution Emergency Episodes*). For the above reasons, EPA finds that Massachusetts meets the infrastructure SIP requirements of CAA section 110(a)(2)(G) for the 2015 ozone NAAQS.

H. Section 110(a)(2)(H)—Future SIP Revisions

This section requires that a state's SIP provide for revision as may be necessary to take account of changes in the NAAQS or availability of improved methods for attaining the NAAQS and whenever the EPA finds that the SIP is

substantially inadequate. Massachusetts General Laws c. 111, section 142D provides in relevant part that, ''From time to time the department shall review the ambient air quality standards and plans for implementation, maintenance and attainment of such standards adopted pursuant to this section and, after public hearings, shall amend such standards and implementation plan so as to minimize the economic cost of such standards and plan for implementation, provided, however, that such standards shall not be less than the minimum federal standards.'' This authorizing statute gives MassDEP the power to revise the Massachusetts SIP from time to time as may be necessary to take account of changes in the NAAQS or availability of improved methods for attaining the NAAQS and whenever the EPA finds that the SIP is substantially inadequate. Accordingly, EPA finds that Massachusetts meets the infrastructure SIP requirements of CAA section 110(a)(2)(H) for the 2015 ozone NAAQS.

I. Section 110(a)(2)(I)—Nonattainment Area Plan or Plan Revisions Under Part D

The CAA requires that each plan or plan revision for an area designated as a nonattainment area meet the applicable requirements of part D of the CAA. Part D relates to nonattainment areas. EPA has determined that section 110(a)(2)(I) is not applicable to the infrastructure SIP process. Instead, EPA takes action on part D attainment plans through separate processes.

J. Section 110(a)(2)(J)—Consultation With Government Officials; Public Notifications; PSD; Visibility Protection

Section 110(a)(2)(J) of the CAA requires that each SIP ''meet the applicable requirements of section 121 of this title (relating to consultation), section 127 of this title (relating to public notification), and part C of this subchapter (relating to PSD of air quality and visibility protection).'' The evaluation of the submission from Massachusetts with respect to these requirements is described below.

i. Sub-Element 1: Consultation With Government Officials

Section 121 of the Act requires states to provide a process for consultation with local governments and Federal Land Managers (FLMs) in carrying out NAAQS implementation requirements.

Pursuant to EPA-approved Massachusetts regulations at 310 CMR 7.02(12)(g)(2), MassDEP notifies the public ''by advertisement in a newspaper having wide circulation'' in the area of the particular facility of the opportunity to comment on certain proposed permitting actions and sends ''a copy of the notice of public comment to the applicant, the EPA, and officials and agencies having jurisdiction over the community in which the facility is located, including local air pollution control agencies, chief executives of said community, and any regional land use planning agency.'' In addition, Massachusetts Executive Order 145, ''Consultation with Cities & Towns on Administrative Mandates,'' which EPA approved into the SIP on June 24, 2019, establishes a process for agencies of the Commonwealth to consult with local governments. 84 FR 29380. In its submittal, Massachusetts lists additional authorities and processes on which it relies to provide for consultation with local governments when carrying out requirements of the CAA. MassDEP notes that, with respect to the requirement to consult with FLMs, it relies in part on the FLM consultation requirement contained in the PSD FIP to meet this obligation. As previously mentioned, Massachusetts does not have an approved state PSD program, but rather is subject to a PSD FIP, which, as MassDEP notes, includes a provision requiring consultation with FLMs. *See* 40 CFR 52.21(p). Consequently, with respect to the 2015 ozone NAAQS, EPA finds that Massachusetts has met the consultation with local governments requirement of this portion of section 110(a)(2)(J) but issues a finding of failure to submit with respect to the FLM consultation requirement for PSD permitting. Because the federal PSD program, which Massachusetts implements and enforces, addresses this FLM consultation requirement, a finding of failure to submit does not result in sanctions or new FIP obligations.

ii. Sub-Element 2: Public Notification

Section 127 of the Act requires states to: Notify the public if NAAQS are exceeded in an area; advise the public of health hazards associated with exceedances; and enhance public awareness of measures that can be taken to prevent exceedances and of ways in which the public can participate in regulatory and other efforts to improve air quality.

Massachusetts regulations specify criteria for air pollution episodes and incidents and provide for notice to the public via news media and other means of communication. *See* 310 CMR 8.00. The Commonwealth also provides a daily air quality forecast to inform the public about concentrations of fine particles and, during the ozone season, provides similar information for ozone. Real time air quality data for NAAQS pollutants are also available on the MassDEP's website, as are information about health hazards associated with NAAQS pollutants and ways in which the public can participate in regulatory efforts related to air quality. The Commonwealth is also an active partner in EPA's AirNow and EnviroFlash air quality alert programs, which notify the public of air quality levels through EPA's website, alerts, and press releases. In light of the above, we find that Massachusetts meets the infrastructure SIP requirements of this requirement of section 110(a)(2)(J) with respect to the 2015 ozone NAAQS.

iii. Sub-Element 3: PSD

Pursuant to Section 110(a)(2)(J), States must also meet applicable requirements of Part C of the Act (relating to PSD). The Commonwealth's PSD program in the context of infrastructure SIPs has already been discussed in the paragraphs addressing sections 110(a)(2)(C), (D)(i)(II), and (D)(ii), and our actions for those sections are consistent with the proposed action for this portion of section 110(a)(2)(J). Specifically, we are making a finding of failure to submit with respect to the PSD sub-element of section 110(a)(2)(J) for the 2015 ozone NAAQS and note that such a finding does not result in any sanctions or new FIP obligations.

iv. Sub-Element 4: Visibility Protection

With regard to the applicable requirements for visibility protection, states are subject to visibility and regional haze program requirements under part C of the CAA (which includes sections 169A and 169B). In the event of the establishment of a new NAAQS, however, the visibility and regional haze program requirements under part C do not change. Thus, we find that there is no new visibility obligation ''triggered'' under section 110(a)(2)(J) when a new NAAQS becomes effective. In other words, the visibility protection requirements of section 110(a)(2)(J) are not germane to infrastructure SIP for the 2015 Ozone NAAQS.

K. Section 110(a)(2)(K)—Air Quality Modeling/Data

Section 110(a)(2)(K) of the Act requires that a SIP provide for the performance of such air-quality modeling as the EPA Administrator may prescribe to predict the effect on ambient air quality of any emissions of any air pollutant for which EPA has established a NAAQS, and the submission, upon request, of data

related to such air quality modeling. EPA has published modeling guidelines at 40 CFR part 51, Appendix W, for predicting the effects of emissions of criteria pollutants on ambient air quality. EPA recommends in the 2013 guidance that, to meet section 110(a)(2)(K), a State submit or reference the statutory or regulatory provisions that provide the air agency with the authority to conduct such air quality modeling and to provide such modeling data to EPA upon request.

Massachusetts state law implicitly authorizes MassDEP to perform air quality modeling and provide such modeling data to EPA upon request. *See* M.G.L. c. 21A, section 2(2), (10), (22); M.G.L. c. 111, sections 142B–142D. In addition, 310 CMR 7.02 authorizes MassDEP to require air dispersion modeling analyses from certain sources and permit applicants. Massachusetts implements and enforces the federal PSD program through a delegation agreement (included in the docket for today's action) that requires MassDEP to follow the applicable procedures in EPA's permitting regulations at 40 CFR 52.21, as amended from time to time. The Commonwealth also collaborates with the Ozone Transport Commission (OTC), the Mid-Atlantic Regional Air Management Association, and EPA to perform large scale urban airshed modeling. EPA finds that Massachusetts meets the infrastructure SIP requirements of section 110(a)(2)(K) for the 2015 ozone NAAQS.

L. Section 110(a)(2)(L)—Permitting Fees

This section requires SIPs to mandate that each major stationary source pay permitting fees to cover the costs of reviewing, approving, implementing, and enforcing a permit. Massachusetts implements and operates the Title V permit program, which EPA approved on September 28, 2001. *See* 66 FR 49541. To gain approval, Massachusetts demonstrated, among other things, that it collects fees sufficient to cover the costs of reviewing and acting on Title V permit applications and implementing and enforcing the permits. *See* 61 FR 3827 (February 2, 1996); 40 CFR 70.9. Section 18 of M.G.L. c. 21A authorizes MassDEP to promulgate regulations establishing fees. To collect fees from sources of air emissions, the MassDEP promulgated and implements 310 CMR 4.00, *Timely Action Schedule and Fee Provisions.* These regulations set permit application and compliance fees for existing major sources and for new and modified major sources. EPA proposes that the Commonwealth meets the infrastructure SIP requirements of section 110(a)(2)(L) for the 2015 ozone NAAQS.

M. Section 110(a)(2)(M)—Consultation/Participation by Affected Local Entities

To satisfy element M, states must provide for consultation with, and allow participation by, local political subdivisions affected by the SIP. Pursuant to M.G.L. c. 111, section 142D, MassDEP must hold public hearings prior to revising its SIP. In addition, M.G.L. c. 30A, Massachusetts Administrative Procedures Act, requires MassDEP to provide notice and the opportunity for public comment and hearing prior to adoption of any regulation. Moreover, the Commonwealth's Executive Order No. 145 (discussed earlier in the context of element J) requires state agencies, including MassDEP, to provide notice to the Local Government Advisory Committee to solicit input on the impact of proposed regulations and other administrative actions on local governments. MassDEP's submittal also notes that the agency consults with local political subdivisions though a state ''SIP Steering Committee'' and conducts stakeholder outreach with local entities as a matter of policy when revising the SIP or adopting air regulations. Therefore, EPA proposes that Massachusetts meets the infrastructure SIP requirements of section 110(a)(2)(M) with respect to the 2015 ozone NAAQS.

III. Final Action

EPA is approving most portions of the Massachusetts infrastructure SIP requirements for the 2015 ozone NAAQS. We are also issuing a finding of failure to submit pertaining to the various aspects of infrastructure SIPS relating to the prevention of significant deterioration (PSD). The Commonwealth has long been subject to a Federal Implementation Plan (FIP) regarding PSD, thus the finding of failure to submit will result in no mandatory sanctions or further FIP requirements. This rulemaking also does not include any action on the interstate transport portion of the Commonwealth's submittal. This action is being taken in accordance with the Clean Air Act.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. This rule will be effective May 12, 2020 without further notice unless the Agency receives relevant adverse comments by April 13, 2020.

If the EPA receives such comments, then EPA will publish a notice withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on the proposed rule. All parties interested in commenting on the proposed rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on May 12, 2020 and no further action will be taken on the proposed rule. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

IV. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 regulatory action because this action is not significant 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 Clean Air Act; and

• Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 12, 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. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of this issue of the **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. 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, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: February 11, 2020.

Dennis Deziel,

Regional Administrator, EPA Region 1.

Part 52 of chapter I, title 40 of the Code of Federal Regulations 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 W—Massachusetts

■ 2. In § 52.1120, in paragraph (e), amend the table by adding an entry for ''Infrastructure SIP for 2015 Ozone NAAQS'' at the end of the table to read as follows:

§ 52.1120 Identification of plan.

* * * * *

(e) * * *

MASSACHUSETTS NON REGULATORY

Name of non regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/ effective date	EPA approved date [3]	Explanations
*	*	*	*	*
Infrastructure SIP submittal for 2015 Ozone NAAQS.	Statewide	September 27, 2018	March 13, 2020, [Insert **Federal Register** citation].	Approved with respect to requirements for CAA section 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M) with the exception of the PSD-related requirements of (C), (D), and (J).

[3] To determine the EPA effective date for a specific provision listed in this table, consult the **Federal Register** notice cited in this column for the particular provision.

[FR Doc. 2020–05350 Filed 3–12–20; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 200310–0075]

RIN 0648–BJ56

Pacific Halibut Fisheries; Catch Sharing Plan

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

ACTION: Final rule.

SUMMARY: The Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration (NOAA), on behalf of the International Pacific Halibut Commission (IPHC), publishes as regulations the 2020 annual management measures governing the Pacific halibut fishery that have been recommended by the IPHC and accepted by the Secretary of State. This action is intended to enhance the conservation of Pacific halibut and further the goals and objectives of the Pacific Fishery Management Council (PFMC) and the North Pacific Fishery Management Council (NPFMC).

DATES: The IPHC's 2020 annual management measures are valid March 13, 2020. The 2020 management measures are effective until superseded.

ADDRESSES: Additional requests for information regarding this action may be obtained by contacting the International Pacific Halibut Commission, 2320 W Commodore Way, Suite 300, Seattle, WA 98199–1287; or Sustainable Fisheries Division, NMFS Alaska Region, P.O. Box 21668, Juneau, AK 99802; or Sustainable Fisheries Division, NMFS West Coast Region, 7600 Sand Point Way NE, Seattle, WA 98115. This final rule also is accessible via the internet at the Federal eRulemaking portal at *http://www.regulations.gov,* identified by docket number NOAA–NMFS–2019–0006.

FOR FURTHER INFORMATION CONTACT: For waters off Alaska, Kurt Iverson, 907–586–7210; or, for waters off the U.S. West Coast, Kathryn Blair, 503–231–6858.

SUPPLEMENTARY INFORMATION:

Background

The IPHC has recommended regulations that would govern the Pacific halibut fishery in 2020, pursuant to the Convention between Canada and the United States for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea (Convention), signed at Ottawa, Ontario, on March 2, 1953, as amended by a Protocol Amending the Convention (signed at Washington, DC, on March 29, 1979).

As provided by the Northern Pacific Halibut Act of 1982 (Halibut Act) at 16 U.S.C. 773b, the Secretary of State, with the concurrence of the Secretary of Commerce, may accept or reject, on behalf of the United States, regulations recommended by the IPHC in accordance with the Convention (Halibut Act, Sections 773–773k). The Secretary of State, with the concurrence of the Secretary of Commerce, accepted the 2020 IPHC regulations as provided by the Halibut Act.

The Halibut Act provides the Secretary of Commerce with the authority and general responsibility to carry out the requirements of the Convention and the Halibut Act. The Regional Fishery Management Councils may develop, and the Secretary of Commerce may implement, regulations governing harvesting privileges among U.S. fishermen in U.S. waters that are in addition to, and not in conflict with, approved IPHC regulations. The NPFMC has exercised this authority in developing halibut management programs for three fisheries that harvest halibut in Alaska: The subsistence, sport, and commercial fisheries. The PFMC has exercised this authority by developing a catch sharing plan governing the allocation of halibut and management of sport fisheries on the U.S. West Coast.

The IPHC apportions catch limits for the Pacific halibut fishery among regulatory areas (Figure 1): Area 2A (Oregon, Washington, and California), Area 2B (British Columbia), Area 2C (Southeast Alaska), Area 3A (Central Gulf of Alaska), Area 3B (Western Gulf of Alaska), and Area 4 (subdivided into 5 areas, 4A through 4E, in the Bering Sea and Aleutian Islands of Western Alaska).

Subsistence and sport halibut fishery regulations for Alaska are codified at 50 CFR part 300. Commercial halibut fisheries off Alaska are subject to the Individual Fishing Quota (IFQ) Program and Community Development Quota (CDQ) Program (50 CFR part 679) regulations, and the area-specific catch sharing plans (CSPs) for Areas 2C, 3A, and Areas 4C, 4D, and 4E.

The NPFMC implemented a CSP among commercial IFQ and CDQ halibut fisheries in IPHC Regulatory Areas 4C, 4D, and 4E (Area 4, Western Alaska) through rulemaking, and the Secretary of Commerce approved the plan on March 20, 1996 (61 FR 11337). The Area 4 CSP regulations were codified at 50 CFR 300.65, and were amended on March 17, 1998 (63 FR 13000). New annual regulations pertaining to the Area 4 CSP also may be implemented through IPHC action, subject to acceptance by the Secretary of State.

The NPFMC recommended and NMFS implemented through rulemaking a CSP for guided sport (charter) and commercial IFQ halibut fisheries in IPHC Regulatory Area 2C and Area 3A on January 13, 2014 (78 FR 75844, December 12, 2013). The Area 2C and 3A CSP regulations are codified at 50 CFR 300.65. The CSP defines an annual process for allocating halibut between the commercial and charter fisheries so that each sector's allocation varies in proportion to halibut abundance, specifies a public process for setting annual management measures, and authorizes limited annual leases of commercial IFQ for use in the charter fishery as guided angler fish (GAF).

The IPHC held its annual meeting in Anchorage, Alaska, February 3–7, 2020, and recommended a number of changes to the previous IPHC regulations (84 FR 9243 March 14, 2019). The Secretary of State accepted the annual management measures, including the following changes to sections of the 2020 IPHC regulations:

1. New commercial halibut fishery opening and closing dates in Section 9;
2. New halibut catch limits in all regulatory areas, including two new tables in Section 5 that distinguish limits resulting from Commission decisions from catch limits that are the responsibility of the respective United States and Canada governments.
3. New management measures for Area 2C and Area 3A guided sport fisheries in Section 29.
4. An update of the regulatory description of Subarea 2A–1 in Section 23.
5. An amendment that updates and clarifies regulations in Section 16 for vessel clearance requirements in IPHC Regulatory Area 4.
6. Minor revisions and clarifications to regulatory language, including a reordering of some regulatory sections.

Pursuant to regulations at 50 CFR 300.62, the 2020 IPHC annual management measures are published in the **Federal Register** to provide notice of their immediate regulatory effectiveness and to inform persons subject to the regulations of their restrictions and requirements. Because NMFS publishes the regulations applicable to the entire Convention area, these regulations include some provisions relating to and affecting Canadian fishing and fisheries. NMFS may implement more restrictive

regulations for the fishery for halibut or components of it; therefore, anglers are advised to check the current Federal and IPHC regulations prior to fishing.

Catch Limits

The IPHC recommended to the governments of Canada and the United States fishery catch limits for 2020 totaling 27,480,000 lb (12,460.18 mt). Overall, the IPHC recommended area-specific catch limits for 2020 that were lower than the catch limits implemented in 2019. The catch limits in most regulatory areas decreased, with exceptions in Areas 2A, which remained the same as 2019, and Areas 2B and 3B, where catch limits were slightly higher relative to the 2019 implemented levels. A description of the process the IPHC used to set these catch limits follows.

In 2019, the IPHC conducted its annual stock assessment using a range of updated data sources as described in detail in the IPHC overview of data sources for the Pacific halibut stock assessment, harvest policy, and related analyses (IPHC–2020–AM096–09 Rev_2; available at *www.iphc.int*). To evaluate the Pacific halibut stock, the IPHC used an ''ensemble'' of four equally weighted models, comprised of two long time-series models, and two short time-series models incorporating data from 1996 to the present. Each time-series length used data series that are divided either by four geographical regions or aggregated into coastwide summaries. These models incorporate data from the 2019 IPHC Fishery Independent Setline Survey (FISS), the 2019 commercial halibut fishery, the most recent NMFS trawl survey, weight-at-age estimates by region, the male/female ratio of the directed commercial recreational fisheries, and age distribution information for bycatch, sport, and sublegal discard removals.

As has been the case since 2012, the results of the ensemble models are integrated and incorporate uncertainty in natural mortality rates, environmental effects on recruitment, and other structural and parameter categories. The data and assessment models used by the IPHC are reviewed by the IPHC's Scientific Review Board comprised of non-IPHC scientists who provide an independent scientific review of the stock assessment data and models and provide recommendations to IPHC staff and to the Commission. The Scientific Review Board did not identify any substantive errors in the data or methods used in the 2020 stock assessment. NMFS believes the IPHC's data and assessments models constitute best available science on the status of the Pacific halibut resource.

The IPHC's data, including the FISS, indicate that the Pacific halibut stock declined continuously from the late 1990s to around 2012, largely as a result of decreasing size at a given age (size-at-age), higher harvest rates in early 2000s, as well as somewhat weaker recruitment strengths than those observed during the 1980s. Results from the 2020 stock assessment incorporate ongoing efforts to expand the FISS throughout the survey range. Among other things, improvements in the setline spatial coverage have helped reduce the uncertainty in the weight per unit effort (WPUE) and number per unit effort (NPUE) indices.

Overall, the biomass of spawning females is estimated to have increased gradually to 2016, then decreased to approximately 194,000,000 lb (87,996.92 mt) at the beginning of 2020. This level is currently estimated to be 32 percent (with a 95% credible interval of 22% to 46%) of unfished levels. This estimate reflects updated calculations recommended during stock assessment external review and review by the Scientific Review Board, as well as developments in the IPHC Management Strategy Evaluation.

The IPHC's interim management procedure strives to maintain the total mortality of halibut across its range from all sources based on a reference level of fishing intensity so that the Spawning Potential Ratio (SPR) is equal to 46 percent. The reference fishing intensity of F46 percent SPR seeks to allow a level of fishing intensity that is expected to result in approximately 46 percent of the spawning stock biomass per recruit compared to an unfished stock (*i.e.,* no fishing mortality). Lower values indicate higher fishing intensity. The 2020 stock assessment and estimates of fishing intensity were enhanced by newly available data on the male/female sex ratio of commercial fishery landings. Refined and quantified information on the sex ratio affected the treatment of the stock assessment data for the directed commercial fishery in the stock assessment models; it did not change the treatment or sex ratio estimates of mortalities associated with the recreational, subsistence, or non-directed halibut fisheries. Additional information on the status of the halibut resource under these catch limit alternatives is provided in the Analysis (see **ADDRESSES**).

The IPHC harvest decision table (Table 4 in: Summary of the Data, Stock Assessment, and Harvest Decision Table for the Pacific Halibut Stock at the End of 2019; IPHC–2020–AM096–09 Rev_2) provides a comparison of the relative risk of a decrease in stock biomass, status, or fishery metrics, for a range of alternative harvest levels for 2020. The harvest decision table employs two metrics of fishing mortality: (1) The Total Constant Exploitation Yield (TCEY), which includes harvests and incidental wastage from directed commercial fisheries, plus mortality estimates from sport, subsistence, personal use, and estimates of non-directed discard mortality of halibut over 26 inches; and, (2) Total Mortality, which includes all the above sources of mortality, plus estimates of non-directed discard mortality of halibut less than 26 inches (U26). Although U26 halibut mortality is factored into the stock assessment and harvest strategy calculations, there is currently no reliable tool for describing the annual distribution of halibut under 26 inches across the entire coastwide area.

For 2020, the IPHC adopted a TCEY totaling 36,600,000 lb (16,601.48 mt) coastwide. This corresponds to a fishing intensity of approximately F42 percent, which is less restrictive than the interim reference level of F46 percent, but 2,010,000 lb (911.72 mt) less than the TCEY adopted in 2019. The IPHC noted this management approach represents a relatively conservative level of harvest that considers the inherent uncertainties in the stock assessment models. The IPHC notes that under a broad range of catch limits, including highly restrictive catch limits, the halibut stock is likely to experience a continued decrease in spawning stock biomass given the best available scientific information. In making its recommendation, the IPHC considered likely stock status, and uncertainties in the status of the stock as well as the significant social and economic impacts of reduced catch limits.

At a 36,600,000 lb TCEY, the IPHC estimates that the spawning stock biomass will decrease over the period from 2021 to 2023 relative to 2020. Specifically, the IPHC estimates that there is a 95 percent probability that the spawning stock biomass will decrease in 2021 relative to 2020, and that there is a 58 percent probability that the decrease in 2021 will be at least 5 percent of the 2020 spawning stock biomass. The factors that the IPHC considered in making their TCEY recommendations are described in the 2020 Annual Meeting Report (IPHC–2020–AM96_R) and the key recommendations are briefly summarized here.

This final rule does not establish the combined commercial and recreational catch limit for Area 2B (British

Columbia), which is subject to rulemaking by the Canada and British Columbia governments. However, the IPHC's recommendation for the Area 2B catch limit is directly related to the current and future U.S. catch limits established by this final rule and is therefore discussed herein. The IPHC recommended a 2020 TCEY of 6,830,000 lb (3,098.04 mt) for Area 2B, which equates to 18.7 percent of the total coastwide TCEY. The IPHC made this recommendation after considering recent historic harvests in Area 2B, the distribution of the TCEY in Area 2B as estimated from the FISS under the current interim management procedure, and other factors described in the 2020 IPHC Annual Meeting Report (IPHC–2020–AM96_R).

The IPHC recommended an allocation to Area 2A that would provide a TCEY of 1,650,000 lb (748.43 mt) with a combined commercial, subsistence, and recreational catch limit of 1,500,000 lb (680.39 mt). This allocation is larger than the catch limit that would apply to Area 2A under the adopted fishing intensity of F42 percent and the proportion of the stock as estimated from the FISS under the current interim management procedure. To achieve the Area 2A and Area 2B allocations and still maintain the target coastwide fishing intensity of F42, the IPHC recommended an overall reduction in catch limits in other IPHC regulatory areas in U.S. waters that are intended to maintain total mortality to the adopted fishing intensity of F42 percent.

After the allocations for Areas 2A and 2B are accounted for, the IPHC apportioned the remaining TCEY to the Alaska regulatory areas (Areas 2C through Area 4) after considering the distribution of harvestable biomass of halibut based on the Fishery Independent Setline Survey, as well as 2019 harvest rates, the recommendations from the IPHC's advisory boards, public input, and social and economic factors. The only U.S. area with an increased TCEY relative to 2019 is Area 3B (+7.6 percent; see Table 1). Information from the Fishery Independent Setline Survey indicated a higher amount of harvestable biomass of halibut in Area 3B in 2020 relative to 2019. Areas 2C, 3A, 4A, 4B, and 4CDE received decreases over 2019 levels that ranged from −2.5 percent in Areas 4CDE to −9.8 percent in Area 4A. The IPHC determined that the 2020 catch limit recommendations are consistent with its conservation objectives for the halibut stock and its management objectives for the halibut fisheries.

The IPHC also considered the Catch Sharing Plan for Area 4CDE developed by the NPFMC in its catch limit recommendation. The Area 4CDE catch limit is determined by subtracting estimates of the Area 4CDE subsistence harvests, commercial discard mortality, and non-directed discard mortality of halibut over 26 inches from the area TCEY. When the resulting Area 4CDE catch limit is greater than 1,657,600 lb (751.87 mt), a direct allocation of 80,000 lb (36.29 mt) is made to Area 4E to provide CDQ fishermen in that area with additional harvesting opportunity. After this 80,000 lb allocation is deducted from the catch limit, the remainder is divided among Areas 4C, 4D, and 4E according to the percentages specified in the CSP. Those percentages are 46.43 percent each to 4C and 4D, and 7.14 percent to 4E. For 2020, the IPHC recommended a catch limit for Area 4CDE of 1,730,000 lb (925.33 mt).

TABLE 1—PERCENT CHANGE IN TCEY CATCH LIMITS FROM 2019 TO 2020 BY IPHC REGULATORY AREA

Regulatory area	2019 Catch limit (lb)	2020 Catch limit (lb)	Change from 2019 (percent)
2A	1,650,000	1,650,000	0.0
2B	6,830,000	6,830,000	0.0
2C	6,340,000	5,850,000	−7.7
3A	13,500,000	12,200,000	−9.6
3B	2,900,000	3,120,000	7.6
4A	1,940,000	1,750,000	−9.8
4B	1,450,000	1,310,000	−9.7
4CDE	4,000,000	3,900,000	−2.5
Coastwide	38,610,000	36,600,000	−5.2

Commercial Halibut Fishery Opening and Closing Dates

The IPHC considers advice from the IPHC's two advisory boards when selecting opening and closing dates for the halibut fishery. The opening date for all IPHC regulatory areas is March 14, 2020, which closely corresponds to the 2019 opening date of March 15. The closing date for the halibut fisheries in all regulatory areas is November 15, 2020. This date takes into account the anticipated time required to fully harvest the commercial halibut catch limits, seasonal holidays, and adequate time for IPHC staff to review the complete record of 2020 commercial catch data for use in the stock assessment process.

For Area 2A, the IPHC recommended that the non-treaty directed commercial fishery will open for 58 hours, beginning at 0800 hours on June 22 and closing at 1800 hours on June 24. After this first opening, if the IPHC determines that the fishing limit has not been exceeded, it may announce other Area 2A openings of up to three fishing days in duration in two-week intervals after the first Monday opening. Specific fishing period limits (vessel quota) will be determined and communicated by IPHC.

Area 2A Catch Sharing Plan

The NMFS West Coast Region has published a proposed rule for changes to the Pacific Halibut Catch Sharing Plan (CSP) for Area 2A off Washington, Oregon, and California (85 FR 6883 February 6, 2020). Public comments were accepted through March 9, 2020. Following the comment period, the West Coast Region will publish a final rule to address the proposed changes to the Area 2A CSP as well as portions of the CSP and management measures that are not implemented through the IPHC. These measures include the sport fishery allocations and management measures for Area 2A. The proposed and final rules for the Area 2A CSP will be available on the NOAA Fisheries West Coast Region's website at *https://www.fisheries.noaa.gov/action/2020-pacific-halibut-catch-sharing-plan,* and also at *www.regulations.gov.*

Catch Sharing Plan for Area 2C and Area 3A

In 2014, NMFS implemented a CSP for Area 2C and Area 3A. The CSP defines an annual process for allocating halibut between the charter and commercial fisheries in Area 2C and

Area 3A, and establishes allocations for each fishery. To allow flexibility for individual commercial and charter fishery participants, the CSP also authorizes annual transfers of commercial halibut IFQ as GAF to charter halibut permit holders for harvest in the charter fishery. Under the CSP, the IPHC recommends combined catch limits (CCLs) for the charter and commercial halibut fisheries in Area 2C and Area 3A. Each CCL includes estimates of discard mortality (wastage) for each fishery. The CSP was implemented to achieve the halibut fishery management goals of the NPFMC. More information is provided in the final rule implementing the CSP (78 FR 75844, December 12, 2013). Implementing regulations for the CSP are at 50 CFR 300.65. The Area 2C and Area 3A CSP allocation tables are located in Tables 1 through 4 of subpart E of 50 CFR part 300.

At its February 2020 meeting, the IPHC recommended a CCL of 4,260,000 lb (1,932.30 mt) for Area 2C. Following the CSP allocations in Tables 1 and 3 of subpart E of 50 CFR part 300, the charter fishery is allocated 780,000 lb (353.80 mt) of the CCL and the remainder of the CCL, 3,480,000 lb (1,578.50 mt), is allocated to the commercial fishery. Wastage in the amount of 70,000 lb (31.75 mt) was deducted from the commercial allocation to obtain the commercial catch limit of 3,410,000 lb (1,546.75 mt). The commercial allocation (including wastage) decreased by 190,000 lb (86.18 mt) or 5.2 percent, from the 2019 allocation of 3,670,000 lb (1,664.68 mt). The charter allocation for 2020 decreased by 40,000 lb (18.14 mt), or 4.9 percent less than the 2019 charter sector allocation of 820,000 lb (371.95 mt).

The IPHC recommended a CCL of 9,050,000 lb (4,105.01 mt) for Area 3A. Following the CSP allocations in Tables 2 and 4 of subpart E of 50 CFR part 300, the charter fishery is allocated 1,710,000 lb (775.64 mt) of the CCL and the remainder of the CCL, 7,340,000 lb (3,329.37 mt), is allocated to the commercial fishery. Wastage in the amount of 290,000 lb (131.54 mt) was deducted from the commercial allocation to obtain the commercial catch limit of 7,050,000 lb (3,197.83 mt). The commercial allocation (including wastage) decreased by about 1,030,000 lb (317.51 mt) or 12.3 percent, from the 2019 allocation of 8,370,000 lb (3,796.57 mt). The charter allocation decreased by 180,000 lb (81.67 mt), or 9.5 percent, from the 2019 allocation of 1,890,000 lb (857.29 mt).

Charter Halibut Management Measures for Area 2C and Area 3A

Guided (charter) recreational halibut anglers are managed under different regulations than unguided recreational halibut anglers in Areas 2C and 3A in Alaska. According to Federal regulations at 50 CFR 300.61, a charter vessel angler means a person, paying or non-paying, receiving sport fishing guide services for halibut. Sport fishing guide services means assistance, for compensation or with the intent to receive compensation, to a person who is sport fishing, to take or attempt to take halibut by accompanying or physically directing the sport fisherman in sport fishing activities during any part of a charter vessel fishing trip. A charter vessel fishing trip is the time period between the first deployment of fishing gear into the water from a charter vessel by a charter vessel angler and the offloading of one or more charter vessel anglers or any halibut from that vessel. The charter fishery regulations described below apply only to charter vessel anglers receiving sport fishing guide services during a charter vessel fishing trip for halibut in Area 2C or Area 3A. These regulations do not apply to unguided recreational anglers in any regulatory area in Alaska, or guided anglers in areas other than Areas 2C and 3A.

The NPFMC formed the Charter Halibut Management Committee as an industry advisory body to provide recommendations for annual management measures intended to limit charter harvest to the charter catch allocation. The committee is composed of representatives from the charter fishing industry in Areas 2C and 3A. The committee considered previously analyzed alternatives and also suggested new alternative measures that were analyzed in November 2019. For Area 3A, none of the alternative measures resulted in projected removals within the likely range, so the NPFMC requested additional analyses, which were subsequently reviewed in January 2020. After reviewing all the analyses of the effects of the alternative measures on estimated charter removals, the committee made recommendations for preferred management measures to the NPFMC for 2020. The NPFMC considered the recommendations of the committee along with public testimony to develop its recommendation to the IPHC, and the IPHC took action consistent with the NPFMC's recommendations. The NPFMC has used this process to select and recommend annual management measures to the IPHC since 2012.

The IPHC recognizes the role of the NPFMC to develop policy and regulations that allocate the Pacific halibut resource among fishermen in and off Alaska, and that NMFS has developed numerous regulations to support the NPFMC's goals of limiting charter harvests. For each regulatory area, the analysis suggests the management measures will achieve the IPHC's overall conservation objective to keep halibut harvests within established catch limits, and will also meet the NPFMC's allocation objectives. For 2020, the IPHC concluded that in Area 3A, with its lower recommended catch limits relative to 2019, the management measures should be more restrictive than 2019. For Area 2C, the 2020 catch limits are also lower than 2019. However, the effect of management measures over the last two years has resulted in under-harvests of the charter allocation by 18.9 and 11.6 percent, respectively. Consequently, the IPHC determined that the charter management measures in Area 2C could be slightly less restrictive than 2019. The IPHC determined that limiting charter harvests by implementing the management measures discussed below would meet the conservation and allocation objectives.

Management Measures for Charter Vessel Fishing in Area 2C

The preliminary estimate of 2019 charter removals in Area 2C was below the 2019 charter allocation by 154,712 lb (70.31 mt) or 18.9 percent, indicating that the management measures were effective at limiting harvest by charter vessel anglers to the charter allocation. The two primary management measures in Area 2C in 2019 were a daily bag limit of 1 halibut per charter angler, and size limits where retained halibut were required to be less than or equal to 38 inches (96.5 cm), or greater than or equal to 80 inches (203.2 cm). The effect of these regulations is to limit both the number and pounds of retained halibut. The analysis also indicates that in most years since 2014 when the CSP was implemented, the Area 2C harvest has been less than the allocation. Further analysis of alternative management measures indicates that both effort and the number of harvested halibut is projected to decrease in 2020 under *status quo* regulations. When these considerations were balanced with the reduced charter allocation in 2020, the IPHC concluded that less restrictive management measures for Area 2C in 2020 are appropriate.

Specifically, for 2020 in Area 2C, the IPHC recommended the continuation of a one-fish daily bag limit with a reverse

slot limit that prohibits a person on board a charter vessel referred to in 50 CFR 300.65 and fishing in Area 2C from taking or possessing any halibut, with head on, that is greater than 40 inches (101.6 cm) and less than 80 inches (203.2 cm), as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw with mouth closed, to the extreme end of the middle of the tail. The projected charter removal under these measures is 772,000 lb (350.17 mt), which is 8,000 lb (3.63 mt) and 1.0 percent below the charter allocation.

Management Measures for Charter Vessel Fishing in Area 3A

The preliminary estimate of charter removals in Area 3A in 2019 exceeded the charter allocation by 122,246 lb (55.45 mt), or 6.5 percent. Starting in 2014, charter vessel anglers in Area 3A have been limited to a two-fish daily bag limit with a maximum size limit on one fish. One effect of the maximum size limit has been that the number of fish harvested per angler has steadily decreased, but the average weight of harvested fish has increased as many anglers opted to maximize the size of retained fish.

This final rule revises the management measures that were adopted for the charter halibut fishery in Area 3A in 2019. The NPFMC and IPHC considered 2019 information on charter removals and the projections of charter harvest for 2020. After considering 2019 harvest information, the NPFMC and IPHC determined that more restrictive management measures in Area 3A were appropriate to limit charter removals, including wastage, to the 2020 allocation.

For 2020, the IPHC recommended the following management measures for Area 3A: (1) A two-fish bag limit with a 26-inch (66.0 cm) size limit on one of the halibut; (2) a one-trip per day limit for charter vessels and for charter halibut permits for the entire season; (3) an annual limit of four fish, with a reporting requirement; and, (4) prohibition on halibut retention by charter vessel anglers on all Tuesdays and all Wednesdays. The projected charter harvest for 2020 under this combination of recommended measures is 1,696,000 lb (769.29 mt), and 14,000 lb (6.35 mt) below the charter allocation. Each of these management measures is described in more detail below.

Size Limit for Halibut Retained on a Charter Vessel in Area 3A

The 2020 charter halibut fishery in Area 3A will be managed under a two-fish daily bag limit in which one of the retained halibut may be of any size and one of the retained halibut must be 26 inches or less, as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw to the extreme end of the middle of the tail. This is a decrease of the 28 inch (71.cm) maximum size limit that was in place from 2016 through 2019. This daily bag and size limit will be combined with additional restrictions to limit charter halibut removals to the 2020 allocation.

Trip Limit for Charter Vessels Harvesting Halibut in Area 3A

As in 2016 through 2019, charter halibut permits and charter vessels are only authorized for use to catch and retain halibut on one charter halibut fishing trip per day in Area 3A. If no halibut are retained during a charter vessel fishing trip, the charter halibut permit and vessel may be used to take an additional trip to catch and retain halibut that day.

For purposes of the trip limit in Area 3A in 2020, a charter vessel fishing trip will end when anglers or halibut are offloaded, or at the end of the calendar day, whichever occurs first. Charter operators are still able to conduct overnight trips and anglers may retain a bag limit of halibut on two calendar days, but operators are not allowed to begin another overnight trip until the day after the trip ends. GAF halibut are exempt from the trip limit. Therefore, GAF could be used to harvest halibut on a second trip in a day, but only if exclusively GAF halibut were harvested on that trip.

Day-of-Week Closures in Area 3A

The NPFMC and the IPHC recommended continuing the day-of-week closure on Wednesdays for Area 3A in 2020. No retention of halibut by charter vessel anglers will be allowed in Area 3A on Wednesdays. To further reduce harvest, retention of halibut is also prohibited on all Tuesdays in 2020. Retention of only GAF halibut will be allowed on charter vessels on Tuesdays and Wednesdays; all other halibut that are caught while fishing on a charter vessel must be released. The Tuesday and Wednesday closures are expected to effectively decrease the charter halibut harvest, relative to previous years.

Annual Limit of Four Fish for Charter Vessels Anglers in Area 3A

For 2020, charter vessel anglers will continue to be limited to harvesting no more than four halibut on charter vessel fishing trips in Area 3A during a calendar year. This limit applies only to halibut caught and retained during charter vessel fishing trips in Area 3A. Halibut harvested while unguided fishing, fishing in other IPHC regulatory areas, or harvested as GAF will not accrue toward the annual limit.

To enforce the annual limit in 2020, each charter vessel angler who is required to have a State of Alaska sport fishing license and who harvests halibut will be required to record those halibut on the back of the fishing license. For those anglers who are not required to have a sport fishing license (*e.g.,* youth and senior anglers), a nontransferable Sport Harvest Record Card must be obtained from an Alaska Department of Fish and Game (ADF&G) office, the ADF&G website, or a fishing license vendor, on which to record halibut harvested aboard a charter vessel. Immediately upon retention of a halibut for which an annual limit has been established, the charter vessel angler must record the date, location (Area 3A), and species of the catch (halibut), in ink, on the harvest record card or back of the sport fishing license.

If the original sport fishing license or harvest record is lost, a duplicate or additional sport fishing license or harvest record card must be obtained and completed for all halibut previously retained during that year that were subject to the annual limit.

Only halibut caught during a charter vessel fishing trip in Area 3A accrue toward the 4-fish annual limit and must be recorded on the license or harvest record card. As noted above, halibut that are harvested while charter fishing in regulatory areas other than Area 3A will not accrue toward the annual limit and are not subject to the reporting requirement. Likewise, halibut harvested while sport fishing without a guide in Area 3A, harvested while subsistence fishing, or harvested as GAF do not accrue toward the annual limit and should not be recorded on the license or harvest record. Finally, halibut that are caught in any recreational fishery that bear IPHC external tags are exempt from annual limits, size limits, daily bag and possession limits, and reporting requirements (see Section 8 of the IPHC regulations).

Other Regulatory Amendments

Update of the Regulatory Description of Subarea 2A–1

The regulatory text in current Section 23 of the IPHC regulations describes the usual and accustomed fishing area for Treaty tribes that participate in IPHC regulatory Area 2A. Formerly, the description of subarea 2A–1 listed latitude and longitude coordinates for the western boundary of the area. On

March 5, 2018, the United States District Court for the Western District of Washington revised the western boundaries of the usual and accustomed fishing areas for the Quileute Indian Tribe and the Quinault Indian Nation. *United States* v. *Washington,* 2:09-sp-00001–RSM (W.D. Wash. March 5, 2018) (Order Regarding Boundaries of Quinault and Quileute U&As). The IPHC adopted, and Section 23 now incorporates, a revised definition for subarea 2A–1. The regulatory language now contains a more general description of the usual and accustomed fishing areas for treaty tribes with fishing rights to Pacific halibut, and makes the definition consistent with the recent court decision.

Update and Clarify Vessel Clearance Requirements

Section 16 of the 2020 IPHC regulations specifies requirements for the operation of halibut fishing vessels in IPHC Areas 4A, 4B, 4C, and 4D. In general, vessels must obtain a vessel clearance before fishing in these areas, and before landing halibut in any of the areas. The primary intent of the regulations is to ensure proper harvesting and catch accounting among adjacent IPHC regulatory areas. Section 16 provides several specific exemptions to the basic vessel clearance requirements. Among the exemptions, subsection 16(16) allows an exemption for vessels that carry a functioning vessel monitoring system (VMS) transmitter while halibut fishing, and up to the point where all halibut are properly offloaded.

The IPHC adopted new regulatory language that updates Section 16(16) to specify that a transmitting VMS, a NOAA Fisheries observer, or a NOAA Fisheries electronic monitoring system will exempt a vessel from the vessel clearance requirements, provided that the vessel operator also complies with appropriate NOAA Fisheries observer, electronic monitoring or VMS regulations.

Minor Revisions, Clarifications to Regulatory Language, and Reordering of Some Regulatory Sections

The IPHC adopted a significant number of minor changes and amendments to the IPHC regulations. Many of the changes are made throughout the regulations for stylistic consistency among the Sections. Although minor, the individual and cumulative effect of the changes improves clarity, consistency, and currency in the regulations. Many of the changes required a reordering and renumbering of the regulations. The most prominent changes to the regulations include:

1. Section 1, Short Title, is revised to use a consistent naming convention.
2. Current Section 4, Regulatory Areas, is amended to specify that the definition of IPHC Regulatory Areas applies within the IPHC Convention waters.
3. Current Section 5, is re-titled from Limits to Mortality and Fishery Limits. A new table is added that shows the IPHC adopted TCEY distributed mortality for each regulatory area. A second table provides the catch limits that result from the TCEYs, as applied to the catch sharing arrangements employed by the respective Canada and United States governments.
4. Current Section 7, Careful Release of Pacific Halibut, is amended to include the application of both minimum and maximum size limits, in order to make the section applicable to all fisheries.
5. Current Section 8, Retention of Tagged Pacific Halibut, is revised to make it clear that tagged fish do not count against regulatory limits.
6. A table of commercial catch limits is removed from the current Section 12, as this information is now available in Section 5 and is therefore redundant. Section 12 is also retitled from Commercial Fishery Limits to Application of Commercial Fishery Limits.
7. Current Section 15, Licensing Vessels for IPHC Regulatory Area 2A, is amended to make it clear that fishing vessels in IPHC Regulatory Area 2A may hold both a license for directed commercial fishing and a license for incidental catch during the sablefish fishery.
8. Current Section 18, Fishing Gear, is amended to allow pots capable of catching Pacific halibut. Former subsections (3)(a), (b), and (c) are deleted for consistency; these subsections are no longer valid or necessary when pots are allowable gear.
9. Current Section 21, Receipt and Possession of Pacific Halibut, is revised to make it clear that IPHC Regulatory Area 2A is included in Paragraph 6 as intended.
10. Section 23, Fishing by United States Indian Tribes, is amended to remove references to specific fishery sector allocations, as this information is now available in Section 5 and is therefore redundant. Section 23 is also amended to include the Metkalatka fishery in Area 2C in Alaska.
11. References to specific fishery sector allocations are removed from Section 27, Sport Fishing for Pacific Halibut—IPHC Regulatory Area 2A, as this information is now available in current Section 5 and is therefore redundant.

Annual Halibut Management Measures

The following annual management measures for the 2020 Pacific halibut fishery are those recommended by the IPHC and accepted by the Secretary of State, with the concurrence of the Secretary of Commerce.

1. Short Title

These Regulations may be cited as the International Pacific Halibut Commission (IPHC) Regulations (2020).

2. Application

(1) These Regulations apply to persons and vessels fishing for Pacific halibut in, or possessing Pacific halibut taken from, the maritime area as defined in Section 3.

(2) Sections 3 to 8 and 30 apply generally to all Pacific halibut fishing.

(3) Sections 8 to 23 apply to commercial fishing for Pacific halibut.

(4) Section 24 applies to Indigenous fisheries in British Columbia.

(5) Section 25 applies to customary and traditional fishing in Alaska.

(6) Sections 26 to 29 apply to recreational (also called sport) fishing for Pacific halibut.

(7) These Regulations do not apply to fishing operations authorized or conducted by the Commission for research purposes.

3. Definitions

(1) In these Regulations,

(a) ''authorized officer'' means any State, Federal, or Provincial officer authorized to enforce these Regulations including, but not limited to, the National Marine Fisheries Service (NOAA Fisheries), Department of Fisheries and Oceans (DFO), Alaska Wildlife Troopers (AWT), United States Coast Guard (USCG), Washington Department of Fish and Wildlife (WDFW), the Oregon State Police (OSP), and California Department of Fish and Wildlife (CDFW);

(b) ''authorized clearance personnel'' means an authorized officer of the United States of America, a representative of the Commission, or a designated fish processor;

(c) ''charter vessel'' outside of Alaska waters means a vessel used for hire in recreational (sport) fishing for Pacific halibut, but not including a vessel without a hired operator, and in Alaska waters means a vessel used while providing or receiving recreational (sport) fishing guide services for Pacific halibut;

(d) ''commercial fishing'' means fishing, the resulting catch of which is sold or bartered; or is intended to be sold or bartered, other than (i) recreational (sport) fishing; (ii) treaty Indian ceremonial and subsistence fishing as referred to in section 23, (iii) Indigenous groups fishing in British Columbia as referred to in section 24; and (iv) customary and traditional fishing as referred to in section 25 and defined by and regulated pursuant to

NOAA Fisheries regulations published at 50 CFR part 300;

(e) ''Commission'' or ''IPHC'' means the International Pacific Halibut Commission;

(f) ''daily bag limit'' means the maximum number of Pacific halibut a person may take in any calendar day from Convention waters;

(g) ''fishing'' means the taking, harvesting, or catching of fish, or any activity that can reasonably be expected to result in the taking, harvesting, or catching of fish, including specifically the deployment of any amount or component part of gear anywhere in the maritime area;

(h) ''fishing period limit'' means the maximum amount of Pacific halibut that may be retained and landed by a vessel during one fishing period;

(i) ''land'' or ''offload'' with respect to Pacific halibut, means the removal of Pacific halibut from the catching vessel;

(j) ''license'' means a Pacific halibut fishing license issued by the Commission pursuant to section 15;

(k) ''maritime area,'' in respect of the fisheries jurisdiction of a Contracting Party, includes without distinction areas within and seaward of the territorial sea and internal waters of that Party;

(l) ''net weight'' of a Pacific halibut means the weight of Pacific halibut that is without gills and entrails, head-off, washed, and without ice and slime. If a Pacific halibut is weighed with the head on or with ice and slime, the required conversion factors for calculating net weight are a 2 percent deduction for ice and slime and a 10 percent deduction for the head;

(m) ''operator,'' with respect to any vessel, means the owner and/or the master or other individual on board and in charge of that vessel;

(n) ''overall length'' of a vessel means the horizontal distance, rounded to the nearest foot, between the foremost part of the stem and the aftermost part of the stern (excluding bowsprits, rudders, outboard motor brackets, and similar fittings or attachments);

(o) ''person'' includes an individual, corporation, firm, or association;

(p) ''regulatory area'' means an IPHC Regulatory Area referred to in section 4;

(q) ''setline gear'' means one or more stationary, buoyed, and anchored lines with hooks attached;

(r) ''sport fishing'' or ''recreational fishing'' means all fishing other than (i) commercial fishing; (ii) treaty Indian ceremonial and subsistence fishing as referred to in section 23; (iii) Indigenous groups fishing in British Columbia as referred to in section 24; and (iv) customary and traditional fishing as referred to in section 25 and defined in and regulated pursuant to NOAA Fisheries regulations published in 50 CFR part 300;

(s) ''tender'' means any vessel that buys or obtains fish directly from a catching vessel and transports it to a port of landing or fish processor;

(t) ''VMS transmitter'' means a NOAA Fisheries-approved vessel monitoring system transmitter that automatically determines a vessel's position and transmits it to a NOAA Fisheries-approved communications service provider.[1]

(2) In these Regulations, all bearings are true and all positions are determined by the most recent charts issued by the United States National Ocean Service or the Canadian Hydrographic Service.

4. IPHC Regulatory Areas

The following areas within the IPHC Convention waters shall be defined as IPHC Regulatory Areas for the purposes of the Convention (see Figure 1):

(1) IPHC Regulatory Area 2A includes all waters off the states of California, Oregon, and Washington;

(2) IPHC Regulatory Area 2B includes all waters off British Columbia;

(3) IPHC Regulatory Area 2C includes all waters off Alaska that are east of a line running 340° true from Cape Spencer Light (58°11′56″ N latitude, 136°38′26″ W longitude) and south and east of a line running 205° true from said light;

(4) IPHC Regulatory Area 3A includes all waters between Area 2C and a line extending from the most northerly point on Cape Aklek (57°41′15″ N latitude, 155°35′00″ W longitude) to Cape Ikolik (57°17′17″ N latitude, 154°47′18″ W longitude), then along the Kodiak Island coastline to Cape Trinity (56°44′50″ N latitude, 154°08′44″ W longitude), then 140° true;

(5) IPHC Regulatory Area 3B includes all waters between Area 3A and a line extending 150° true from Cape Lutke (54°29′00″ N latitude, 164°20′00″ W longitude) and south of 54°49′00″ N latitude in Isanotski Strait;

(6) IPHC Regulatory Area 4A includes all waters in the Gulf of Alaska west of Area 3B and in the Bering Sea west of the closed area defined in section 10 that are east of 172°00′00″ W longitude and south of 56°20′00″ N latitude;

(7) IPHC Regulatory Area 4B includes all waters in the Bering Sea and the Gulf of Alaska west of IPHC Regulatory Area 4A and south of 56°20′00″ N latitude;

(8) IPHC Regulatory Area 4C includes all waters in the Bering Sea north of IPHC Regulatory Area 4A and north of the closed area defined in section 10 which are east of 171°00′00″ W longitude, south of 58°00′00″ N latitude, and west of 168°00′00″ W longitude;

(9) IPHC Regulatory Area 4D includes all waters in the Bering Sea north of IPHC Regulatory Areas 4A and 4B, north and west of IPHC Regulatory Area 4C, and west of 168°00′00″ W longitude; and

(10) IPHC Regulatory Area 4E includes all waters in the Bering Sea north and east of the closed area defined in section 10, east of 168°00′00″ W longitude, and south of 65°34′00″ N latitude.

5. Mortality and Fishery Limits

(1) The Commission has adopted the following distributed mortality (TCEY) limits:

IPHC Regulatory Area	Distributed mortality limits (TCEY) (net weight)	
	Tonnes (t)	Million pounds (Mlb)
Area 2A (California, Oregon, and Washington)	748	1.65
Area 2B (British Columbia)	3,098	6.83
Area 2C (southeastern Alaska)	2,654	5.85
Area 3A (central Gulf of Alaska)	5,534	12.20
Area 3B (western Gulf of Alaska)	1,415	3.12
Area 4A (eastern Aleutians)	794	1.75
Area 4B (central/western Aleutians)	594	1.31

[1] Call NOAA Enforcement Division, Alaska Region, at 907–586–7225 between the hours of 0800 and 1600 local time for a list of NOAA Fisheries-approved VMS transmitters and communications service providers.

IPHC Regulatory Area	Distributed mortality limits (TCEY) (net weight)	
	Tonnes (t)	Million pounds (Mlb)
Areas 4CDE (Bering Sea)	1,769	3.90
Total	16,601	36.60

(2) The fishery limits resulting from the IPHC-adopted distributed mortality (TCEY) limits and the existing Contracting Party catch sharing arrangements are as follows, recognizing that each Contracting Party may implement more restrictive limits:

IPHC Regulatory Area	Fishery limits (net weight)	
	Tonnes (t)	Million pounds (Mlb)*
Area 2A (California, Oregon, and Washington)	680	1.50
Non-treaty directed commercial (south of Pt. Chehalis)	115	* *254,426*
Non-treaty incidental catch in salmon troll fishery	20	* *44,899*
Non-treaty incidental catch in sablefish fishery (north of Pt. Chehalis)	32	* *70,000*
Treaty Indian commercial	224	* *492,800*
Treaty Indian ceremonial and subsistence (year-round)	15	* *32,200*
Recreational—Washington	126	* *277,100*
Recreational—Oregon	131	* *289,575*
Recreational—California	18	* *39,000*
Area 2B (British Columbia)	2,722	6.00
Commercial fishery	2,322	5.12
Recreational fishery	399	0.88
Area 2C (southeastern Alaska) (combined commercial/guided recreational)	1,932	4.26
Commercial fishery (3.41 Mlb catch and 0.70 Mlb incidental mortality)	1,579	3.48
Guided recreational fishery (includes catch and incidental mortality)	354	0.78
Area 3A (central Gulf of Alaska) (combined commercial/guided recreational)	4,110	9.06
Commercial fishery (7.05 Mlb catch and 0.29 Mlb incidental mortality)	3,329	7.34
Guided recreational fishery (includes catch and incidental mortality)	776	1.71
Area 3B (western Gulf of Alaska)	1,093	2.41
Area 4A (eastern Aleutians)	640	1.41
Area 4B (central/western Aleutians)	499	1.10
Areas 4CDE	785	1.73
Area 4C (Pribilof Islands)	347	0.766
Area 4D (northwestern Bering Sea)	347	0.766
Area 4E (Bering Sea flats)	90	0.198
Total	12,465	27.48

* Allocations resulting from the IPHC Regulatory Area 2A Catch Share Plan are listed in *pounds.*

6. In-Season Actions

(1) The Commission is authorized to establish or modify regulations during the season after determining that such action:

(a) Will not result in exceeding the fishery limit established preseason for each IPHC Regulatory Area;

(b) is consistent with the Convention between Canada and the United States of America for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, and applicable domestic law of either Canada or the United States of America; and

(c) is consistent, to the maximum extent practicable, with any domestic catch sharing plans or other domestic allocation programs developed by the governments of Canada or the United States of America.

(2) In-season actions may include, but are not limited to, establishment or modification of the following:
(a) Closed areas;
(b) fishing periods;
(c) fishing period limits;
(d) gear restrictions;
(e) recreational (sport) bag limits;
(f) size limits; or
(g) vessel clearances.
(3) In-season changes will be effective at the time and date specified by the Commission.
(4) The Commission will announce in-season actions under this section by providing notice to major Pacific halibut processors; Federal, State, United States of America treaty Indian, and Provincial fishery officials; and the media.

7. Careful Release of Pacific Halibut

(1) All Pacific halibut that are caught and are not retained shall be immediately released outboard of the roller and returned to the sea with a minimum of injury by:
(a) Hook straightening;
(b) cutting the gangion near the hook; or
(c) carefully removing the hook by twisting it from the Pacific halibut with a gaff.
(2) Except that paragraph (1) shall not prohibit the possession of Pacific halibut on board a vessel that has been brought aboard to be measured to determine if the applicable size limit of the Pacific halibut is met and, if not legal-sized, is promptly returned to the sea with a minimum of injury.

8. Retention of Tagged Pacific Halibut

(1) Nothing contained in these Regulations prohibits any vessel at any time from retaining and landing a Pacific halibut that bears a Commission

external tag at the time of capture, if the Pacific halibut with the tag still attached is reported at the time of landing and made available for examination by a representative of the Commission or by an authorized officer.

(2) After examination and removal of the tag by a representative of the Commission or an authorized officer, the Pacific halibut:

(a) May be retained for personal use; or

(b) may be sold only if the Pacific halibut is caught during commercial Pacific halibut fishing and complies with the other commercial fishing provisions of these Regulations.

(3) Any Pacific halibut that bears a Commission external tag will not count against commercial fishing period limits, Individual Vessel Quotas (IVQ), Individual Transferable Quota (ITQ), Community Development Quotas (CDQ), or Individual Fishing Quotas (IFQ), and are not subject to size limits in these regulations, but should still be recorded in the landing record.

(4) Any Pacific halibut that bears a Commission external tag will not count against recreational (sport) daily bag limits or possession limits, may be retained outside of recreational (sport) fishing seasons, and are not subject to size limits in these regulations.

(5) Any Pacific halibut that bears a Commission external tag will not count against daily bag limits, possession limits, or fishery limits in the fisheries described in section 23, paragraph (1)(c), section 24, or section 25.

9. Fishing Periods

(1) The fishing periods for each IPHC Regulatory Area apply where the fishery limits specified in section 5 have not been taken.

(2) Unless the Commission specifies otherwise, commercial fishing for Pacific halibut in all IPHC Regulatory Areas may begin no earlier in the year than 1200 local time on 14 March.

(3) All commercial fishing for Pacific halibut in all IPHC Regulatory Areas shall cease for the year at 1200 local time on 15 November.

(4) The first fishing period in the IPHC Regulatory Area 2A non-tribal directed commercial fishery [2] shall begin at 0800 on the fourth Monday in June and terminate at 1800 local time on the subsequent Wednesday, unless the Commission specifies otherwise. If the Commission determines that the fishery limit specified for IPHC Regulatory Area 2A in Section 5 has not been exceeded, it may announce a second fishing period of up to three fishing days to begin on Monday two weeks after the first period, and, if necessary, a third fishing period of up to three fishing days to begin on Monday four weeks after the first period.

(5) Notwithstanding paragraph (4), and paragraph (6) of section 12, an incidental catch fishery [3] is authorized during the sablefish seasons in IPHC Regulatory Area 2A in accordance with regulations promulgated by NOAA Fisheries. This fishery will occur between the dates and times listed in paragraphs (2) and (3) of this section.

(6) Notwithstanding paragraph (4), and paragraph (6) of section 12, an incidental catch fishery is authorized during salmon troll seasons in IPHC Regulatory Area 2A in accordance with regulations promulgated by NOAA Fisheries. This fishery will occur between the dates and times listed in paragraphs (2) and (3) of this section.

10. Closed Area

All waters in the Bering Sea north of 55°00′00″ N latitude in Isanotski Strait that are enclosed by a line from Cape Sarichef Light (54°36′00″ N latitude, 164°55′42″ W longitude) to a point at 56°20′00″ N latitude, 168°30′00″ W longitude; thence to a point at 58°21′25″ N latitude, 163°00′00″ W longitude; thence to Strogonof Point (56°53′18″ N latitude, 158°50′37″ W longitude); and then along the northern coasts of the Alaska Peninsula and Unimak Island to the point of origin at Cape Sarichef Light are closed to Pacific halibut fishing and no person shall fish for Pacific halibut therein or have Pacific halibut in his/her possession while in those waters except in the course of a continuous transit across those waters. All waters in Isanotski Strait between 55°00′00″ N latitude and 54°49′00″ N latitude are closed to Pacific halibut fishing.

11. Closed Periods

(1) No person shall engage in fishing for Pacific halibut in any IPHC Regulatory Area other than during the fishing periods set out in section 9 in respect of that area.

(2) No person shall land or otherwise retain Pacific halibut caught outside a fishing period applicable to the IPHC Regulatory Area where the Pacific halibut was taken.

(3) Subject to paragraphs (7), (8), (9), and (10) of section 18, these Regulations do not prohibit fishing for any species of fish other than Pacific halibut during the closed periods.

(4) Notwithstanding paragraph (3), no person shall have Pacific halibut in his/her possession while fishing for any other species of fish during the closed periods.

(5) No vessel shall retrieve any Pacific halibut fishing gear during a closed period if the vessel has any Pacific halibut on board.

(6) A vessel that has no Pacific halibut on board may retrieve any Pacific halibut fishing gear during the closed period after the operator notifies an authorized officer or representative of the Commission prior to that retrieval.

(7) After retrieval of Pacific halibut gear in accordance with paragraph (6), the vessel shall submit to a hold inspection at the discretion of the authorized officer or representative of the Commission.

(8) No person shall retain any Pacific halibut caught on gear retrieved in accordance with paragraph (6).

(9) No person shall possess Pacific halibut on board a vessel in an IPHC Regulatory Area during a closed period unless that vessel is in continuous transit to or within a port in which that Pacific halibut may be lawfully sold.

12. Application of Commercial Fishery Limits

(1) Notwithstanding the fishery limits described in section 5, regulations pertaining to the division of the IPHC Regulatory Area 2A fishery limit between the directed commercial fishery and the incidental catch fishery as described in paragraphs (5) and (6) of section 9 will be promulgated by NOAA Fisheries and published in the **Federal Register**.

(2) The Commission shall determine and announce to the public the date on which the fishery limit for IPHC Regulatory Area 2A will be taken.

(3) Notwithstanding the fishery limits described in section 5, the commercial fishing in IPHC Regulatory Area 2B will close only when all Individual Vessel Quotas (IVQ) and Individual Transferable Quotas (ITQ) assigned by DFO are taken, or 15 November, whichever is earlier.

(4) Notwithstanding the fishery limits described in section 5, IPHC Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E will each close only when all Individual Fishing Quotas (IFQ) and all CDQ issued by NOAA Fisheries have

[2] The non-tribal directed fishery is restricted to waters that are south of Point Chehalis, Washington, (46°53.30′ N latitude) under regulations promulgated by NOAA Fisheries and published in the **Federal Register**.

[3] The incidental fishery during the directed, fixed gear sablefish season is restricted to waters that are north of Point Chehalis, Washington, (46°53.30′ N latitude) under regulations promulgated by NOAA Fisheries at 50 CFR 300.63. Landing restrictions for Pacific halibut retention in the fixed gear sablefish fishery can be found at 50 CFR 660.231.

been taken, or 15 November, whichever is earlier.

(5) If the Commission determines that the fishery limit specified for IPHC Regulatory Area 2A in section 5 would be exceeded in an additional directed commercial fishing period as specified in paragraph (4) of section 9, the fishery limit for that area shall be considered to have been taken and the directed commercial fishery closed as announced by the Commission.

(6) When under paragraphs (1), (2), and (5) the Commission has announced a date on which the fishery limit for IPHC Regulatory Area 2A will be taken, no person shall fish for Pacific halibut in that area after that date for the rest of the year, unless the Commission has announced the reopening of that area for Pacific halibut fishing.

(7) Notwithstanding the fishery limits described in section 5, the total allowable catch of Pacific halibut that may be taken in the IPHC Regulatory Area 4E directed commercial fishery is equal to the combined annual fishery limits specified for the IPHC Regulatory Areas 4D and 4E CDQ fisheries and any IPHC Regulatory Area 4D IFQ received by transfer by a CDQ organization. The annual IPHC Regulatory Area 4D fishery limit will decrease by the equivalent amount of CDQ and IFQ received by transfer by a CDQ organization taken in IPHC Regulatory Area 4E in excess of the annual IPHC Regulatory Area 4E fishery limit.

(8) Notwithstanding the fishery limits described in section 5, the total allowable catch of Pacific halibut that may be taken in the IPHC Regulatory Area 4D directed commercial fishery is equal to the combined annual fishery limits specified for IPHC Regulatory Areas 4C and 4D. The annual IPHC Regulatory Area 4C fishery limit will decrease by the equivalent amount of Pacific halibut taken in IPHC Regulatory Area 4D in excess of the annual IPHC Regulatory Area 4D fishery limit.

13. Fishing in Regulatory IPHC Regulatory Areas 4D and 4E

(1) Section 13 applies only to any person fishing for, or any vessel that is used to fish for, IPHC Regulatory Area 4E Community Development Quota (CDQ) Pacific halibut, IPHC Regulatory Area 4D CDQ Pacific halibut, or IPHC Regulatory Area 4D IFQ received by transfer by a CDQ organization provided that the total annual Pacific halibut catch of that person or vessel is landed at a port within IPHC Regulatory Areas 4E or 4D.

(2) A person may retain Pacific halibut taken with setline gear that are smaller than the size limit specified in section 19, provided that no person may sell or barter such Pacific halibut.

(3) The manager of a CDQ organization that authorizes persons to harvest Pacific halibut in the IPHC Regulatory Area 4E or 4D CDQ fisheries or IFQ received by transfer by a CDQ organization must report to the Commission the total number and weight of undersized Pacific halibut taken and retained by such persons pursuant to section 13, paragraph (2). This report, which shall include data and methodology used to collect the data, must be received by the Commission prior to 1 November of the year in which such Pacific halibut were harvested.

14. Fishing Period Limits

(1) It shall be unlawful for any vessel to retain more Pacific halibut than authorized by that vessel's license in any fishing period for which the Commission has announced a fishing period limit.

(2) The operator of any vessel that fishes for Pacific halibut during a fishing period when fishing period limits are in effect must, upon commencing an offload of Pacific halibut to a commercial fish processor, completely offload all Pacific halibut on board said vessel to that processor and ensure that all Pacific halibut is weighed and reported on State fish tickets.

(3) The operator of any vessel that fishes for Pacific halibut during a fishing period when fishing period limits are in effect must, upon commencing an offload of Pacific halibut other than to a commercial fish processor, completely offload all Pacific halibut on board said vessel and ensure that all Pacific halibut are weighed and reported on State fish tickets.

(4) The provisions of paragraph (3) are not intended to prevent retail over-the-side sales to individual purchasers so long as all the Pacific halibut on board is ultimately offloaded and reported.

(5) When fishing period limits are in effect, a vessel's maximum retainable catch will be determined by the Commission based on:

(a) The vessel's overall length in feet and associated length class;

(b) the average performance of all vessels within that class; and

(c) the remaining fishery limit.

(6) Length classes are shown in the following table:

Overall length (in feet)	Vessel class
1–25	A
26–30	B
31–35	C
36–40	D
41–45	E
46–50	F
51–55	G
56+	H

(7) Fishing period limits in IPHC Regulatory Area 2A apply only to the directed Pacific halibut fishery referred to in paragraph (4) of section 9.

15. Licensing Vessels for IPHC Regulatory Area 2A

(1) No person shall fish for Pacific halibut from a vessel, nor possess Pacific halibut on board a vessel, used either for commercial fishing or as a charter vessel in IPHC Regulatory Area 2A, unless the Commission has issued a license valid for fishing in IPHC Regulatory Area 2A in respect of that vessel.

(2) A license issued for a vessel operating in IPHC Regulatory Area 2A shall be valid only for operating either as a charter vessel or a commercial vessel, but not both.

(3) A vessel with a valid IPHC Regulatory Area 2A commercial license cannot be used to recreationally (sport) fish for Pacific halibut in IPHC Regulatory Area 2A.

(4) A license issued for a vessel operating in the commercial fishery in IPHC Regulatory Area 2A shall be valid for one of the following:

(a) The directed commercial fishery during the fishing periods specified in paragraph (4) of section 9;

(b) the incidental catch fishery during the sablefish fishery specified in paragraph (5) of section 9; or

(c) the incidental catch fishery during the salmon troll fishery specified in paragraph (6) of section 9.

(5) A vessel with a valid license for the IPHC Regulatory Area 2A incidental catch fishery during the sablefish fishery described in paragraph (4)(b) may also apply for or be issued a license for the directed commercial fishery described in paragraph (4)(a).

(6) A license issued in respect to a vessel referred to in paragraph (1) of this section must be carried on board that vessel at all times and the vessel operator shall permit its inspection by any authorized officer.

(7) The Commission shall issue a license in respect to a vessel from its office in Seattle, Washington, upon receipt of a completed ''Application for Vessel License for the Pacific Halibut Fishery'' form.

(8) A vessel operating in the directed commercial fishery in IPHC Regulatory

Area 2A must have submitted its ''Application for Vessel License for the Pacific Halibut Fishery'' form no later than 2359 local time on 30 April, or the first weekday in May if 30 April is a Saturday or Sunday.

(9) A vessel operating in the incidental catch fishery during the sablefish fishery in IPHC Regulatory Area 2A must have submitted its ''Application for Vessel License for the Pacific Halibut Fishery'' form no later than 2359 local time on 15 March, or the next weekday in March if 15 March is a Saturday or Sunday.

(10) A vessel operating in the incidental catch fishery during the salmon troll fishery in IPHC Regulatory Area 2A must have submitted its ''Application for Vessel License for the Pacific Halibut Fishery'' form no later than 2359 local time on 15 March, or the next weekday in March if 15 March is a Saturday or Sunday.

(11) Applications are submitted on the IPHC Secretariat web page.

(12) Information on the ''Application for Vessel License for the Pacific Halibut Fishery'' form must be accurate.

(13) The ''Application for Vessel License for the Pacific Halibut Fishery'' form shall be completed by the vessel owner.

(14) Licenses issued under this section shall be valid only during the year in which they are issued.

(15) A new license is required for a vessel that is sold, transferred, renamed, or for which the documentation is changed.

(16) The license required under this section is in addition to any license, however designated, that is required under the laws of the United States of America or any of its States.

(17) The United States of America may suspend, revoke, or modify any license issued under this section under policies and procedures in U.S. Code Title 15, CFR part 904.

16. Vessel Clearance in IPHC Regulatory Area 4

(1) The operator of any vessel that fishes for Pacific halibut in IPHC Regulatory Areas 4A, 4B, 4C, or 4D must obtain a vessel clearance before fishing in any of these areas, and before the landing of any Pacific halibut caught in any of these areas, unless specifically exempted in paragraphs (10), (13), (14), (15), or (16).

(2) An operator obtaining a vessel clearance required by paragraph (1) must obtain the clearance in person from the authorized clearance personnel and sign the IPHC form documenting that a clearance was obtained, except that when the clearance is obtained via VHF radio referred to in paragraphs (5), (8), and (9), the authorized clearance personnel must sign the IPHC form documenting that the clearance was obtained.

(3) The vessel clearance required under paragraph (1) prior to fishing in IPHC Regulatory Area 4A may be obtained only at Nazan Bay on Atka Island, Dutch Harbor, or Akutan, Alaska, from an authorized officer of the United States of America, a representative of the Commission, or a designated fish processor.

(4) The vessel clearance required under paragraph (1) prior to fishing in IPHC Regulatory Area 4B may only be obtained at Nazan Bay on Atka Island or Adak, Alaska, from an authorized officer of the United States of America, a representative of the Commission, or a designated fish processor.

(5) The vessel clearance required under paragraph (1) prior to fishing in IPHC Regulatory Area 4C or 4D may be obtained only at St. Paul or St. George, Alaska, from an authorized officer of the United States, a representative of the Commission, or a designated fish processor by VHF radio and allowing the person contacted to confirm visually the identity of the vessel.

(6) The vessel operator shall specify the specific regulatory area in which fishing will take place.

(7) Before unloading any Pacific halibut caught in IPHC Regulatory Area 4A, a vessel operator may obtain the clearance required under paragraph (1) only in Dutch Harbor or Akutan, Alaska, by contacting an authorized officer of the United States of America, a representative of the Commission, or a designated fish processor.

(8) Before unloading any Pacific halibut caught in IPHC Regulatory Area 4B, a vessel operator may obtain the clearance required under paragraph (1) only in Nazan Bay on Atka Island or Adak, by contacting an authorized officer of the United States of America, a representative of the Commission, or a designated fish processor by VHF radio or in person.

(9) Before unloading any Pacific halibut caught in IPHC Regulatory Areas 4C and 4D, a vessel operator may obtain the clearance required under paragraph (1) only in St. Paul, St. George, Dutch Harbor, or Akutan, Alaska, either in person or by contacting an authorized officer of the United States of America, a representative of the Commission, or a designated fish processor. The clearances obtained in St. Paul or St. George, Alaska, can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel.

(10) Any vessel operator who complies with the requirements in section 17 for possessing Pacific halibut on board a vessel that was caught in more than one regulatory area in IPHC Regulatory Area 4 is exempt from the clearance requirements of paragraph (1) of this section, provided that:

(a) The operator of the vessel obtains a vessel clearance prior to fishing in IPHC Regulatory Area 4 in either Dutch Harbor, Akutan, St. Paul, St. George, Adak, or Nazan Bay on Atka Island by contacting an authorized officer of the United States of America, a representative of the Commission, or a designated fish processor. The clearance obtained in St. Paul, St. George, Adak, or Nazan Bay on Atka Island can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel. This clearance will list the areas in which the vessel will fish; and

(b) before unloading any Pacific halibut from IPHC Regulatory Area 4, the vessel operator obtains a vessel clearance from Dutch Harbor, Akutan, St. Paul, St. George, Adak, or Nazan Bay on Atka Island by contacting an authorized officer of the United States of America, a representative of the Commission, or a designated fish processor. The clearance obtained in St. Paul or St. George can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel. The clearance obtained in Adak or Nazan Bay on Atka Island can be obtained by VHF radio.

(11) Vessel clearances shall be obtained between 0600 and 1800, local time.

(12) No Pacific halibut shall be on board the vessel at the time of the clearances required prior to fishing in IPHC Regulatory Area 4.

(13) Any vessel that is used to fish for Pacific halibut only in IPHC Regulatory Area 4A and lands its total annual Pacific halibut catch at a port within IPHC Regulatory Area 4A is exempt from the clearance requirements of paragraph (1).

(14) Any vessel that is used to fish for Pacific halibut only in IPHC Regulatory Area 4B and lands its total annual Pacific halibut catch at a port within IPHC Regulatory Area 4B is exempt from the clearance requirements of paragraph (1).

(15) Any vessel that is used to fish for Pacific halibut only in IPHC Regulatory Areas 4C or 4D or 4E and lands its total annual Pacific halibut catch at a port within IPHC Regulatory Areas 4C, 4D, 4E, or the closed area defined in section 10, is exempt from the clearance requirements of paragraph (1).

(16) Any vessel that carries a NOAA Fisheries observer, a NOAA Fisheries electronic monitoring system, or a transmitting VMS transmitter while fishing for Pacific halibut in IPHC Regulatory Areas 4A, 4B, 4C, or 4D and until all Pacific halibut caught in any of these IPHC Regulatory Areas is landed, is exempt from the clearance requirements of paragraph (1) of this section, provided that:

(a) The operator of the vessel complies with NOAA Fisheries' observer or electronic monitoring regulations published at 50 CFR subpart E, or vessel monitoring system regulations published at 50 CFR 679.28(f)(3), (4) and (5); and

(b) the operator of the vessel notifies NOAA Fisheries Office for Law Enforcement at 800–304–4846 (select option 1 to speak to an Enforcement Data Clerk) between the hours of 0600 and 0000 (midnight) local time within 72 hours before fishing for Pacific halibut in IPHC Regulatory Areas 4A, 4B, 4C, or 4D and receives a VMS confirmation number.

17. Fishing Multiple Regulatory Areas

(1) Except as provided in this section, no person shall possess at the same time on board a vessel Pacific halibut caught in more than one IPHC Regulatory Area.

(2) Pacific halibut caught in more than one of the IPHC Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E may be possessed on board a vessel at the same time only if:

(a) Authorized by NOAA Fisheries regulations published at 50 CFR Section 679.7(f)(4); and

(b) the operator of the vessel identifies the regulatory area in which each Pacific halibut on board was caught by separating Pacific halibut from different areas in the hold, tagging Pacific halibut, or by other means.

18. Fishing Gear

(1) No person shall fish for Pacific halibut using any gear other than hook and line gear,

(a) except that vessels licensed to catch sablefish in IPHC Regulatory Area 2B using sablefish trap gear as defined in the Condition of Licence can retain Pacific halibut caught as bycatch under regulations promulgated by DFO; or

(b) except that a person may retain Pacific halibut taken with longline or single pot gear if such retention is authorized by NOAA Fisheries regulations published at 50 CFR part 679.

(2) No person shall possess Pacific halibut taken with any gear other than hook and line gear,

(a) except that vessels licensed to catch sablefish in IPHC Regulatory Area 2B using sablefish trap gear as defined by the Condition of Licence can retain Pacific halibut caught as bycatch under regulations promulgated by DFO; or

(b) except that a person may possess Pacific halibut taken with longline or single pot gear if such possession is authorized by NOAA Fisheries regulations published at 50 CFR part 679.

(3) No person shall possess Pacific halibut while on board a vessel carrying any trawl nets.

(4) All gear marker buoys carried on board or used by any United States of America vessel used for Pacific halibut fishing shall be marked with one of the following:

(a) The vessel's State license number; or

(b) the vessel's registration number.

(5) The markings specified in paragraph (4) shall be in characters at least four inches in height and one-half inch in width in a contrasting color visible above the water and shall be maintained in legible condition.

(6) All gear marker buoys carried on board or used by a Canadian vessel used for Pacific halibut fishing shall be:

(a) Floating and visible on the surface of the water; and

(b) legibly marked with the identification plate number of the vessel engaged in commercial fishing from which that setline is being operated.

(7) No person on board a vessel used to fish for any species of fish anywhere in IPHC Regulatory Area 2A during the 72-hour period immediately before the fishing period for the directed commercial fishery shall catch or possess Pacific halibut anywhere in those waters during that Pacific halibut fishing period unless, prior to the start of the Pacific halibut fishing period, the vessel has removed its gear from the water and has either:

(a) Made a landing and completely offloaded its catch of other fish; or

(b) submitted to a hold inspection by an authorized officer.

(8) No vessel used to fish for any species of fish anywhere in IPHC Regulatory Area 2A during the 72-hour period immediately before the fishing period for the directed commercial fishery may be used to catch or possess Pacific halibut anywhere in those waters during that Pacific halibut fishing period unless, prior to the start of the Pacific halibut fishing period, the vessel has removed its gear from the water and has either:

(a) Made a landing and completely offloaded its catch of other fish; or

(b) submitted to a hold inspection by an authorized officer.

(9) No person on board a vessel used to fish for any species of fish anywhere in IPHC Regulatory Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E during the 72-hour period immediately before the opening of the Pacific halibut fishing season shall catch or possess Pacific halibut anywhere in those areas until the vessel has removed all of its gear from the water and has either:

(a) Made a landing and completely offloaded its entire catch of other fish; or

(b) submitted to a hold inspection by an authorized officer.

(10) No vessel used to fish for any species of fish anywhere in IPHC Regulatory Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E during the 72-hour period immediately before the opening of the Pacific halibut fishing season may be used to catch or possess Pacific halibut anywhere in those areas until the vessel has removed all of its gear from the water and has either:

(a) Made a landing and completely offloaded its entire catch of other fish; or

(b) submitted to a hold inspection by an authorized officer.

(11) Notwithstanding any other provision in these Regulations, a person may retain, possess and dispose of Pacific halibut taken with trawl gear only as authorized by Prohibited Species Donation regulations of NOAA Fisheries.

19. Size Limits

(1) No person shall take or possess any Pacific halibut that:

(a) With the head on, is less than 32 inches (81.3 cm) as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw with the mouth closed, to the extreme end of the middle of the tail, as illustrated in Figure 2; or

(b) with the head removed, is less than 24 inches (61.0 cm) as measured from the base of the pectoral fin at its most anterior point to the extreme end of the middle of the tail, as illustrated in Figure 2.

(2) No person on board a vessel fishing for, or tendering, Pacific halibut in any IPHC Regulatory Area shall possess any Pacific halibut that has had its head removed, except that Pacific halibut frozen at sea with its head removed may be possessed on board a vessel by persons in IPHC Regulatory Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E if authorized by Federal regulations.

(3) The size limit in paragraph (1)(b) will not be applied to any Pacific

halibut that has had its head removed after the operator has landed the Pacific halibut.

20. Logs

(1) The operator of any U.S. vessel fishing for Pacific halibut that has an overall length of 26 feet (7.9 meters) or greater shall maintain an accurate log of Pacific halibut fishing operations. The operator of a vessel fishing in waters in and off Alaska must use one of the following logbooks: The Groundfish/IFQ Longline and Pot Gear Daily Fishing Logbook, in electronic or paper form, provided by NOAA Fisheries; the Alaska hook-and-line logbook provided by Petersburg Vessel Owners Association or Alaska Longline Fisherman's Association; the Alaska Department of Fish and Game (ADFG) longline-pot logbook; or the logbook provided by IPHC. The operator of a vessel fishing in IPHC Regulatory Area 2A must use either the WDFW Voluntary Sablefish Logbook, Oregon Department of Fish and Wildlife (ODFW) Fixed Gear Logbook, or the logbook provided by IPHC.

(2) The logbook referred to in paragraph (1) must include the following information:

(a) The name of the vessel and the State (ADFG, WDFW, ODFW, or CDFW) or Tribal ID number;

(b) the date(s) upon which the fishing gear is set or retrieved;

(c) the latitude and longitude coordinates or a direction and distance from a point of land for each set or day;

(d) the number of skates deployed or retrieved, and number of skates lost; and

(e) the total weight or number of Pacific halibut retained for each set or day.

(3) The logbook referred to in paragraph (1) shall be:

(a) Maintained on board the vessel;

(b) updated not later than 24 hours after 0000 (midnight) local time for each day fished and prior to the offloading or sale of Pacific halibut taken during that fishing trip;

(c) retained for a period of two years by the owner or operator of the vessel;

(d) open to inspection by an authorized officer or any authorized representative of the Commission upon demand; and

(e) kept on board the vessel when engaged in Pacific halibut fishing, during transits to port of landing, and until the offloading of all Pacific halibut is completed.

(4) The log referred to in paragraph (1) does not apply to the incidental Pacific halibut fishery during the salmon troll season in IPHC Regulatory Area 2A defined in paragraph (6) of section 9.

(5) The operator of any Canadian vessel fishing for Pacific halibut shall maintain an accurate record in the British Columbia Integrated Groundfish Fishing Log.

(6) The log referred to in paragraph (5) must include the following information:

(a) The name of the vessel and the DFO vessel registration number;

(b) the date(s) upon which the fishing gear is set and retrieved;

(c) the latitude and longitude coordinates for each set;

(d) the number of skates deployed or retrieved, and number of skates lost; and

(e) the total weight or number of Pacific halibut retained for each set.

(7) The log referred to in paragraph (5) shall be:

(a) Maintained on board the vessel;

(b) retained for a period of two years by the owner or operator of the vessel;

(c) open to inspection by an authorized officer or any authorized representative of the Commission upon demand;

(d) kept on board the vessel when engaged in Pacific halibut fishing, during transits to port of landing, and until the offloading of all Pacific halibut is completed;

(e) submitted to the DFO within seven days of offloading; and

(f) submitted to the Commission within seven days of the final offload if not previously collected by a Commission employee.

(8) No person shall make a false entry in a log referred to in this section.

21. Receipt and Possession of Pacific Halibut

(1) No person shall receive Pacific halibut caught in IPHC Regulatory Area 2A from a United States of America vessel that does not have on board the license required by section 15.

(2) No person shall possess on board a vessel a Pacific halibut other than whole or with gills and entrails removed, except that this paragraph shall not prohibit the possession on board a vessel of:

(a) Pacific halibut cheeks cut from Pacific halibut caught by persons authorized to process the Pacific halibut on board in accordance with NOAA Fisheries regulations published at 50 CFR part 679;

(b) fillets from Pacific halibut offloaded in accordance with section 21 that are possessed on board the harvesting vessel in the port of landing up to 1800 local time on the calendar day following the offload; [4] and

(c) Pacific halibut with their heads removed in accordance with section 19.

(3) No person shall offload Pacific halibut from a vessel unless the gills and entrails have been removed prior to offloading.[5]

(4) It shall be the responsibility of a vessel operator who lands Pacific halibut to continuously and completely offload at a single offload site all Pacific halibut on board the vessel.

(5) A registered buyer (as that term is defined in regulations promulgated by NOAA Fisheries and codified at 50 CFR part 679) who receives Pacific halibut harvested in IFQ and CDQ fisheries in IPHC Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E, directly from the vessel operator that harvested such Pacific halibut must weigh all the Pacific halibut received and record the following information on Federal catch reports: date of offload; name of vessel; vessel number (State, Tribal or Federal, not IPHC vessel number); scale weight obtained at the time of offloading, including the scale weight (in pounds) of Pacific halibut purchased by the registered buyer, the scale weight (in pounds) of Pacific halibut offloaded in excess of the IFQ or CDQ, the scale weight of Pacific halibut (in pounds) retained for personal use or for future sale, and the scale weight (in pounds) of Pacific halibut discarded as unfit for human consumption. All Pacific halibut harvested in IFQ or CDQ fisheries in Areas IPHC Regulatory 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E, must be weighed with the head on and the head-on weight must be recorded on Federal catch reports as specified in this paragraph, unless the Pacific halibut is frozen at sea and exempt from the head-on landing requirement at section 19(2).

(6) The first recipient, commercial fish processor, or buyer in the United States of America who purchases or receives Pacific halibut directly from the vessel operator that harvested such Pacific halibut must weigh and record all Pacific halibut received and record the following information on State fish tickets: the date of offload; vessel number (State or Federal, not IPHC vessel number) or Tribal ID number; total weight obtained at the time of offload including the weight (in pounds) of Pacific halibut purchased; the weight (in pounds) of Pacific halibut offloaded in excess of the IFQ, CDQ, or fishing period limits; the weight of Pacific halibut (in pounds) retained for personal use or for future sale; and the weight (in pounds) of Pacific halibut

[4] DFO has more restrictive regulations; therefore, section 21 paragraph (2)(b) does not apply to fish caught in IPHC Regulatory Area 2B or landed in British Columbia.

[5] DFO did not adopt this regulation; therefore, section 21 paragraph (3) does not apply to fish caught in IPHC Regulatory Area 2B.

discarded as unfit for human consumption. All Pacific halibut harvested in fisheries in IPHC Regulatory Areas 2A, 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E must be weighed with the head on and the head-on weight must be recorded on State fish tickets as specified in this paragraph, unless the Pacific halibut is frozen at sea and exempt from the head-on landing requirement at section 19(2).

(7) For Pacific halibut landings made in Alaska, the requirements as listed in paragraphs (5) and (6) can be met by recording the information in the Interagency Electronic Reporting Systems, eLandings, in accordance with NOAA Fisheries regulation published at 50 CFR part 679.

(8) The master or operator of a Canadian vessel that was engaged in Pacific halibut fishing must weigh and record all Pacific halibut on board said vessel at the time offloading commences and record on Provincial fish tickets or Federal catch reports: The date; locality; name of vessel; the name(s) of the person(s) from whom the Pacific halibut was purchased; and the scale weight obtained at the time of offloading of all Pacific halibut on board the vessel including the pounds purchased, pounds in excess of IVQs or ITQs, pounds retained for personal use, and pounds discarded as unfit for human consumption. All Pacific halibut must be weighed with the head on and the head-on weight must be recorded on the Provincial fish tickets or Federal catch reports as specified in this paragraph, unless the Pacific halibut is frozen at sea and exempt from the head-on landing requirement at section 19(2).

(9) No person shall make a false entry on a State or Provincial fish ticket or a Federal catch or landing report referred to in paragraphs (5), (6), and (8) of this section.

(10) A copy of the fish tickets or catch reports referred to in paragraphs (5), (6), and (8) shall be:

(a) Retained by the person making them for a period of three years from the date the fish tickets or catch reports are made; and

(b) open to inspection by an authorized officer or any authorized representative of the Commission.

(11) No person shall possess any Pacific halibut taken or retained in contravention of these Regulations.

(12) When Pacific halibut are landed to other than a commercial fish processor, the records required by paragraph (6) shall be maintained by the operator of the vessel from which that Pacific halibut was caught, in compliance with paragraph (10).

(13) No person shall tag Pacific halibut unless the tagging is authorized by IPHC permit or by a Federal or State agency.

22. Supervision of Unloading and Weighing

The unloading and weighing of Pacific halibut may be subject to the supervision of authorized officers to assure the fulfillment of the provisions of these Regulations.

23. Fishing by United States Indian Tribes

(1) Pacific halibut fishing in IPHC Regulatory Area Subarea 2A–1 by members of United States treaty Indian tribes located in the State of Washington shall be regulated under regulations promulgated by NOAA Fisheries and published in the **Federal Register**.

(a) Subarea 2A–1 includes the usual and accustomed fishing areas for Pacific Coast treaty tribes off the coast of Washington and all inland marine waters of Washington north of Point Chehalis (46°53.30′ N lat.), including Puget Sound. Boundaries of a tribe's fishing area may be revised as ordered by a United States Federal court.

(b) Section 15 (Licensing Vessels for IPHC Regulatory Area 2A) does not apply to commercial fishing for Pacific halibut in Subarea 2A–1 by Indian tribes.

(c) Ceremonial and subsistence fishing for Pacific halibut in Subarea 2A–1 is permitted with hook and line gear from 1 January through 31 December.

(2) In IPHC Regulatory Area 2C, the Metlakatla Indian Community has been authorized by the United States Government to conduct a commercial Pacific halibut fishery within the Annette Islands Reserve. Fishing periods for this fishery are announced by the Metlakatla Indian Community and the Bureau of Indian Affairs. Landings in this fishery are accounted with the commercial landings for IPHC Regulatory Area 2C.

(3) Section 7 (careful release of Pacific halibut), section 18 (fishing gear), except paragraphs (7) and (8) of section 18, section 19 (size limits), section 20 (logs), and section 21 (receipt and possession of Pacific halibut) apply to commercial fishing for Pacific halibut by Indian tribes.

(4) Regulations in paragraph (3) of this section that apply to State fish tickets apply to Tribal tickets that are authorized by WDFW and ADFG.

(5) Commercial fishing for Pacific halibut is permitted with hook and line gear between the dates specified in section 9 paragraphs (2) and (3), or until the applicable fishery limit specified in section 5 is taken, whichever occurs first.

24. Indigenous Groups Fishing for Food, Social and Ceremonial Purposes in British Columbia

(1) Fishing for Pacific halibut for food, social and ceremonial purposes by Indigenous groups in IPHC Regulatory Area 2B shall be governed by the Fisheries Act of Canada and regulations as amended from time to time.

25. Customary and Traditional Fishing in Alaska

(1) Customary and traditional fishing for Pacific halibut in IPHC Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E shall be governed pursuant to regulations promulgated by NOAA Fisheries and published in 50 CFR part 300.

(2) Customary and traditional fishing is authorized from 1 January through 31 December.

26. Recreational (Sport) Fishing for Pacific Halibut—General

(1) No person shall engage in recreational (sport) fishing for Pacific halibut using gear other than a single line with no more than two hooks attached; or a spear.

(2) Any size limit promulgated under IPHC or domestic regulations shall be measured in a straight line passing over the pectoral fin from the tip of the lower jaw with the mouth closed, to the extreme end of the middle of the tail as depicted in Figure 2.

(3) Any Pacific halibut brought aboard a vessel and not immediately returned to the sea with a minimum of injury will be included in the daily bag limit of the person catching the Pacific halibut.

(4) No person may possess Pacific halibut on a vessel while fishing in a closed area.

(5) No Pacific halibut caught by recreational (sport) fishing shall be offered for sale, sold, traded, or bartered.

(6) No Pacific halibut caught in recreational (sport) fishing shall be possessed on board a vessel when other fish or shellfish aboard said vessel are destined for commercial use, sale, trade, or barter.

(7) The operator of a charter vessel shall be liable for any violations of these Regulations committed by an angler on board said vessel. In Alaska, the charter vessel guide, as defined in 50 CFR 300.61 and referred to in 50 CFR 300.65, 300.66, and 300.67, shall be liable for any violation of these Regulations committed by an angler on board a charter vessel.

27. Recreational (Sport) Fishing for Pacific Halibut—IPHC Regulatory Area 2A

(1) The Commission shall determine and announce closing dates to the public for any area in which the fishery limits promulgated by NOAA Fisheries are estimated to have been taken.

(2) When the Commission has determined that a subquota under paragraph (7) of this section is estimated to have been taken, and has announced a date on which the season will close, no person shall recreational (sport) fish for Pacific halibut in that area after that date for the rest of the year, unless a reopening of that area for recreational (sport) Pacific halibut fishing is scheduled in accordance with the Catch Sharing Plan for IPHC Regulatory Area 2A, or announced by the Commission.

(3) In California, Oregon, or Washington, no person shall fillet, mutilate, or otherwise disfigure a Pacific halibut in any manner that prevents the determination of minimum size or the number of fish caught, possessed, or landed.

(4) The possession limit on a vessel for Pacific halibut in the waters off the coast of Washington is the same as the daily bag limit. The possession limit for Pacific halibut on land in Washington is two daily bag limits.

(5) The possession limit on a vessel for Pacific halibut caught in the waters off the coast of Oregon is the same as the daily bag limit. The possession limit for Pacific halibut on land in Oregon is three daily bag limits.

(6) The possession limit on a vessel for Pacific halibut caught in the waters off the coast of California is one daily bag limit. The possession limit for Pacific halibut on land in California is one daily bag limit.

(7) Specific regulations describing fishing periods, fishery limits, fishing dates, and daily bag limits are promulgated by NOAA Fisheries and published in the **Federal Register**.

28. Recreational (Sport) Fishing for Pacific Halibut—IPHC Regulatory Area 2B

(1) In all waters off British Columbia: [6] [7]

(a) The recreational (sport) fishing season will open on 1 February unless more restrictive regulations are in place;

(b) the recreational (sport) fishing season will close when the recreational (sport) fishery limit allocated by DFO is taken, or 31 December, whichever is earlier; and

(c) the daily bag limit is two Pacific halibut of any size per day per person.

(2) In British Columbia, no person shall fillet, mutilate, or otherwise disfigure a Pacific halibut in any manner that prevents the determination of minimum size or the number of fish caught, possessed, or landed.

(3) The possession limit for Pacific halibut in the waters off the coast of British Columbia is three Pacific halibut.[6] [7]

29. Recreational (Sport) Fishing for Pacific Halibut—IPHC Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, 4E

(1) In Convention waters in and off Alaska: [8] [9]

(a) The recreational (sport) fishing season is from 1 February to 31 December.

(b) The daily bag limit is two Pacific halibut of any size per day per person unless a more restrictive bag limit applies in Commission regulations or Federal regulations at 50 CFR 300.65.

(c) No person may possess more than two daily bag limits.

(d) No person shall possess on board a vessel, including charter vessels and pleasure craft used for fishing, Pacific halibut that have been filleted, mutilated, or otherwise disfigured in any manner, except that each Pacific halibut may be cut into no more than 2 ventral pieces, 2 dorsal pieces, and 2 cheek pieces, with a patch of skin on each piece, naturally attached.

(e) Pacific halibut in excess of the possession limit in paragraph (1)(c) of this section may be possessed on a vessel that does not contain recreational (sport) fishing gear, fishing rods, hand lines, or gaffs.

(f) Pacific halibut harvested on a charter vessel fishing trip in IPHC Regulatory Areas 2C or 3A must be retained on board the charter vessel on which the Pacific halibut was caught until the end of the charter vessel fishing trip as defined at 50 CFR 300.61.

(g) Guided angler fish (GAF), as described at 50 CFR 300.65, may be used to allow a charter vessel angler to harvest additional Pacific halibut up to the limits in place for unguided anglers, and are exempt from the requirements in paragraphs (2) and (3) of this section.

(2) For guided recreational (sport) fishing (as referred to in 50 CFR 300.65) in IPHC Regulatory Area 2C:

(a) No person on board a charter vessel (as referred to in 50 CFR 300.65) shall catch and retain more than one Pacific halibut per calendar day.

(b) No person on board a charter vessel (as referred to in 50 CFR 300.65) shall catch and retain any Pacific halibut that with head on is greater than 40 inches (101.6 cm) and less than 80 inches (203.2 cm) as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw with mouth closed, to the extreme end of the middle of the tail.

(3) For guided recreational (sport) fishing (as referred to in 50 CFR 300.65) in IPHC Regulatory Area 3A:

(a) No person on board a charter vessel (as referred to in 50 CFR 300.65) shall catch and retain more than two Pacific halibut per calendar day.

(b) At least one of the retained Pacific halibut must have a head-on length of no more than 26 inches (66.0 cm) as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw with mouth closed, to the extreme end of the middle of the tail. If a person recreational (sport) fishing on a charter vessel in IPHC Regulatory Area 3A retains only one Pacific halibut in a calendar day, that Pacific halibut may be of any length.

(c) A ''charter halibut permit'' (as referred to in 50 CFR 300.67) may only be used for one charter vessel fishing trip in which Pacific halibut are caught and retained per calendar day. A charter vessel fishing trip is defined at 50 CFR 300.61 as the time period between the first deployment of fishing gear into the water by a charter vessel angler (as defined at 50 CFR 300.61) and the offloading of one or more charter vessel anglers or any Pacific halibut from that vessel. For purposes of this trip limit, a charter vessel fishing trip ends at 2359 (Alaska local time) on the same calendar day that the fishing trip began, or when any anglers or Pacific halibut are offloaded, whichever comes first.

(d) A charter vessel on which one or more anglers catch and retain Pacific halibut may only make one charter vessel fishing trip per calendar day. A charter vessel fishing trip is defined at 50 CFR 300.61 as the time period between the first deployment of fishing gear into the water by a charter vessel angler (as defined at 50 CFR 300.61) and the offloading of one or more charter vessel anglers or any Pacific halibut from that vessel. For purposes of this trip limit, a charter vessel fishing trip

[6] DFO could implement more restrictive regulations for the recreational (sport) fishery, therefore anglers are advised to check the current Federal or Provincial regulations prior to fishing.

[7] For regulations on the experimental recreational fishery implemented by DFO check the current Federal or Provincial regulations.

[8] NOAA Fisheries could implement more restrictive regulations for the recreational (sport) fishery or components of it, therefore, anglers are advised to check the current Federal or State regulations prior to fishing.

[9] Charter vessels are prohibited from harvesting Pacific halibut in IPHC Regulatory Areas 2C and 3A during one charter vessel fishing trip under regulations promulgated by NOAA Fisheries at 50 CFR 300.66.

ends at 2359 (Alaska local time) on the same calendar day that the fishing trip began, or when any anglers or Pacific halibut are offloaded, whichever comes first.

(e) No person on board a charter vessel may catch and retain Pacific halibut on any Tuesday or Wednesday.

(f) Charter vessel anglers may catch and retain no more than four (4) Pacific halibut per calendar year on board charter vessels in IPHC Regulatory Area 3A. Pacific halibut that are retained as GAF, retained while on a charter vessel fishing trip in other Commission regulatory areas, or retained while fishing without the services of a guide do not accrue toward the 4-fish annual limit. For purposes of enforcing the annual limit, each angler must:

(1) maintain a nontransferable harvest record in the angler's possession if retaining a Pacific halibut for which an annual limit has been established. Such harvest record must be maintained either on the back of the angler's State of Alaska recreational (sport) fishing license or on a Sport Fishing Harvest Record Card obtained, without charge, from ADF&G offices, the ADF&G website, or fishing license vendors; and

(2) immediately upon retaining a Pacific halibut for which an annual limit has been established, record the date, location (IPHC Regulatory Area 3A), and species of the catch (Pacific halibut), in ink, on the harvest record; and

(3) record the information required by paragraph 3(g)(2) on any duplicate or additional recreational (sport) fishing license issued to the angler or any duplicate or additional Sport Fishing Harvest Record Card obtained by the angler for all Pacific halibut previously retained during that year that were subject to the harvest record reporting requirements of this section; and

(4) carry the harvest record on his or her person while fishing for Pacific halibut.

30. Previous Regulations Superseded

These Regulations shall supersede all previous regulations of the Commission, and these Regulations shall be effective each succeeding year until superseded.

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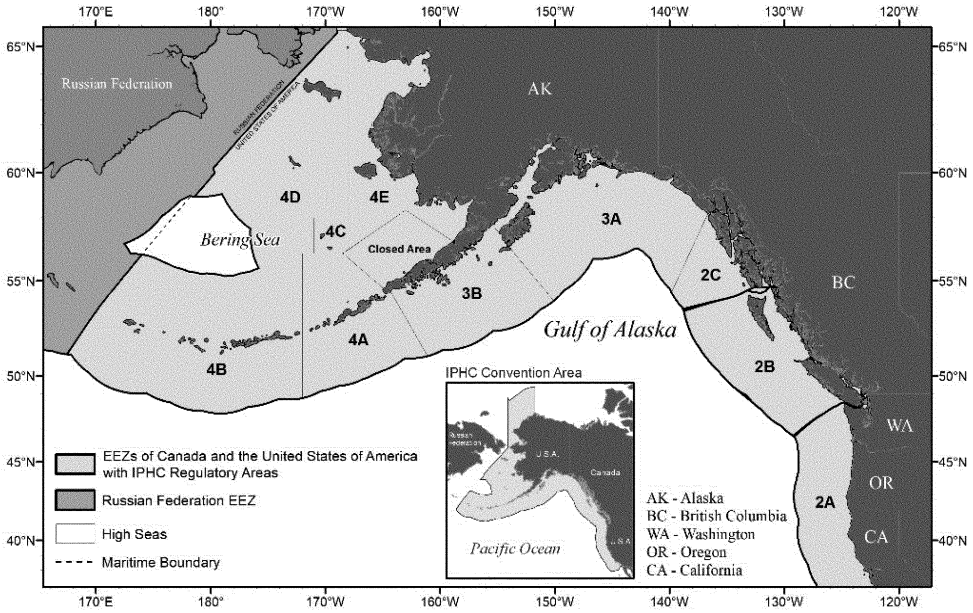

Figure 1. IPHC Regulatory areas for the Pacific halibut fishery.

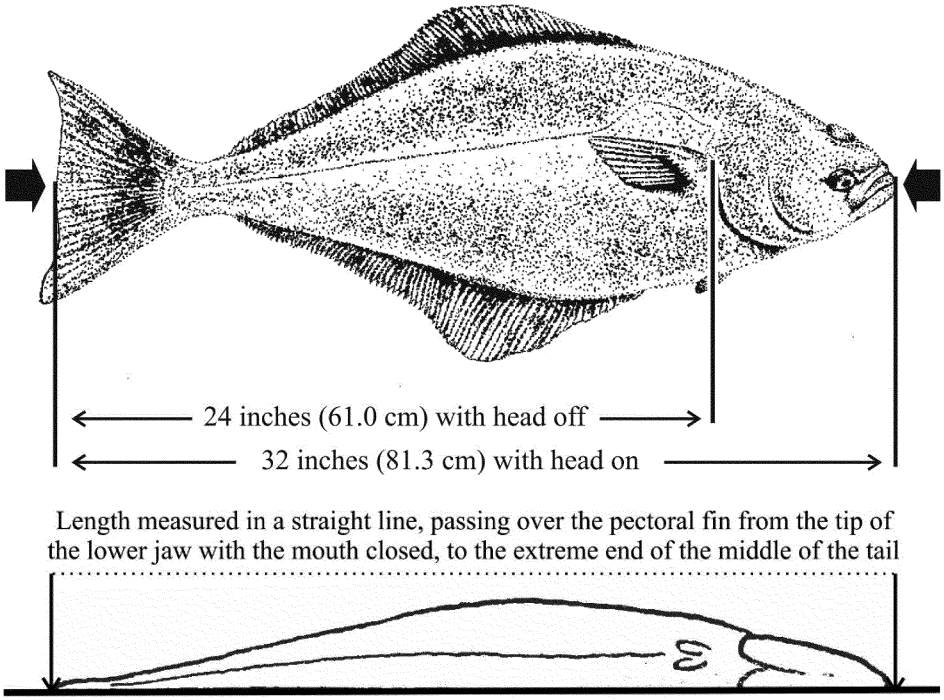

Figure 2. Minimum commercial size.

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Classification

IPHC Regulations

These IPHC annual management measures are a product of an agreement between the United States and Canada and are published in the **Federal Register** to provide notice of their effectiveness and content. Pursuant to section 4 of the Northern Pacific Halibut Act of 1982, 16 U.S.C. 773b, the Secretary of State, with the concurrence of the Secretary of Commerce, may ''accept or reject'' but not modify these recommendations of the IPHC. The notice-and-comment and delay-in-effectiveness date provisions of the Administrative Procedure Act (APA), 5 U.S.C. 553(b) and (d), are inapplicable to IPHC management measures because this regulation involves a foreign affairs function of the United States, 5 U.S.C. 553(a)(1). As stated above, the Secretary of State has no discretion to modify the recommendations of the IPHC. The additional time necessary to comply with the notice-and-comment and delay-in-effectiveness requirements of the APA would disrupt coordinated international conservation and management of the halibut fishery pursuant to the Convention. Additionally, these IPHC management measures are published pursuant to regulations at 50 CFR 300.62 which mandate ''immediate regulatory effect'' upon publication in the **Federal Register**. The promulgation of 50 CFR 300.62, thus, notified the public that IPHC management measures are revised annually and are in effect immediately upon publication. Furthermore, no other law requires prior notice and public comment for this rule. Because prior notice and an opportunity for public comment are not required to be provided for these portions of this rule by 5 U.S.C. 553, or 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 for this portion of the rule and none has been prepared. This final rule has been determined to be not significant for the purposes of Executive Order 12866. Because this is not a significant rule, the provisions of Executive Order 13771 are inapplicable.

Authority: 16 U.S.C. 773 *et seq.*

Dated: March 10, 2020.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2020–05228 Filed 3–12–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 120404257–3325–02]
[RTID 0648–XS027]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Re-Opening of Commercial Longline Fishery for South Atlantic Golden Tilefish

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

ACTION: Temporary rule; re-opening.

SUMMARY: NMFS announces the re-opening of the commercial longline component for golden tilefish in the exclusive economic zone (EEZ) of the South Atlantic through this temporary rule. The most recent commercial longline landings data for golden tilefish indicate the commercial longline annual catch limit (ACL) for the 2020 fishing year has not yet been reached. Therefore, NMFS re-opens the commercial longline component for golden tilefish in the South Atlantic EEZ for 9 days to allow the commercial longline ACL to be caught while

minimizing the risk of the commercial ACL being exceeded.

DATES: This temporary rule is effective from 12:01 a.m. eastern time on March 14, 2020, until 12:01 a.m. eastern time on March 23, 2020.

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

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic includes golden tilefish and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council (Council) and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The commercial sector for golden tilefish comprises the longline and hook-and-line components. The commercial golden tilefish ACL is allocated 75 percent to the longline component and 25 percent to the hook-and-line component. The commercial ACL (equivalent to the commercial quota) is 331,740 lb (150,475 kg) gutted weight, and the longline component quota is 248,805 lb (112,856 kg) gutted weight (50 CFR 622.190(a)(2)(iii).

Under 50 CFR 622.193(a)(1)(ii), NMFS is required to close the commercial longline component for golden tilefish when the longline component's commercial quota specified under 50 CFR 622.190(a)(2)(iii) is reached or is projected to be reached by filing a notification to that effect with the Office of the Federal Register. After the longline component quota is reached or is projected to be reached, golden tilefish may not be commercially fished or possessed by a vessel with a golden tilefish longline endorsement. NMFS previously determined that the commercial quota for the golden tilefish longline component in the South Atlantic would be reached by February 18, 2020. Therefore, NMFS published a temporary rule to close the commercial longline component for South Atlantic golden tilefish from February 18, 2020, through the end of the 2020 fishing year (85 FR 9398; February 19, 2020). However, a recent landings estimation indicates that the commercial longline ACL for golden tilefish has not been met.

In accordance with 50 CFR 622.8(c), NMFS temporarily re-opens the commercial longline component for golden tilefish on March 14, 2020. The commercial longline component will remain open for 9 days to allow for the commercial longline ACL to be reached. The commercial longline component will be closed from 12:01 a.m. eastern time on March 23, 2020, until January 1, 2021, the start of the next fishing year. NMFS has determined that this re-opening will allow for an additional opportunity to commercially harvest the golden tilefish longline component quota while minimizing the risk of exceeding the commercial ACL.

The operator of a vessel with a valid Federal commercial vessel permit for South Atlantic snapper-grouper and a valid commercial longline endorsement for golden tilefish having golden tilefish on board must have landed and bartered, traded, or sold such golden tilefish prior to 12:01 a.m. eastern time on March 23, 2020. During the subsequent commercial longline closure, golden tilefish may still be commercially harvested using hook-and-line gear while the hook-and-line component is open. However, a vessel with a golden tilefish longline endorsement is not eligible to fish for or possess golden tilefish using hook-and-line gear under the hook-and-line commercial trip limit, as specified in 50 CFR 622.191(a)(2)(ii). The operator of a vessel with a valid Federal commercial vessel permit for South Atlantic snapper-grouper and a valid commercial longline endorsement for golden tilefish with golden tilefish on board must have landed and bartered, traded, or sold such golden tilefish prior to 12:01 a.m. eastern time on March 23, 2020. During the commercial longline closure, the recreational bag limit and possession limits specified in 50 CFR 622.187(b)(2)(iii) and (c)(1), respectively, apply to all harvest or possession of golden tilefish in or from the South Atlantic EEZ by a vessel with a golden tilefish longline endorsement.

The sale or purchase of longline-caught golden tilefish taken from the South Atlantic EEZ is prohibited during the commercial longline closure. The prohibition on sale or purchase does not apply to the sale or purchase of longline-caught golden tilefish that were harvested, landed ashore, and sold prior to 12:01 a.m. eastern time on March 23, 2020, and were held in cold storage by a dealer or processor. Additionally, the recreational bag and possession limits and the sale and purchase provisions of the commercial closure apply to a person on board a vessel with a golden tilefish longline endorsement, regardless of whether the golden tilefish are harvested in state or Federal waters, as specified in 50 CFR 622.190(c)(1).

Classification

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

This action is taken under 50 CFR 622.8(c) and is exempt from review under Executive Order 12866.

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

This action responds to the best scientific information available. The Assistant Administrator for NOAA Fisheries (AA) finds that the need to immediately implement this action to re-open the commercial longline component for golden tilefish constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such procedures for this temporary rule would be unnecessary. Such procedures are unnecessary, because the applicable regulations have already been subject to notice and comment, and all that remains is to notify the public of the re-opening.

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

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. 2020–05130 Filed 3–10–20; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 200227–0066; RTID 0648–XY087]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by American Fisheries Act (AFA) trawl catcher/processors in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the A-season limit of the Pacific cod total allowable catch specified for AFA trawl catcher/processors in the BSAI.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), March 10, 2020, through 1200 hours, A.l.t., April 1, 2020.

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

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2020 A-season Pacific cod total allowable catch allocated to AFA trawl catcher/processors is 2,397 metric tons (mt) as established by the final 2020 and 2021 harvest specifications for groundfish in the BSAI (85 FR 13553, March 9, 2020).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the A-season Pacific cod total allowable catch allocated to the AFA trawl catcher/processors in the BSAI will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 200 mt and is setting aside the remaining 2,197 mt as incidental catch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by AFA trawl catcher/processors in the BSAI.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing for Pacific cod by AFA trawl catcher/processors in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 9, 2020.

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

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

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

Dated: March 10, 2020.

Karyl K. Brewster-Geisz,

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

[FR Doc. 2020–05134 Filed 3–10–20; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 85, No. 50
Friday, March 13, 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 HOUSING AND URBAN DEVELOPMENT

24 CFR Part 100

[Docket No. FR–6138–N–02]

Fair Housing Act Design and Construction Requirements: Adoption of Additional Safe Harbors: Extension of Public Comment Period

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Proposed rule; extension of public comment period.

SUMMARY: On January 15, 2020, HUD published a proposed rule in the **Federal Register** inviting public comment on amendments to HUD's Fair Housing Act design and construction regulations. The January 15, 2020, proposed rule set March 16, 2020, as the comment due date. Because the proposed rule referred to documents that were not readily available, HUD is extending the public comment period for an additional 30-day period and making the referenced documents available through its website as described in this document.

DATES: The comment period for the proposed rule published on January 15, 2020, (85 FR 2354), is extended to April 13, 2020.

ADDRESSES: Interested persons are invited to submit comments regarding this proposed rule to the Office of General Counsel, Rules Docket Clerk, Department of Housing and Urban Development, 451 Seventh Street SW, Room 10276, Washington, DC 20410–0500. Communications should refer to the above docket number and title.

Electronic Submission of Comments. Interested persons may submit comments electronically through the Federal eRulemaking Portal at *www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the *www.regulations.gov* website can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

No Facsimile Comments. Facsimile (FAX) comments are not acceptable. In all cases, communications must refer to the docket number and title.

Public Inspection of Public Comments. All comments and communications submitted to HUD will be available, without charge, for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments must be scheduled by calling the Regulations Division at (202) 708–3055 (this is not a toll-free number). Individuals who are deaf, hard of hearing, or have speech impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339. Copies of all comments submitted are available for inspection and downloading at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Lynn Grosso, Director, Office of Enforcement, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410–2000; telephone number (202) 708–2333 (this is not a toll-free number). Hearing- or speech- impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: On January 15, 2020, HUD published a proposed rule in the **Federal Register** inviting public comment on amendments to HUD's Fair Housing Act design and construction regulations, which incorporated by reference the 2009 edition of International Code Council (ICC) Accessible and Usable Building and Facilities (ICC A117.1–2009) standard, as a safe harbor. The proposed rule would also designate the 2009, 2012, 2015 and 2018 editions of the IBC as safe harbors under the Fair Housing Act. Interested readers should refer to the supplementary information of the January 15, 2020 proposed rule for additional information.

HUD is extending the public comment deadline to provide the time needed for relevant stakeholders and the general public to submit comments regarding the proposed amendments. Specifically, HUD has determined that additional time to submit public comment is necessary to permit the public to review certain matrices provided by the ICC that were not readily available. The Department had requested, and ICC provided, a side-by-side matrix comparing the relevant 2006 provisions of the IBC, which HUD had previously reviewed and declared as a safe harbor, with the 2009, 2012, 2015 and 2018 provisions in the IBC and related code documents. In addition, ICC provided a similar matrix for ICC/ANSI A117.1–2003 and ICC A117.1–2009, along with copies of ICC A117.1–2009 and related documents. Links to the matrices are posted and available at *https://www.hud.gov/program_offices/fair_housing_equal_opp/safe_harbor_rule_making.*

Therefore, HUD is announcing through this document that it is extending the public comment period for an additional 30-day period.

Dated: March 9, 2020.

Anna María Farías,

Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 2020–05175 Filed 3–12–20; 8:45 am]

BILLING CODE 4210–67–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2019–0695; FRL–10005–37–Region 1]

Air Plan Approval; Massachusetts; Infrastructure State Implementation Plan Requirements for the 2015 Ozone Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of

Massachusetts. Except as noted, this revision satisfies the infrastructure requirements of the Clean Air Act (CAA) for the 2015 ozone National Ambient Air Quality Standards (NAAQS). The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA. We are proposing to issue a finding of failure to submit pertaining to various aspects of the prevention of significant deterioration (PSD) requirements of infrastructure SIPs. The Commonwealth has long been subject to a Federal Implementation Plan (FIP) regarding PSD, thus a finding of failure to submit will result in no state sanctions or further FIP requirements. We do not in this action address CAA requirements regarding interstate transport, because we previously approved the Commonwealth's submittal addressing these requirements for the 2015 ozone standard (January 31, 2020). This action is being taken in accordance with the Clean Air Act.

DATES: Written comments must be received on or before April 13, 2020

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2019–0695 at *https://www.regulations.gov,* or via email to *rackauskas.eric@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, 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, please contact the person identified in the ''For Further Information Contact'' section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.* Publicly available docket materials are available at *https://www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact 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 legal holidays.

FOR FURTHER INFORMATION CONTACT: Eric Rackauskas, Air Quality Branch, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square—Suite 100, (Mail code 05–2), Boston, MA 02109–3912, tel. 617–918–1628, email *rackauskas.eric@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules section of this issue of the **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

For additional information, see the direct final rule which is located in the Rules Section of this issue of the **Federal Register**.

Dated: February 11, 2020.

Dennis Deziel,

Regional Administrator, EPA Region 1.

[FR Doc. 2020–03204 Filed 3–12–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2019–0688; FRL–10005–97–Region 8]

Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Revisions to the Utah Division of Administrative Rules; R307–101–3

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Utah Division of Administrative Rules (DAR), specifically R307–101–3 submitted by the State of Utah on August 19, 2019, and R307–405–2 and R307–410–3 submitted by the State of Utah on December 16, 2019. The R307–101–3 submittal requests a State Implementation Plan (SIP) revision to change the date of the referenced Code of Federal Regulations (CFR) from July 1, 2016 to July 1, 2017. The R307–405–2 submittal revises the CFR date from the July 1, 2011 version to July 1, 2018 and the R307–410–3 submittal updates the version of the 40 CFR part 51, appendix W incorporated by reference from the July 1, 2005 version to the July 1, 2018 version. This action is being taken under the Clean Air Act (CAA or Act).

DATES: Written comments must be received on or before April 13, 2020.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2019–0688, 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: Amrita Singh, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD–QP, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6103, *singh.amrita@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

I. Background

On August 19, 2019, the EPA received revisions for R307–101–3, General Requirements; Version of Code of Federal Regulations Incorporated by Reference from the State of Utah. Revisions submitted for R307–101–3 update the version of the 40 CFR used in a majority of R307 rules adopted by the Utah Air Quality Board. This update allows R307 rules that reference section R307–101–3 to update the incorporation date with only one rule amendment. States periodically updates their SIPs to incorporate by reference the most current 40 CFR to correlate environmental regulations. This rule, as submitted by the State, does not cover rules that specify their own date for the version of the CFR that are incorporated by reference. We previously acted on R307–101–3, where we had updated the CFR reference date, on July 11, 2019 (84 FR 27039) and received no comments.

On December 16, 2019 the EPA received revisions for (1) R307–405–2. Permits: Major Sources in Attainment or Unclassified Areas (PSD). Applicability; and (2) R307–410–3 Permits. Emissions Impact Analysis. The revisions submitted for R307–405–2 and R307–410–3 update the version of the CFR that is incorporated by reference throughout the Utah Air Quality rules. We previously acted on R307–405–2 on January 29, 2016 as a direct final rule and received no comments. The federal Prevention of Significant Deterioration (PSD) permitting program in 40 CFR 52.21 is incorporated by reference in Rule R307–405 and the version of the CFR is specified in sub-section R307–405–2. This rule change updates the version of 40 CFR 52.21 that is incorporated in R307–405 from the July 1, 2011 version to the July 1, 2018 version.

Finally, the EPA received revisions to R307–410–3 Permits: Emissions Impact Analysis with the December 16, 2019 submittal. Section R307–410–3 is amended to update the version of 40 CFR part 51, appendix W incorporated by reference from the July 1, 2005 version to July 1, 2018. We originally acted on R307–410 on two separate occasions: February 6, 2014 (79 FR 7072) and July 19, 2016 (81 FR 46838). The February 6, 2014 action approved revisions to R307–410–1, –3, and –4. The July 19, 2016 action approved revisions to R307–410–2 and –6. These actions were direct finals and did not receive any public comments specific to updating the incorporation by reference date for 40 CFR.

II. The EPA's Evaluation

Section 110(k) of the CAA address the EPA's rulemaking action on SIP submissions by states. The CAA requires states to observe certain procedural requirements in developing SIP revisions for submittal to the EPA. Section 110(a)(2) of the CAA requires that each SIP revision be adopted after reasonable notice and public hearing. This must occur prior to the revision being submitted by a state to the EPA.

On January 3, 2018, the State of Utah's Department of Environmental Quality, Air Quality Board approved for public comment revisions to Rule R307–101–3, General Requirements; Version of Code of Federal Regulations Incorporated by Reference. The revisions that were being proposed for R307–101–3, updated the date of reference of 40 CFR from July 1, 2016 to July 1, 2017. The comment period began on February 1, 2018 and ended on March 5, 2018. No public comments were received nor was a public hearing requested. On May 23, 2018, R307–101–3 was finalized by the Air Quality Board and became effective. Subsequently, on August 19, 2019 Utah submitted this SIP revision of R307–101–3 to the EPA. This update allows R307 rules that reference section R307–101–3 to update the CFR incorporation date to July 1, 2017, with only one rule amendment.

On August 7, 2019, the State of Utah's Department of Environmental Quality, Air Quality Board, approved for public comment revisions to R307–405–2. Permits: Major Source in Attainment or Unclassified Areas (PSD). Applicability; and R307–410–3 Permits: Emissions Impact Analysis. The rule changes to R307–405–2 update the version of 40 CFR 52.21 to the July 1, 2018 version. The revisions to R307–410–3 align with the requirements in the July 1, 2018 version of 40 CFR part 51, appendix W. The comment period began on September 1, 2019 and ended on October 1, 2019. No public comments were received nor was a public hearing requested. On November 25, 2019, R307–405–2 and R307–410–3 was finalized by the Air Quality Board and became effective. Subsequently, on December 16, 2019 Utah submitted this SIP revision of R307–405–2 and R307–410–3 to the EPA.

III. Proposed Action

The EPA is proposing to approve the SIP revision submitted on August 19, 2019, to R307–101–3, General Requirements; Version of Code of Federal Regulations Incorporated by Reference, where the version of the 40 CFR is being changed from July 1, 2016 to July 1, 2017. Additionally, the EPA is proposing to approve revisions submitted on December 16, 2019, to: (1) R307–405–2 Permits: Major Sources in Attainment or Unclassified Areas (PSD). Applicability; and (2) R307–410–3 Permits. Emissions Impact Analysis. R307–405–2 revisions are updating the version of 40 CFR to July 1, 2018, and R307–410–3 revisions are updating the version of 40 CFR part 51, appendix W to the July 1, 2018 version.

IV. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text in an EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the Utah Division of Air Quality (UDAQ) rules promulgated in the DAR, R307–101–3, R307–405–2, and R307–410–3 as discussed in section III. of the preamble. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 8 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to approve 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).

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 proposed rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

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

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

Dated: March 5, 2020.

Gregory Sopkin,

Regional Administrator, EPA Region 8.

[FR Doc. 2020–05004 Filed 3–12–20; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R05–OAR–2020–0042; FRL–10006–41–Region 5]

Air Plan Approval; Wisconsin; Redesignation of the Newport State Park Area in Door County to Attainment of the 2015 Ozone NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to find that the Newport State Park nonattainment area in Door County, Wisconsin is attaining the 2015 ozone National Ambient Air Quality Standard (NAAQS or standard) and to act in accordance with a request from the Wisconsin Department of Natural Resources (WDNR) to redesignate the area to attainment for the 2015 ozone NAAQS, because the request meets the statutory requirements for redesignation under the Clean Air Act (CAA). Wisconsin submitted this request on January 27, 2020. EPA is also proposing to approve, as a revision to the Wisconsin State Implementation Plan (SIP), the state's plan for maintaining the 2015 ozone NAAQS through 2030 in the Newport State Park area. Finally, EPA finds adequate and is proposing to approve Wisconsin's 2023 and 2030 volatile organic compound (VOC) and oxides of nitrogen (NO_X) Motor Vehicle Emission Budgets (MVEBs) for this area.

DATES: Comments must be received on or before April 13, 2020.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2020–0042 at *http://www.regulations.gov* or via email to *arra.sarah@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, 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, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For 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: Jenny Liljegren, Physical Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6832, *Liljegren.Jennifer@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. What is EPA proposing?
II. What is the background for these actions?
III. What are the criteria for redesignation?
IV. What is EPA's analysis of Wisconsin's redesignation request?
  A. Has the area attained the 2015 ozone NAAQS?
  B. Has Wisconsin met all applicable requirements of section 110 and part D of the CAA for the area, and does Wisconsin have a fully approved SIP for the area under section 110(k) of the CAA?
  C. Are the air quality improvements in the area due to permanent and enforceable emission reductions?
  D. Does Wisconsin have a fully approvable ozone maintenance plan for the Newport State Park area?

V. Has the state adopted approvable motor vehicle emission budgets?
VI. Proposed Actions.
VII. Statutory and Executive Order Reviews.

I. What is EPA proposing?

EPA is proposing to take several related actions. EPA is proposing to determine that the Newport State Park nonattainment area in Door County, Wisconsin is attaining the 2015 ozone NAAQS, based on quality-assured and certified monitoring data for 2017–2019, and that this area has met the requirements for redesignation under section 107(d)(3)(E) of the CAA. EPA is thus proposing to change the legal designation of the Newport State Park area from nonattainment to attainment for the 2015 ozone NAAQS. EPA is also proposing to approve, as a revision to the Wisconsin SIP, the state's maintenance plan (such approval being one of the CAA criteria for redesignation to attainment status) for the area. The maintenance plan is designed to keep the area in attainment of the 2015 ozone NAAQS through 2030. Finally, EPA is proposing to approve the newly-established 2023 and 2030 MVEBs for the area.

II. What is the background for these actions?

Ground-level ozone is detrimental to human health. On October 1, 2015, EPA promulgated a revised health-based 8-hour ozone NAAQS of 0.070 parts per million (ppm). *See* 80 FR 65292 (October 26, 2015). Under EPA's regulations at 40 CFR part 50, the 2015 ozone NAAQS is attained in an area when the 3-year average of the annual fourth highest daily maximum 8-hour average concentration is equal to or less than 0.070 ppm, when truncated after the thousandth decimal place, at all the ozone monitoring sites in the area. *See* 40 CFR 50.19 and appendix U to 40 CFR part 50.

Upon promulgation of a new or revised NAAQS, section 107(d)(1)(B) of the CAA requires EPA to designate as nonattainment any areas that are violating the NAAQS, based on the most recent three years of quality assured ozone monitoring data. The Newport State Park area was designated as a marginal nonattainment area and as a Rural Transport Area (RTA) [1] for the 2015 ozone NAAQS on June 4, 2018 (83 FR 25776) (effective August 3, 2018).

[1] EPA designated the Newport State Park area as a Rural Transport Area (RTA), which means EPA determined that the NO_X and VOC emissions from sources within the park do not make a significant contribution to ozone concentrations in the park itself or in other areas.

III. What are the criteria for redesignation?

Section 107(d)(3)(E) of the CAA allows redesignation of an area to attainment of the NAAQS provided that: (1) The Administrator (EPA) determines that the area has attained the NAAQS; (2) the Administrator has fully approved the applicable implementation plan for the area under section 110(k) of the CAA; (3) the Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable SIP, applicable Federal air pollutant control regulations, and other permanent and enforceable emission reductions; (4) the Administrator has fully approved a maintenance plan for the area as meeting the requirements of section 175A of the CAA; and (5) the state containing the area has met all requirements applicable to the area for the purposes of redesignation under section 110 and part D of the CAA.

On April 16, 1992, EPA provided guidance on redesignations in the General Preamble for the Implementation of Title I of the CAA Amendments of 1990 (57 FR 13498) and supplemented this guidance on April 28, 1992 (57 FR 18070). EPA has provided further guidance on processing redesignation requests in the following documents:

1. ''Ozone and Carbon Monoxide Design Value Calculations,'' Memorandum from Bill Laxton, Director, Technical Support Division, June 18, 1990;
2. ''Maintenance Plans for Redesignation of Ozone and Carbon Monoxide Nonattainment Areas,'' Memorandum from G.T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, April 30, 1992;
3. ''Contingency Measures for Ozone and Carbon Monoxide (CO) Redesignations,'' Memorandum from G.T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, June 1, 1992;
4. ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992 (the ''Calcagni Memorandum'');
5. ''State Implementation Plan (SIP) Actions Submitted in Response to Clean Air Act (CAA) Deadlines,'' Memorandum from John Calcagni, Director, Air Quality Management Division, October 28, 1992;
6. ''Technical Support Documents (TSDs) for Redesignation of Ozone and Carbon Monoxide (CO) Nonattainment Areas,'' Memorandum from G.T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, August 17, 1993;
7. ''State Implementation Plan (SIP) Requirements for Areas Submitting Requests for Redesignation to Attainment of the Ozone and Carbon Monoxide (CO) National Ambient Air Quality Standards (NAAQS) On or After November 15, 1992,'' Memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation, September 17, 1993;
8. ''Use of Actual Emissions in Maintenance Demonstrations for Ozone and CO Nonattainment Areas,'' Memorandum from D. Kent Berry, Acting Director, Air Quality Management Division, November 30, 1993;
9. ''Part D New Source Review (Part D NSR) Requirements for Areas Requesting Redesignation to Attainment,'' Memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation, October 14, 1994; and
10. ''Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard,'' Memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, May 10, 1995.

IV. What is EPA's analysis of Wisconsin's redesignation request?

A. Has the area attained the 2015 ozone NAAQS?

For redesignation of a nonattainment area to attainment, the CAA requires EPA to determine that the area has attained the applicable NAAQS (CAA section 107(d)(3)(E)(i)). An area is attaining the 2015 ozone NAAQS if it meets the 2015 ozone NAAQS, as determined in accordance with 40 CFR 50.19 and appendix U of part 50, based on three complete, consecutive calendar years of quality-assured air quality data for all monitoring sites in the area. To attain the NAAQS, the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations (ozone design values) at each monitor must not exceed 0.070 ppm. The air quality data must be collected and quality-assured in accordance with 40 CFR part 58 and recorded in EPA's Air Quality System (AQS). Ambient air quality monitoring data for the 3-year period must also meet data completeness requirements. An ozone design value is valid if daily maximum 8-hour average concentrations are available for at least 90% of the days within the ozone

monitoring seasons,[2] on average, for the 3-year period, with a minimum data completeness of 75% during the ozone monitoring season of any year during the 3-year period. *See* section 4 of appendix U to 40 CFR part 50.

EPA has reviewed the available ozone monitoring data from the monitoring site in the Newport State Park area for the 2017–2019 period. These data have been quality assured, are recorded in the AQS, and have been certified. These data demonstrate that the Newport State Park area is attaining the 2015 ozone NAAQS. The annual fourth-highest 8-hour ozone concentration and the 3-year average of these concentrations (monitoring site ozone design value) for the Newport State Park area monitoring site are summarized in Table 1.

TABLE 1—ANNUAL FOURTH HIGH DAILY MAXIMUM 8-HOUR OZONE CONCENTRATION AND 3-YEAR AVERAGE OF THE FOURTH HIGH DAILY MAXIMUM 8-HOUR OZONE CONCENTRATIONS FOR THE NEWPORT STATE PARK AREA

County	Monitor	Year	% Observed	Fourth high (ppm)	2017–2019 average (ppm)
Door	55–029–0004	2017	100	0.069	0.070
		2018	97	0.075	
		2019	99	0.066	

The Newport State Park area's 3-year ozone design value for 2017–2019 is 0.070 ppm, which meets the 2015 ozone NAAQS. Therefore, in this action, EPA proposes to determine that the area is attaining the 2015 ozone NAAQS.

EPA will not take final action to determine that the area is attaining the NAAQS nor to approve the redesignation of this area if the design value of the monitoring site in the area violates the NAAQS after proposal but prior to final approval of the redesignation. As discussed in section IV.D.3. below, Wisconsin has committed to continue monitoring ozone in this area to verify maintenance of the 2015 ozone NAAQS.

B. Has Wisconsin met all applicable requirements of section 110 and part D of the CAA for the area, and does Wisconsin have a fully approved SIP for the area under section 110(k) of the CAA?

As criteria for redesignation of an area from nonattainment to attainment of a NAAQS, the CAA requires EPA to determine that the state has met all applicable requirements under section 110 and part D of title I of the CAA (*see* section 107(d)(3)(E)(v) of the CAA) and that the state has a fully approved SIP under section 110(k) of the CAA (*see* section 107(d)(3)(E)(ii) of the CAA). EPA finds that Wisconsin has met all applicable SIP requirements, for purposes of redesignation, under section 110 and part D of title I of the CAA (requirements specific to nonattainment areas for the 2015 ozone NAAQS). Additionally, EPA finds that all applicable requirements of the Wisconsin SIP for the area have been fully approved under section 110(k) of the CAA. In making these determinations, EPA ascertained which CAA requirements are applicable to the Newport State Park area and the Wisconsin SIP and, if applicable, whether the required Wisconsin SIP elements are fully approved under section 110(k) and part D of the CAA. As discussed more fully below, SIPs must be fully approved only with respect to currently applicable requirements of the CAA.

The Calcagni Memorandum describes EPA's interpretation of section 107(d)(3)(E) of the CAA. Under this interpretation, a state and the area it wishes to redesignate must meet the relevant CAA requirements that are due prior to the state's submittal of a complete redesignation request for the area. *See also* the September 17, 1993, Michael Shapiro memorandum and 60 FR 12459, 12465–66 (March 7, 1995) (redesignation of Detroit-Ann Arbor, Michigan to attainment of the 1-hour ozone NAAQS). Applicable requirements of the CAA that come due subsequent to the state's submittal of a complete request remain applicable until a redesignation to attainment is approved but are not required as a prerequisite to redesignation. *See* section 175A(c) of the CAA. *Sierra Club* v. *EPA,* 375 F.3d 537 (7th Cir. 2004). *See also* 68 FR 25424, 25427 (May 12, 2003) (redesignation of the St. Louis/East St. Louis area to attainment of the 1-hour ozone NAAQS).

1. Wisconsin Has Met All Applicable Requirements of Section 110 and Part D of the CAA Applicable to the Newport State Park Area for Purposes of Redesignation

a. Section 110 General Requirements for Implementation Plans

Section 110(a)(2) of the CAA outlines the general requirements for a SIP. Section 110(a)(2) provides that the SIP must have been adopted by the state after reasonable public notice and hearing, and that, among other things, it must: (1) Include enforceable emission limitations and other control measures, means or techniques necessary to meet the requirements of the CAA; (2) provide for establishment and operation of appropriate devices, methods, systems and procedures necessary to monitor ambient air quality; (3) provide for implementation of a source permit program to regulate the modification and construction of stationary sources within the areas covered by the plan; (4) include provisions for the implementation of part C prevention of significant deterioration (PSD) and part D new source review (NSR) permit programs; (5) include provisions for stationary source emission control measures, monitoring, and reporting; (6) include provisions for air quality modeling; and, (7) provide for public and local agency participation in planning and emission control rule development.

Section 110(a)(2)(D) of the CAA requires SIPs to contain measures to prevent sources in a state from significantly contributing to air quality problems in another state. To implement this provision, EPA has required certain states to establish programs to address transport of certain air pollutants, *e.g.,* NO_X SIP call, Clean

[2] The ozone season is defined by state in 40 CFR 58 appendix D. The ozone season for Wisconsin is March-October 15. *See* 80 FR 65292, 65466–67 (October 26, 2015).

Air Interstate Rule (CAIR) and the Cross-State Air Pollution Rule (CSAPR). However, like many of the 110(a)(2) requirements, the section 110(a)(2)(D) SIP requirements are not linked with a particular area's ozone designation and classification. EPA concludes that the SIP requirements linked with the area's ozone designation and classification are the relevant measures to evaluate when reviewing a redesignation request for the area. The section 110(a)(2)(D) requirements, where applicable, continue to apply to a state regardless of the designation of any one particular area within the state. Thus, we believe these requirements are not applicable requirements for purposes of redesignation. *See* 65 FR 37890 (June 15, 2000), 66 FR 50399 (October 19, 2001), 68 FR 25418, 25426–27 (May 13, 2003).

In addition, EPA believes that other section 110 elements that are neither connected with nonattainment plan submissions nor linked with an area's ozone attainment status are not applicable requirements for purposes of redesignation. The area will still be subject to these requirements after the area is redesignated to attainment of the 2015 ozone NAAQS. The section 110 and part D requirements which are linked with a particular area's designation and classification are the relevant measures to evaluate in reviewing a redesignation request. This approach is consistent with EPA's existing policy on applicability (*i.e.,* for redesignations) of conformity and oxygenated fuels requirements, as well as with section 184 ozone transport requirements. *See* Reading, Pennsylvania proposed and final rulemakings, 61 FR 53174–53176 (October 10, 1996) and 62 FR 24826 (May 7, 1997); Cleveland-Akron-Loraine, Ohio final rulemaking, 61 FR 20458 (May 7, 1996); and Tampa, Florida final rulemaking, 60 FR 62748 (December 7, 1995). *See also* the discussion of this issue in the Cincinnati, Ohio ozone redesignation (65 FR 37890, June 19, 2000), and the Pittsburgh, Pennsylvania ozone redesignation (66 FR 50399, October 19, 2001).

We have reviewed Wisconsin's SIP and concluded that it meets the general SIP requirements under section 110 of the CAA, to the extent those requirements are applicable for purposes of redesignation.[3]

b. Part D Requirements

Section 172(c) of the CAA sets forth the basic requirements of air quality plans for states with nonattainment areas that are required to submit them pursuant to section 172(b). Subpart 2 of part D, which includes section 182 of the CAA, establishes specific requirements for ozone nonattainment areas depending on the areas' nonattainment classifications.

The Newport State Park area was classified as marginal under subpart 2 for the 2015 ozone NAAQS. Therefore, the area is subject to the subpart 1 requirements contained in section 172(c) and section 176. Similarly, the area is subject to the subpart 2 requirements contained in section 182(a) (marginal nonattainment area requirements). A thorough discussion of the requirements contained in section 172(c) and 182 can be found in the General Preamble for Implementation of Title I (57 FR 13498).

i. Subpart 1 Section 172 Requirements

CAA Section 172(b)requires states to submit SIPs meeting the requirements of section 172(c) no later than three years from the date of the nonattainment designation. For the Newport State Park nonattainment area, the SIP provisions required under CAA section 172 are due August 3, 2021. No requirements applicable for purposes of redesignation under part D became due prior to Wisconsin's submission of the complete redesignation request and, therefore, none are applicable to the area for purposes of redesignation.

EPA previously approved Wisconsin's nonattainment NSR program on January 18, 1995 (60 FR 3538). Nonetheless, EPA has determined that, since PSD requirements will apply after redesignation, areas being redesignated need not comply with the requirement that an NSR program be approved prior to redesignation, provided that the area demonstrates maintenance of the NAAQS without part D NSR. A more detailed rationale for this view is described in a memorandum from Mary Nichols, Assistant Administrator for Air and Radiation, dated October 14, 1994, entitled, ''Part D New Source Review Requirements for Areas Requesting Redesignation to Attainment.'' Wisconsin has demonstrated that the Newport State Park area will be able to maintain the 2015 ozone NAAQS without part D NSR in effect; therefore, EPA concludes that the state need not have a fully approved part D NSR program prior to approval of the redesignation request. *See* rulemakings for Detroit, Michigan (60 FR 12467–12468, March 7, 1995); Cleveland-Akron-Lorain, Ohio (61 FR 20458, 20469–20470, May 7, 1996); Louisville, Kentucky (66 FR 53665, October 23, 2001); and Grand Rapids, Michigan (61 FR 31834–31837, June 21, 1996). Wisconsin's PSD program will become effective in the Newport State Park area upon redesignation to attainment. EPA approved Wisconsin's PSD program on October 6, 2014 (79 FR 60064) and February 7, 2017 (82 FR 9515).

ii. Section 176 Conformity Requirements

Section 176(c) of the CAA requires states to establish criteria and procedures to ensure that federally supported or funded projects conform to the air quality planning goals in the applicable SIP. The requirement to determine conformity applies to transportation plans, programs and projects that are developed, funded or approved under title 23 of the United States Code (U.S.C.) and the Federal Transit Act (transportation conformity), as well as to all other federally supported or funded projects (general conformity). State transportation conformity SIP revisions must be consistent with Federal conformity regulations relating to consultation, enforcement and enforceability that EPA promulgated pursuant to its authority under the CAA.

EPA interprets the conformity SIP requirements[4] as not applying for purposes of evaluating a redesignation request under section 107(d) because state conformity rules are still required after redesignation and Federal conformity rules apply where state conformity rules have not been approved. *See Wall* v. *EPA,* 265 F.3d 426 (6th Cir. 2001) (upholding this interpretation); *see also* 60 FR 62748 (December 7, 1995) (redesignation of Tampa, Florida). Nonetheless, Wisconsin has an approved conformity SIP for the Door County area. *See* 79 FR 10995 (February 27, 2014).

iii. Subpart 2 Section 182(a) Requirements

Section 182(a)(1) requires states to submit a comprehensive, accurate, and current inventory of actual emissions

[3] On September 14, 2018, Wisconsin submitted a SIP to meet the requirements of section 110 for the 2015 ozone NAAQS. The requirements of section 110(a)(2), however, are statewide requirements that are not linked to the 2015 ozone NAAQS nonattainment status of the Newport State Park area. Therefore, EPA concludes that these infrastructure requirements are not applicable requirements for purposes of review of the state's 2015 ozone NAAQS redesignation request.

[4] CAA section 176(c)(4)(E) requires states to submit revisions to their SIPs to reflect certain Federal criteria and procedures for determining transportation conformity. Transportation conformity SIPs are different from SIPs requiring the development of MVEBs, such as control strategy SIPs and maintenance plans.

from sources of VOC and NO_X emitted within the boundaries of the ozone nonattainment area within two years of designation. For the Newport State Park area, this submission is due August 3, 2020. Because it will become due after Wisconsin's submission of a complete redesignation request for the area, it is not an applicable requirement for purposes of redesignation.

Under section 182(a)(2)(A), states with ozone nonattainment areas that were designated prior to the enactment of the 1990 CAA amendments were required to submit, within six months of classification, all rules and corrections to existing VOC reasonably available control technology (RACT) rules that were required under section 172(b)(3) prior to the 1990 CAA amendments. The Newport State Park area is not subject to the section 182(a)(2) RACT ''fix up'' requirement for the 2015 ozone NAAQS because it was designated as nonattainment for this standard after the enactment of the 1990 CAA amendments and because Wisconsin complied with this requirement for the larger Door County area under the prior 1-hour ozone NAAQS. *See* 59 FR 41709 (August 15, 1994) and 60 FR 20643 (April 27, 1995).

Section 182(a)(2)(B) requires each state with a marginal ozone nonattainment area that implemented or was required to implement a vehicle inspection and maintenance (I/M) program prior to the 1990 CAA amendments to submit a SIP revision for an I/M program no less stringent than that required prior to the 1990 CAA amendments or that was already in the SIP at the time of the CAA amendments, whichever is more stringent. For the purposes of the 2015 ozone NAAQS and the consideration of Wisconsin's redesignation request for this standard, the Newport State Park area is not subject to the section 182(a)(2)(B) requirement because the area was designated as nonattainment for the 2015 ozone NAAQS after the enactment of the 1990 CAA amendments.

Section 182(a)(2)(C), under the heading ''Corrections to the State Implementation Plans—Permit Programs'' contains a requirement for states to submit NSR SIP revisions to meet the requirements of CAA sections 172(c)(5) and 173 within two years after the date of enactment of the 1990 CAA Amendments. For the purposes of the 2015 ozone NAAQS and the consideration of Wisconsin's redesignation request for this standard, the Newport State Park area is not subject to the section 182(a)(2)(C) requirement because the area was designated as nonattainment for the 2015 ozone NAAQS after the enactment of the 1990 CAA amendments.

Section 182(a)(4) specifies the emission offset ratio for marginal areas but does not establish a SIP submission deadline. EPA's December 6, 2018 implementation rule for the 2015 ozone NAAQS clarifies that nonattainment NSR permit program requirements applicable to the 2015 NAAQS are due three years from the effective date of the nonattainment designation, *i.e.,* August 3, 2021. *See* 83 FR 62998, 63001. This approach is based on the provision in CAA section 172(b) requiring the submission of plans or plan revisions ''no later than 3 years from the date of the nonattainment designation.'' Because this requirement will become due after Wisconsin's submission of a complete redesignation request for the Newport State Park area, it is not an applicable requirement for purposes of redesignation.

While Wisconsin has not submitted a nonattainment NSR SIP revision to address the 2015 ozone NAAQS, Wisconsin currently has a fully-approved part D NSR program in place. In addition, EPA approved Wisconsin's PSD program on October 6, 2014 (79 FR 60064) and February 7, 2017 (82 FR 9515). As discussed above, Wisconsin has demonstrated that the Newport State Park area will be able to maintain the 2015 ozone NAAQS without part D NSR in effect; therefore, EPA concludes that the state need not have a fully approved part D NSR program prior to approval of the redesignation request. The state's PSD program will become effective in the area upon redesignation to attainment.

Section 182(a)(3) requires states to submit periodic emission inventories and a revision to the SIP to require the owners or operators of stationary sources to annually submit emission statements documenting actual VOC and NO_X emissions. As discussed below in section IV.D.4. of this proposed rule, Wisconsin will continue to update its emissions inventory at least once every three years. For stationary source emission statements, this submission is due August 3, 2020. Because it will become due after Wisconsin's submission of a complete redesignation request for the area, it is not an applicable requirement for purposes of redesignation.

Therefore, EPA finds that the Newport State Park area has satisfied all applicable requirements for purposes of redesignation under section 110 and part D of title I of the CAA.

2. The Newport State Park Area Has a Fully Approved SIP for Purposes of Redesignation Under Section 110(k) of the CAA

At various times, Wisconsin has adopted and submitted, and EPA has approved, provisions addressing the various SIP elements applicable for the ozone NAAQS. As discussed above, EPA has fully approved the Wisconsin SIP for the Newport State Park area under section 110(k) for all requirements applicable for purposes of redesignation under the 2015 ozone NAAQS. EPA may rely on prior SIP approvals in approving a redesignation request (*see* the Calcagni Memorandum at page 3; *Southwestern Pennsylvania Growth Alliance* v. *Browner,* 144 F.3d 984, 989–990 (6th Cir. 1998); *Wall* v. *EPA,* 265 F.3d 426), plus any additional measures it may approve in conjunction with a redesignation action (*see* 68 FR 25426 (May 12, 2003) and citations therein).

C. Are the air quality improvements in the area due to permanent and enforceable emission reductions?

To redesignate an area from nonattainment to attainment, section 107(d)(3)(E)(iii) of the CAA requires EPA to determine that the air quality improvement in the area is due to permanent and enforceable reductions in emissions resulting from the implementation of the SIP and applicable Federal air pollution control regulations and other permanent and enforceable emission reductions. EPA has determined that Wisconsin has demonstrated that the observed ozone air quality improvement in the Newport State Park area is due to permanent and enforceable reductions in VOC and NO_X emissions resulting from state measures adopted into the SIP and Federal measures.

In making this demonstration, the state has calculated the change in emissions between 2014 and 2017. The reduction in emissions and the corresponding improvement in air quality over this time period can be attributed to regulatory control measures that Wisconsin and upwind states have implemented in recent years.[5] In addition, Wisconsin provided

[5] EPA designated the Newport State Park area as a Rural Transport Area (RTA), which means EPA determined that the NO_X and VOC emissions from sources within the park do not make a significant contribution to ozone concentrations in the park itself, or in other areas. Therefore, the permanent and enforceable precursor emissions reductions required for redesignation must be from areas outside the park within Wisconsin's control. The permanent and enforceable emissions reductions detailed in Wisconsin's redesignation request and

an analysis to demonstrate the improvement in air quality was not due to unusually favorable meteorology. Based on the information summarized below, EPA finds that Wisconsin has adequately demonstrated that the improvement in air quality is due to permanent and enforceable emissions reductions.

1. Permanent and Enforceable Emission Controls Implemented

a. Regional NO_X Controls

CAIR/CSAPR. Under the ''good neighbor provision'' of CAA section 110(a)(2)(D)(i)(I), states are required to address interstate transport of air pollution. Specifically, the good neighbor provision provides that each state's SIP must contain provisions prohibiting emissions from within that state which will contribute significantly to nonattainment of the NAAQS, or interfere with maintenance of the NAAQS, in any other state.

On May 12, 2005, EPA published CAIR, which required eastern states, including Wisconsin, to prohibit emissions consistent with annual and ozone season NO_X budgets and annual sulfur dioxide (SO_2) budgets (70 FR 25152). CAIR addressed the good neighbor provision for the 1997 ozone NAAQS and 1997 fine particulate matter ($PM_{2.5}$) NAAQS and was designed to mitigate the impact of transported NO_X emissions, a precursor of both ozone and $PM_{2.5}$, as well as transported SO_2 emissions, another precursor of $PM_{2.5}$. The United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) remanded CAIR to EPA for replacement in 2008. *North Carolina* v. *EPA,* 531 F.3d 896, modified, 550 F.3d 1176 (2008). While EPA worked on developing a replacement rule, implementation of the CAIR program continued as planned with the NO_X annual and ozone season programs beginning in 2009 and the SO_2 annual program beginning in 2010.

On August 8, 2011 (76 FR 48208), acting on the D.C. Circuit's remand, EPA published CSAPR to replace CAIR and to address the good neighbor provision for the 1997 ozone NAAQS, the 1997 $PM_{2.5}$ NAAQS, and the 2006 $PM_{2.5}$ NAAQS.[6] Through Federal Implementation Plans (FIPs), CSAPR required electric generating units (EGUs) in eastern states, including Wisconsin, to meet annual and ozone season NO_X budgets and annual SO_2 budgets implemented through new trading programs. After delays caused by litigation, EPA started implementing the CSAPR trading programs in 2015, simultaneously discontinuing administration of the CAIR trading programs. On October 26, 2016, EPA published the CSAPR Update, which established, starting in 2017, a new ozone season NO_X trading program for EGUs in eastern states, including Wisconsin, to address the good neighbor provision for the 2008 ozone NAAQS (81 FR 74504). CSAPR Update is projected to result in a 20% reduction in ozone season NO_X emissions from EGUs in the eastern United States, a reduction of 80,000 tons in 2017 compared to 2015 levels. The reduction in NO_X emissions from the implementation of CAIR and then CSAPR occurred during the attainment years, and additional emission reductions will occur throughout the maintenance period.

b. Federal Emission Control Measures

Reductions in VOC and NO_X emissions have occurred statewide and in upwind areas as a result of Federal emission control measures, with additional emission reductions expected to occur in the future. Federal emission control measures include the following:

Tier 2 Emission Standards for Vehicles and Gasoline Sulfur Standards. On February 10, 2000 (65 FR 6698), EPA promulgated Tier 2 motor vehicle emission standards and gasoline sulfur control requirements. These emission control requirements result in lower VOC and NO_X emissions from new cars and light duty trucks, including sport utility vehicles. With respect to fuels, this rule required refiners and importers of gasoline to meet lower standards for sulfur in gasoline, which were phased in between 2004 and 2006. By 2006, refiners were required to meet a 30-ppm average sulfur level, with a maximum cap of 80 ppm. This reduction in fuel sulfur content ensures the effectiveness of low emission-control technologies. The Tier 2 tailpipe standards established in this rule were phased in for new vehicles between 2004 and 2009. EPA estimates that, when fully implemented, this rule will cut NO_X and VOC emissions from light-duty vehicles and light-duty trucks by approximately 76% and 28%, respectively. NO_X and VOC reductions from medium-duty passenger vehicles included as part of the Tier 2 vehicle program are estimated to be approximately 37,000 and 9,500 tons per year, respectively, when fully implemented. As projected by these estimates and demonstrated in the onroad emission modeling for the Newport State Park area, much of these emission reductions occurred by the attainment years and additional emission reductions will occur throughout the maintenance period, as older vehicles are replaced with newer, compliant model years.

Tier 3 Emission Standards for Vehicles and Gasoline Sulfur Standards. On April 28, 2014 (79 FR 23414), EPA promulgated Tier 3 motor vehicle emission and fuel standards to reduce both tailpipe and evaporative emissions and to further reduce the sulfur content in fuels. The rule will be phased in between 2017 and 2025. Tier 3 sets new tailpipe standards for the sum of VOC and NO_X and for particulate matter (PM). The VOC and NO_X tailpipe standards for light-duty vehicles represent approximately an 80% reduction from today's fleet average and a 70% reduction in per-vehicle PM standards. Heavy-duty tailpipe standards represent about a 60% reduction in both fleet average VOC and NO_X and per-vehicle PM standards. The evaporative emissions requirements in the rule will result in approximately a 50% reduction from current standards and apply to all light-duty and onroad gasoline-powered heavy-duty vehicles. Finally, the rule lowers the sulfur content of gasoline to an annual average of 10 ppm by January 2017. As projected by these estimates and demonstrated in the onroad emission modeling for the Newport State Park area, some of these emission reductions occurred by the attainment years and additional emission reductions will occur throughout the maintenance period, as older vehicles are replaced with newer, compliant model years.

Heavy-Duty Diesel Engine Rules. In July 2000, EPA issued a rule for onroad heavy-duty diesel engines that includes standards limiting the sulfur content of diesel fuel. Emissions standards for NO_X, VOC and PM were phased in between model years 2007 and 2010. In

discussed in this proposed action represent statewide reductions from Wisconsin and specifically from Wisconsin's Green Bay metropolitan area and Wisconsin's Milwaukee metropolitan area, both of which are upwind of the park, and which, therefore, have the potential to impact ozone levels in the park. Additionally, permanent and enforceable reductions from Chicago, a multi-state metropolitan area upwind of the park, are listed. The Chicago metropolitan area generally consists of portions of Wisconsin, Illinois, and Indiana. For its upwind emissions reduction analysis for the Chicago metropolitan area, Wisconsin included: Cook, Dekalb, DuPage, Grundy, Kane, Kendall, Lake McHenry and Will Counties in Illinois; Jasper, Lake, Porter and Newton Counties in Indiana, and Kenosha County, Wisconsin.

[6] In a December 27, 2011 rulemaking, EPA included Wisconsin in the ozone season NO_X program, addressing the 1997 ozone NAAQS (76 FR 80760).

addition, the rule reduced the highway diesel fuel sulfur content to 15 ppm by 2007, leading to additional reductions in combustion NO_X and VOC emissions. EPA has estimated future year emission reductions due to implementation of this rule. Nationally, EPA estimated that 2015 NO_X and VOC emissions would decrease by 1,260,000 tons and 54,000 tons, respectively. Nationally, EPA estimated that by 2030 NO_X and VOC emissions will decrease by 2,570,000 tons and 115,000 tons, respectively. As projected by these estimates and demonstrated in the onroad emission modeling for the Newport State Park area, some of these emission reductions occurred during the attainment years and additional emission reductions will occur throughout the maintenance period, as older vehicles are replaced with newer, compliant model years.

Nonroad Diesel Rule. On June 29, 2004 (69 FR 38958), EPA issued a rule adopting emissions standards for nonroad diesel engines and sulfur reductions in nonroad diesel fuel. This rule applies to diesel engines used primarily in construction, agricultural, and industrial applications. Emission standards are phased in for 2008 through 2015 model years based on engine size. The SO_2 limits for nonroad diesel fuels were phased in from 2007 through 2012. EPA estimates that when fully implemented, compliance with this rule will cut NO_X emissions from these nonroad diesel engines by approximately 90%. As projected by these estimates and demonstrated in the nonroad emission modeling for the Newport State Park area, some of these emission reductions occurred during the attainment years and additional emission reductions will occur throughout the maintenance period.

Nonroad Spark-Ignition Engines and Recreational Engine Standards. On November 8, 2002 (67 FR 68242), EPA adopted emission standards for large spark-ignition engines such as those used in forklifts and airport ground-service equipment; recreational vehicles such as off-highway motorcycles, all-terrain vehicles, and snowmobiles; and recreational marine diesel engines. These emission standards are phased in from model year 2004 through 2012. When fully implemented, EPA estimates an overall 72% reduction in VOC emissions from these engines and an 80% reduction in NO_X emissions. As projected by these estimates and demonstrated in the nonroad emission modeling for the Newport State Park area, some of these emission reductions occurred by the attainment years and additional emission reductions will occur throughout the maintenance period.

Category 3 Marine Diesel Engine Standards. On April 30, 2010 (75 FR 22896) EPA issued emission standards for marine compression-ignition engines at or above 30 liters per cylinder. Tier 2 emission standards have applied beginning in 2011 and are expected to result in a 15 to 25% reduction in NO_X emissions from these engines. Final Tier 3 emission standards have applied beginning in 2016 and are expected to result in approximately an 80% reduction in NO_X from these engines. As projected by these estimates and demonstrated in the nonroad emission modeling for the Newport State Park area, some of these emission reductions occurred during the attainment years and additional emission reductions will occur throughout the maintenance period.

2. Emission Reductions

Wisconsin is using a 2014 emissions inventory as the nonattainment year. This is appropriate because it was one of the years used to designate the area as nonattainment. Wisconsin is using 2017 as the attainment year, which is appropriate because it is one of the years in the 2017–2019 period used to demonstrate attainment.

Since the nonattainment area is only inclusive of Wisconsin's Newport State Park, the area generally has no point, area, or regularly quantified nonroad emission sources; therefore, Wisconsin prepared an onroad mobile source inventory for this area. Wisconsin used the estimated number of vehicles entering the park on a monthly basis, vehicle miles traveled (VMT) within the park, which has a 1-mile access road, and EPA's Motor Vehicle Emission Simulator model (MOVES2014b) to estimate mobile sector emissions in the state park for the years 2014 and 2017.

As mentioned previously, EPA designated the Newport State Park area as an RTA. Therefore, the permanent and enforceable precursor emissions reductions required for redesignation must be inclusive of areas outside the park within Wisconsin's control. The permanent and enforceable emissions reductions discussed in this proposed action represent statewide reductions from Wisconsin and specifically from Wisconsin's Green Bay metropolitan area [7] and Wisconsin's Milwaukee metropolitan area,[8] both of which are upwind of the park and in line with general wind patterns on exceedance days, and which, therefore, have the potential to impact ozone levels in the park. Additionally, permanent and enforceable reductions from Chicago, a multi-state metropolitan area [9] upwind of the park, are listed. In developing the emissions inventory information for these upwind metropolitan areas for the year 2014, Wisconsin used the 2014 National Emissions Inventory (NEI) version 2 and the 2014 National Air Toxics Assessment (NATA) for point, area, onroad, and nonroad sources. For 2017 emissions, Wisconsin interpolated between the 2016 and 2023 emissions of EPA's 2016 version 1 emissions modeling platform.

The emissions data that Wisconsin used is available in units of tons per year. Wisconsin expects summer day emissions to be slightly higher relative to the rest of the year due to increases in VMT and nonroad activity. Therefore, Wisconsin calculated tons per summer day (tpsd) by dividing annual emissions for mobile source sectors by 330 rather than 365 days to avoid underestimating mobile source sector emissions. For the purpose of estimating regional emissions trends from areas upwind of the Newport State Park nonattainment area, Wisconsin assumed point and area source facilities operate steadily over 365 days each year. Therefore, Wisconsin estimated 2014 and 2017 summer day emissions by dividing the annual emissions for the point and area sectors by 365 days. EPA finds Wisconsin's methods to be reasonable given Wisconsin's assumptions regarding emissions activity from the various source sectors.

Using the inventories described above, Wisconsin documents changes in VOC and NO_X emissions from 2014 to 2017 for the Newport State Park area as well as for the upwind metropolitan areas described above, including the Green Bay area, the Milwaukee area, and the Chicago area. Emissions data are shown in Tables 2 through 6. As shown in Table 6, overall NO_X and VOC emissions declined between 2014 and 2017.

[7] For its upwind emissions reduction analysis for the Green Bay metropolitan area, Wisconsin included Brown County, WI.

[8] For its upwind emissions reduction analysis for the Milwaukee metropolitan area, Wisconsin included: Ozaukee, Racine, Waukesha and Washington Counties in Wisconsin.

[9] The Chicago metropolitan area generally consists of portions of Wisconsin, Illinois, and Indiana. For its upwind emissions reduction analysis for the Chicago metropolitan area, Wisconsin included: Cook, Dekalb, DuPage, Grundy, Kane, Kendall, Lake McHenry and Will Counties in Illinois; Jasper, Lake, Porter and Newton Counties in Indiana, and Kenosha County, Wisconsin.

TABLE 2—NO_X EMISSIONS FOR NONATTAINMENT YEAR 2014

[TPSD]

Area	Point	Area	Nonroad	Onroad	Total
Newport State Park	0.00	0.00	0.00	0.00103	0.00103
Green Bay area	15.57	2.63	4.05	11.20	33.46
Milwaukee area	21.06	17.87	28.19	57.74	124.86
Chicago area	156.24	96.68	158.24	311.75	722.92

TABLE 3—VOC EMISSIONS FOR NONATTAINMENT YEAR 2014

[TPSD]

Area	Point	Area	Nonroad	Onroad	Total
Newport State Park	0.00	0.00	0.00	0.00052	0.00052
Green Bay area	4.27	8.71	2.91	6.31	22.21
Milwaukee area	9.40	50.40	18.77	31.07	109.64
Chicago area	50.20	240.36	91.62	170.29	552.47

TABLE 4—NO_X EMISSIONS FOR ATTAINMENT YEAR 2017

[TPSD]

Area	Point	Area	Nonroad	Onroad	Total
Newport State Park	0.00	0.00	0.00	0.00063	0.00063
Green Bay area	6.67	2.62	2.79	7.83	19.91
Milwaukee area	17.05	17.78	17.57	34.99	87.39
Chicago area	124.86	96.20	138.44	202.33	561.82

TABLE 5—VOC EMISSIONS FOR ATTAINMENT YEAR 2017

[TPSD]

Area	Point	Area	Nonroad	Onroad	Total
Newport State Park	0.00	0.00	0.00	0.00040	0.00040
Green Bay area	4.55	8.94	1.72	4.31	19.51
Milwaukee area	9.23	50.69	11.83	18.55	90.30
Chicago area	48.23	241.60	70.54	113.35	473.71

TABLE 6—CHANGE IN NO_X AND VOC EMISSIONS BETWEEN 2014 AND 2017

[TPSD]

	NO_X			VOC		
	2014	2017	Net change (2014–2017)	2014	2017	Net change (2014–2017)
Newport State Park:						
Point	0	0	0	0	0	0
Area	0	0	0	0	0	0
Nonroad	0	0	0	0	0	0
Onroad	0.00103	0.00063	−0.0004	0.00052	0.0004	−0.00012
Total	0.00103	0.00063	−0.0004	0.00052	0.0004	−0.00012
Green Bay Area:						
Point	15.57	6.67	−8.90	4.27	4.55	+0.28
Area	2.63	2.62	−0.01	8.71	8.94	+0.23
Nonroad	4.05	2.79	−1.26	2.91	1.72	−1.19
Onroad	11.2	7.83	−3.37	6.31	4.31	−2.00
Total	33.46	19.91	−13.55	22.21	19.51	−2.70
Milwaukee Area:						
Point	21.06	17.05	−4.01	9.40	9.23	−0.17
Area	17.87	17.78	−0.09	50.40	50.69	+0.29
Nonroad	28.19	17.57	−10.62	18.77	11.83	−6.94
Onroad	57.74	34.99	−22.75	31.07	18.55	−12.52

TABLE 6—CHANGE IN NO_X AND VOC EMISSIONS BETWEEN 2014 AND 2017—Continued

[TPSD]

	NO_X			VOC		
	2014	2017	Net change (2014–2017)	2014	2017	Net change (2014–2017)
Total	124.86	87.39	−37.47	109.64	90.3	−19.34
Chicago Area:						
Point	156.24	124.86	−31.38	50.20	48.23	−1.97
Area	96.68	96.2	−0.48	240.36	241.60	+1.24
Nonroad	158.24	138.44	−19.80	91.62	70.54	−21.08
Onroad	311.75	202.33	−109.42	170.29	113.35	−56.94
Total	722.92	561.82	−161.10	552.47	473.71	−78.76

3. Meteorology

Wisconsin included an analysis to further support its demonstration that the improvement in air quality between the year violations occurred and the year attainment was achieved is due to permanent and enforceable emission reductions and not unusually favorable meteorology. Ozone formation is a complex process with atmospheric chemical reactions involving NO_X and VOC precursor species. Moreover, summertime ozone formation tends to be positively correlated with temperature. Wisconsin therefore examined the relationship between the average summer temperature and the fourth-highest 8-hour ozone concentration at the Newport State Park monitor from 1998–2019. Wisconsin also analyzed the annual fourth-highest 8-hour ozone concentration at the Newport State Park monitor compared to the number of days where the maximum temperature was greater than or equal to 80 ° Fahrenheit (F). The linear regressions for each data set demonstrate that the number of days where the maximum temperature was greater than or equal to 80 °F have increased, while annual fourth-highest 8-hour ozone concentrations have decreased. Wisconsin's analysis suggests that the observed long-term decreases in ozone concentrations including the more recent nonattainment to attainment year ozone concentrations are due to the permanent and enforceable reductions in ozone precursor emissions discussed earlier, rather than from meteorological factors such as unusually cool summer temperatures. Therefore, EPA finds that Wisconsin has shown that the air quality improvements in the Newport State Park area are due to permanent and enforceable emissions reductions.

D. Does Wisconsin have a fully approvable ozone maintenance plan for the Newport State Park area?

As one of the criteria for redesignation to attainment section 107(d)(3)(E)(iv) of the CAA requires EPA to determine that the area has a fully approved maintenance plan pursuant to section 175A of the CAA. Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. Under section 175A, the maintenance plan must demonstrate continued attainment of the NAAQS for at least 10 years after the Administrator approves a redesignation to attainment. Eight years after the redesignation, the state must submit a revised maintenance plan which demonstrates that attainment of the NAAQS will continue for an additional 10 years beyond the initial 10-year maintenance period. To address the possibility of future NAAQS violations, the maintenance plan must contain contingency measures, as EPA deems necessary, to assure prompt correction of the future NAAQS violation.

The Calcagni Memorandum provides further guidance on the content of a maintenance plan, explaining that a maintenance plan should address five elements: (1) An attainment emissions inventory; (2) a maintenance demonstration; (3) a commitment for continued air quality monitoring; (4) a process for verification of continued attainment; and (5) a contingency plan. In conjunction with its request to redesignate the Newport State Park area to attainment for the 2015 ozone NAAQS, Wisconsin submitted a SIP revision to provide for maintenance of the 2015 ozone NAAQS through 2030, more than 10 years after the expected effective date of the redesignation to attainment. As discussed below, EPA proposes to find that Wisconsin's ozone maintenance plan includes the necessary components and to approve the maintenance plan as a revision of the Wisconsin SIP.

1. Attainment Inventory

EPA is proposing to determine that the Newport State Park area has attained the 2015 ozone NAAQS based on monitoring data for the period of 2017–2019. Wisconsin selected 2017 as the attainment emissions inventory year to establish attainment emission levels for VOC and NO_X. Attainment emissions inventories identify the levels of emissions in the nonattainment area that are sufficient to attain the NAAQS. As mentioned previously, EPA designated Newport State Park as an RTA. As such, Wisconsin included an attainment emissions inventory for the nonattainment area and additionally provided information about attainment year emissions for upwind metropolitan areas that have the potential to influence ozone levels in the RTA. The derivation of the attainment year emissions for these areas is discussed above in section IV.C.2. of this proposed rule. The attainment level emissions, by source category, are summarized in Tables 4 and 5, above.

2. Has the state documented maintenance of the ozone standard in the area?

Wisconsin has demonstrated maintenance of the 2015 ozone NAAQS through 2030 by ensuring that current and future emissions of VOC and NO_X for the Newport State Park RTA remain at or below attainment year emission levels and, additionally, that upwind areas within Wisconsin's control having the potential to influence ozone levels in the RTA, including the Green Bay metropolitan area, the Milwaukee metropolitan area, and the Chicago metropolitan area, a portion of which is within Wisconsin, remain at or below attainment year emission levels. A maintenance demonstration need not be

based on modeling. *See Wall* v. *EPA,* 265 F.3d 426 (6th Cir. 2001), *Sierra Club* v. *EPA,* 375 F. 3d 537 (7th Cir. 2004). *See also* 66 FR 53094, 53099–53100 (October 19, 2001), 68 FR 25413, 25430–25432 (May 12, 2003).

Wisconsin is using emissions inventories for the years 2023 and 2030 to demonstrate maintenance. 2030 is more than 10 years after the expected effective date of the redesignation to attainment and 2023 was selected to demonstrate that emissions are not expected to spike in the interim between the attainment year and the final maintenance year. The emissions inventories were developed as described below.

Wisconsin used EPA's 2016 Emissions Modeling Platform, Version 1, which includes base year 2016 emissions and emissions projections for the years 2023 and 2028. Wisconsin estimated 2030 emissions by extrapolating EPA's 2023 and 2028 emissions projections. Wisconsin used the same methodology to convert annual tons to tpsd for the 2023 and 2030 emissions projections as it used for the 2014 and 2017 inventory estimates. Thus, Wisconsin derived 2023 and 2030 summer day emissions by dividing the annual emissions for the point and area sectors by 365 days and the mobile sectors by 330. Interim and future year emissions estimates are shown in Tables 7 through 11 below.

TABLE 7—NO_X EMISSIONS FOR INTERIM MAINTENANCE YEAR 2023

[TPSD]

Area	Point	Area	Nonroad	Onroad	Total
Newport State Park	0	0	0	0.00032	0.00032
Green Bay area	5.56	2.58	2.15	3.82	14.11
Milwaukee area	18.07	17.40	14.32	17.49	67.28
Chicago area	101.44	93.29	118.29	108.40	421.41

TABLE 8—VOC EMISSIONS FOR INTERIM MAINTENANCE YEAR 2023

[TPSD]

Area	Point	Area	Nonroad	Onroad	Total
Newport State Park	0	0	0	0.00027	0.00027
Green Bay area	4.53	9.15	1.49	2.72	17.91
Milwaukee area	9.78	51.06	10.88	12.16	83.87
Chicago area	46.75	245.30	65.28	72.56	429.90

TABLE 9—NO_X EMISSIONS FOR MAINTENANCE YEAR 2030

[TPSD]

Area	Point	Area	Nonroad	Onroad	Total
Newport State Park	0	0	0	0.00016	0.00016
Green Bay area	5.61	2.56	1.48	1.86	11.51
Milwaukee area	17.90	17.11	13.31	10.17	58.48
Chicago area	101.84	89.52	113.96	69.03	374.35

TABLE 10—VOC EMISSIONS FOR MAINTENANCE YEAR 2030

[TPSD]

Area	Point	Area	Nonroad	Onroad	Total
Newport State Park	0	0	0	0.00019	0.00019
Green Bay area	4.54	9.38	1.41	1.97	17.30
Milwaukee area	9.76	51.43	10.82	8.68	80.69
Chicago area	46.45	249.4	66.68	49.96	412.50

TABLE 11—CHANGE IN NO_X AND VOC EMISSIONS BETWEEN 2017 AND 2030

[TPSD]

	NO_X				VOC			
	2017	2023	2030	Net change (2017–2030)	2017	2023	2030	Net change (2017–2030)
Newport State Park, Door County, Wisconsin:								
Point	0	0	0	0	0	0	0	0
Area	0	0	0	0	0	0	0	0
Nonroad	0	0	0	0	0	0	0	0
Onroad	6.3E–4	3.2E–4	1.6E–4	−4.7E–4	4.0E–4	2.7 E–4	1.9E–4	−2.1E–4
Total	6.3E–4	3.2E–4	1.6E–4	−4.7E–4	4.0E–4	2.7 E–4	1.9E–4	−2.1E–4
Green Bay Wisconsin Metropolitan Area:								
Point	6.67	5.56	5.61	−1.06	4.55	4.53	4.54	−0.01

TABLE 11—CHANGE IN NO_X AND VOC EMISSIONS BETWEEN 2017 AND 2030—Continued
[TPSD]

	NO_X				VOC			
	2017	2023	2030	Net change (2017–2030)	2017	2023	2030	Net change (2017–2030)
Area	2.62	2.58	2.56	−0.06	8.94	9.15	9.38	+0.44
Nonroad	2.79	2.15	1.48	−1.31	1.72	1.49	1.41	−0.31
Onroad	7.83	3.82	1.86	−5.97	4.31	2.72	1.97	−2.34
Total	19.91	14.11	11.51	−8.40	19.51	17.91	17.30	−2.21
Milwaukee Wisconsin Metropolitan Area:								
Point	17.05	18.07	17.90	+0.85	9.23	9.78	9.76	+0.53
Area	17.78	17.40	17.11	−0.67	50.69	51.06	51.43	+0.74
Nonroad	17.57	14.32	13.31	−4.26	11.83	10.88	10.82	−1.01
Onroad	34.99	17.49	10.17	−24.82	18.55	12.16	8.68	−9.87
Total	87.39	67.28	58.48	−28.91	90.30	83.87	80.69	−9.61
Chicago Metropolitan Area:								
Point	124.86	101.44	101.84	−23.02	48.23	46.75	46.45	−1.78
Area	96.20	93.29	89.52	−6.68	241.60	245.30	249.40	+7.78
Nonroad	138.44	118.29	113.96	−24.48	70.54	65.28	66.68	−3.86
Onroad	202.33	108.40	69.03	−133.30	113.35	72.56	49.96	−63.39
Total	561.82	421.41	374.35	−187.50	473.71	429.90	412.50	−61.25

In summary, Wisconsin's maintenance demonstration for the RTA shows maintenance of the 2015 ozone NAAQS by providing emissions information to support the demonstration that future emissions of NO_X and VOC will remain at or below 2017 emission levels when taking into account both future source growth and implementation of future controls. Table 11 shows NO_X and VOC emissions are projected to decrease between 2017 and 2030.

3. Continued Air Quality Monitoring

Wisconsin has committed to continue to operate the ozone monitor listed in Table 1 above. Wisconsin has committed to consult with EPA prior to making changes to the existing monitoring network should changes become necessary in the future. Wisconsin remains obligated to meet monitoring requirements and to continue to quality assure monitoring data in accordance with 40 CFR part 58, and to enter all data into the AQS in accordance with Federal guidelines.

4. Verification of Continued Attainment

Wisconsin has confirmed that it has the legal authority to enforce and implement the requirements of the maintenance plan for the Newport State Park area. This includes the authority to adopt, implement, and enforce any subsequent statewide and/or area-specific emission control measures determined to be necessary to correct future ozone attainment problems.

Verification of continued attainment is accomplished through operation of the ambient ozone monitoring network and the periodic update of relevant emissions inventories. Wisconsin will continue to operate the current ozone monitor located in the Newport State Park area. There are no plans to discontinue operation, relocate, or otherwise change the existing ozone monitoring network other than through revisions in the network approved by the EPA.

To track future levels of emissions, Wisconsin will continue to develop and submit to EPA updated emission inventories for the RTA and upwind areas in Wisconsin at least once every three years, consistent with the requirements of 40 CFR part 51, subpart A, and in 40 CFR 51.122. The Consolidated Emissions Reporting Rule (CERR) was promulgated by EPA on June 10, 2002 (67 FR 39602). The CERR was replaced by the Annual Emissions Reporting Requirements (AERR) on December 17, 2008 (73 FR 76539). The most recent triennial inventory for Wisconsin was compiled for 2014, and 2017 is in progress. Point source facilities covered by Wisconsin's emission statement rule, Chapter NR 438 of the Wisconsin Administrative Code, will continue to submit VOC and NO_X emissions on an annual basis.

5. What is the contingency plan for the area?

Section 175A of the CAA requires the state to adopt a maintenance plan, as a SIP revision, that includes such contingency measures as EPA deems necessary to assure that the state will promptly correct a violation of the NAAQS that occurs after redesignation of the area to attainment of the NAAQS. The maintenance plan must identify: The contingency measures to be considered and, if needed for maintenance, adopted and implemented; a schedule and procedure for adoption and implementation; and a time limit for action by the state. The state should also identify specific indicators to be used to determine when the contingency measures need to be considered, adopted, and implemented. The maintenance plan must include a commitment that the state will implement all measures with respect to the control of the pollutant that were contained in the SIP before redesignation of the area to attainment in accordance with section 175A(d) of the CAA.

As required by section 175A of the CAA, Wisconsin has adopted a maintenance plan for the Newport State Park area to address possible future ozone air quality problems. The maintenance plan adopted by Wisconsin has two levels of response, a warning level response and an action level response.

In Wisconsin's plan, a warning level response will be triggered when an annual fourth high monitored value of 0.070 ppm or higher is monitored within the maintenance area. A warning level response will consist of Wisconsin conducting a study to determine whether the ozone value indicates a trend toward higher ozone values and whether emissions appear to be increasing. The study will evaluate whether the trend, if any, is likely to continue and, if so, the control measures necessary to reverse the trend. The study will be completed no later than

May 1st of the year after the ozone season in which the exceedance is detected.

In Wisconsin's plan, a violation of the 2015 ozone NAAQS within the maintenance area triggers an action level response. When an action level response is triggered, Wisconsin will determine what additional control measures are needed to ensure future attainment of the 2015 ozone NAAQS. Control measures selected will be adopted and implemented within 18 months from the close of the ozone season that prompted the action level. Wisconsin may also consider if significant new regulations not currently included as part of the maintenance provisions will be implemented in a timely manner and would thus constitute an adequate contingency measure response.

Wisconsin included the following list of potential contingency measures in its maintenance plan:

1. Anti-idling control program for mobile sources, targeting diesel vehicles;
2. Diesel exhaust retrofits;
3. Traffic flow improvements;
4. Park and ride facilities;
5. Rideshare/carpool program; and
6. Expansion of the vehicle emissions testing program.

To qualify as a contingency measure, emissions reductions from that measure must not be factored into the emissions projections used in the maintenance plan.

EPA has concluded that Wisconsin's maintenance plan adequately addresses the five basic components of a maintenance plan: Attainment inventory, maintenance demonstration, monitoring network, verification of continued attainment, and a contingency plan. In addition, as required by section 175A(b) of the CAA, Wisconsin has committed to submit to EPA an updated ozone maintenance plan eight years after redesignation of the area to cover an additional ten years beyond the initial 10-year maintenance period. Thus, EPA finds that the maintenance plan SIP revision submitted by Wisconsin for the Newport State Park RTA meets the requirements of section 175A of the CAA and EPA proposes to approve it as a revision to the Wisconsin SIP.

V. Has the state adopted approvable motor vehicle emission budgets?

A. Motor Vehicle Emission Budgets

Under section 176(c) of the CAA, new transportation plans, programs, or projects that receive Federal funding or support, such as the construction of new highways, must ''conform'' to (*i.e.,* be consistent with) the SIP. Conformity to the SIP means that transportation activities will not cause new air quality violations, worsen existing air quality problems, or delay timely attainment of the NAAQS or interim air quality milestones. Regulations at 40 CFR part 93 set forth EPA policy, criteria, and procedures for demonstrating and assuring conformity of transportation activities to a SIP. Transportation conformity is a requirement for nonattainment and maintenance areas. Maintenance areas are areas that were previously nonattainment for a particular NAAQS, but that have been redesignated to attainment with an approved maintenance plan for the NAAQS.

Under the CAA, states are required to submit, at various times, control strategy SIPs for nonattainment areas and maintenance plans for areas seeking redesignations to attainment of the ozone standard and maintenance areas. *See* the SIP requirements for the 2015 ozone NAAQS in EPA's December 6, 2018 implementation rule (83 FR 62998). These control strategy SIPs (including reasonable further progress plans and attainment plans) and maintenance plans must include MVEBs for criteria pollutants, including ozone, and their precursor pollutants (VOC and NO_X for ozone) to address pollution from onroad transportation sources. The MVEBs are the portion of the total allowable emissions that are allocated to highway and transit vehicle use that, together with emissions from other sources in the area, will provide for attainment or maintenance. *See* 40 CFR 93.101.

Under 40 CFR part 93, a MVEB for an area seeking a redesignation to attainment must be established, at minimum, for the last year of the maintenance plan. A state may adopt MVEBs for other years as well. The MVEB serves as a ceiling on emissions from an area's planned transportation system. The MVEB concept is further explained in the preamble to the November 24, 1993, Transportation Conformity Rule (58 FR 62188). The preamble also describes how to establish the MVEB in the SIP and how to revise the MVEB, if needed, subsequent to initially establishing a MVEB in the SIP.

B. What is the status of EPA's adequacy determination for the proposed VOC and NO_X MVEBs for the Newport State Park area?

When reviewing submitted control strategy SIPs or maintenance plans containing MVEBs, EPA must affirmatively find that the MVEBs contained therein are adequate for use in determining transportation conformity. Once EPA affirmatively finds that the submitted MVEBs are adequate for transportation purposes, the MVEBs must be used by state and Federal agencies in determining whether proposed transportation projects conform to the SIP as required by section 176(c) of the CAA.

EPA's substantive criteria for determining adequacy of a MVEB are set out in 40 CFR 93.118(e)(4). The process for determining adequacy consists of three basic steps: Public notification of a SIP submission; provision for a public comment period; and EPA's adequacy determination. This process for determining the adequacy of submitted MVEBs for transportation conformity purposes was initially outlined in EPA's May 14, 1999 guidance, ''Conformity Guidance on Implementation of March 2, 1999, Conformity Court Decision.'' EPA adopted regulations to codify the adequacy process in the Transportation Conformity Rule Amendments for the ''New 8-Hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule Amendments—Response to Court Decision and Additional Rule Change,'' on July 1, 2004 (69 FR 40004). Additional information on the adequacy process for transportation conformity purposes is available in the proposed rule titled, ''Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes,'' 68 FR 38974, 38984 (June 30, 2003).

As discussed earlier, Wisconsin's maintenance plan includes NO_X and VOC MVEBs for the Newport State Park area for 2030 and 2023, the last year of the maintenance period and an interim year, respectively. EPA has reviewed Wisconsin's VOC and NO_X MVEBs for the Newport State Park RTA and, in this action, is proposing to find them adequate for approval into the Wisconsin SIP. Wisconsin's January 27, 2020 maintenance plan SIP submission, including the VOC and NO_X MVEBs for the Newport State Park area, is open for public comment via this proposed rulemaking. The submitted maintenance plan, which includes the MVEBs, was endorsed by the Governor's designee and was subject to a state public hearing. The MVEBs were developed as part of an interagency consultation process which includes Federal, state, and local agencies. The MVEBs were clearly identified and precisely quantified. These MVEBs, when considered together with all other

emissions sources, are consistent with maintenance of the 2015 ozone NAAQS.

TABLE 12—MVEBS FOR NEWPORT STATE PARK AREA

[TPSD]

	Attainment year 2017 onroad emissions	2023 estimated onroad emissions	2023 mobile safety margin allocation (percent)	2023 MVEBs	2030 estimated onroad emissions	2030 mobile safety margin allocation (percent)	2030 MVEBs
VOC	0.00040	0.00024	15	0.00027	0.00017	15	0.00019
NO_X	0.00063	0.00028	15	0.00032	0.00014	15	0.00016

As shown in Table 12, the 2023 and 2030 MVEBs exceed the estimated 2023 and 2030 onroad sector emissions. To accommodate future variations in travel demand models and VMT forecast, Wisconsin allocated a portion of the safety margin (described further below) to the mobile sector. Wisconsin has demonstrated that with mobile source emissions at or below 0.00027 TPSD and 0.00019 TPSD of VOC and 0.00032 TPSD and 0.00016 TPSD of NO_X in 2023 and 2030, respectively, including partial allocation of the safety margin, emissions will remain under attainment year emission levels. EPA finds adequate and is proposing to approve the MVEBs for use to determine transportation conformity in the area, because EPA has determined that the area can maintain attainment of the 2015 ozone NAAQS for the relevant maintenance period with mobile source emissions at the levels of the MVEBs in conjunction with the levels of the projected emissions inventories for the upwind areas discussed above.

C. What is a safety margin?

A ''safety margin'' is the difference between the attainment level of emissions (from all sources) and the projected level of emissions (from all sources) in the maintenance plan. As noted in Table 11, the emissions in the Newport State Park area are projected to have safety margins of 0.00047 TPSD for NO_X and 0.00021 TPSD for VOC in 2030 (the difference between the attainment year, 2017, emissions and the projected 2030 emissions for all sources in the area). Similarly, there is a safety margin of 0.00031 TPSD for NO_X and 0.00013 TPSD for VOC in 2023. Even if emissions exceeded projected levels by the full amount of the safety margin, the area would still demonstrate maintenance since emission levels would equal those in the attainment year.

As shown in Table 12 above, Wisconsin is allocating a portion of that safety margin to the mobile source sector. Specifically, in 2023, Wisconsin is allocating 0.00003 TPSD and 0.00004 TPSD of the VOC and NO_X safety margins, respectively. In 2030, Wisconsin is allocating 0.00002 TPSD and 0.00002 TPSD of the VOC and NO_X safety margins, respectively. Wisconsin is not requesting allocation to the MVEBs of the entire available safety margins reflected in the demonstration of maintenance. In fact, the amount allocated to the MVEBs represents only a small portion of the 2023 and 2030 safety margins. Therefore, even though the state is requesting MVEBs that exceed the projected onroad mobile source emissions for 2023 and 2030 contained in the demonstration of maintenance, the permissible level of onroad mobile source emissions that can be considered for transportation conformity purposes is well within the safety margins of the ozone maintenance demonstration. Once allocated to mobile sources, these safety margins will not be available for use by other sources. Further, the Newport State Park area is an RTA. Therefore, in addition to the MVEBs, the estimated upwind emissions reductions throughout the maintenance period, which are described above, are also important for maintaining the 2015 ozone NAAQS in this area throughout the 10-year maintenance period.

VI. Proposed Actions

EPA is proposing to change the legal designation of the Newport State Park area from nonattainment to attainment for the 2015 ozone NAAQS. EPA is also proposing to approve, as a revision to the Wisconsin SIP, the state's maintenance plan for the area. The maintenance plan is designed to keep the Newport State Park area in attainment of the 2015 ozone NAAQS through 2030. Finally, EPA finds adequate and therefore proposes to approve the newly-established 2023 and 2030 MVEBs for the Newport State Park area.

VII. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of a maintenance plan under section 107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those imposed by state law. A redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described

in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

• Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because 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, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because redesignation is an action that affects the status of a geographical area and does not impose any new regulatory requirements on tribes, impact any existing sources of air pollution on tribal lands, nor impair the maintenance of ozone national ambient air quality standards in tribal lands.

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, Ozone, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: February 28, 2020.

Cheryl Newton,

Deputy Regional Administrator, Region 5.

[FR Doc. 2020–05007 Filed 3–12–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R10–OAR–2020–0074; FRL–FRL 10006–46–Region 10]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Oregon Department of Environmental Quality; Control of Emissions From Existing Municipal Solid Waste Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a Clean Air Act (CAA) section 111(d) plan submitted by the Oregon Department of Environmental Quality (ODEQ). This state plan establishes emission limits for existing municipal solid waste (MSW) landfills and provides for the implementation and enforcement of these limits. ODEQ submitted this state plan to fulfill its requirements under section 111(d) of the CAA in response to the EPA's promulgation of Emissions Guidelines and Compliance Times for MSW landfills.

DATES: Written comments must be received on or before April 13, 2020.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2020–0074 at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Geoffrey Glass (he/him), U.S. EPA, Region 10, 1200 Sixth Avenue, Suite 155, Mailcode: 15–H13, Seattle, Washington 98101. He can also be reached by phone at (206) 553–1847 or by email at *glass.geoffrey@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On August 29, 2016, the EPA finalized Standards of Performance for Municipal Solid Waste Landfills and Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills in 40 CFR part 60, subpart XXX and Cf, respectively. 81 FR 59332. These actions were taken under section 111 of the CAA.

Section 111(d) of the CAA requires the EPA to establish a procedure for a state to submit a plan to the EPA that establishes standards of performance for any air pollutant: (1) For which air quality criteria have not been issued or which is not included on a list published under CAA section 108 or emitted from a source category which is regulated under CAA section 112 but (2) to which a standard of performance under CAA section 111 would apply if such existing source were a new source. The EPA established these requirements for state plan submittals in 40 CFR part 60, subpart B.[1] State submittals under CAA sections 111(d) must be consistent with the relevant emission guidelines, in this instance 40 CFR part 60, subpart Cf, and the requirements of 40 CFR part 60, subpart B.

On August 2, 2019, ODEQ submitted to the EPA a section 111(d) plan for existing MSW landfills. The submitted section 111(d) plan was in response to the August 29, 2016 promulgation of federal emission guidelines requirements for MSW landfills, 40 CFR part 60, subpart Cf (81 FR 59332).

II. Summary of the Plan and EPA Analysis

The EPA has reviewed the ODEQ section 111(d) plan submittal in the context of the requirements of 40 CFR part 60, subparts B and Cf, and part 62, subpart A. In this action, the EPA is proposing to determine that ODEQ's section 111(d) plan meets the above-cited requirements. On July 19, 2019, Oregon amended the Oregon Administrative Rules at Chapter 340, Division 236 (OAR 340–236–500) by incorporating regulatory language to

[1] The EPA adopted new implementing regulations for Emission Guidelines on July 8, 2019, by promulgating 40 CFR part 60, subpart Ba. (84 FR 32575) The EPA adopted the new subpart Ba implementing regulations for Municipal Solid Waste Landfills and they became effective on September 6, 2019 (84 FR 44547 (August 26, 2019)) after ODEQ submitted its state plan.

implement the emission guidelines for MSW landfills. The primary mechanism used by ODEQ to implement the emission guidelines for existing MSW landfills under state jurisdiction is through incorporation by reference of 40 CFR part 60, subpart Cf requirements into OAR 340–236–500. The changes ODEQ has made to the language in the emission guidelines were made to convert the language in the Emission Guidelines to enforceable requirements. These regulations will be applicable to MSW landfills in the state of Oregon under the plan upon the EPA's approval of the plan by final rulemaking.[2] A detailed explanation of the rationale behind this proposed approval is available in the Technical Support Document (TSD).

III. Proposed Action

The EPA is proposing to approve the ODEQ section 111(d) plan for MSW landfills submitted pursuant to 40 CFR part 60, subpart Cf. Therefore, the EPA is proposing to amend 40 CFR part 62, subpart MM to reflect this action. This approval is based on the rationale previously discussed in this document and in further detail in the TSD associated with this action. The scope of the proposed approval of the section 111(d) plan is limited to the provisions of 40 CFR parts 60 and 62 for existing MSW landfills, as referenced in the emission guidelines, subpart Cf.

The EPA Administrator continues to retain authority for approval of alternative methods to determine the nonmethane organic compound concentration or a site-specific methane generation rate constant (k), as stipulated in 40 CFR 60.30f(c).

As discussed in our previous approval of Oregon's MSW Landfill Plan, because the five-day notice provision in the Oregon Revised Statutes (ORS) 468.126(1) could preclude enforcement of the plan in some instances, application of the notice provision would disqualify the plan for EPA approval. Accordingly, pursuant to ORS 468.126(2)(e) and consistent with a letter from the state of Oregon, the five-day notice requirement of ORS 468.126(1) does not apply in the case of violations of the MSW Landfill Plan, even if requirements of the plan are incorporated into a permit. 63 FR 34816, 34817 (June 26, 1998).

[2] In its submittal, ODEQ demonstrated that the Lane Regional Air Protection Agency, a local clean air agency in Lane County, has authority adequate to implement and enforce the section 111(d) plan, but states that, at this time, there are no affected sources in Lane County.

IV. Incorporation by Reference

In this document, the EPA is proposing to incorporate by reference ODEQ rules regarding MSW landfills discussed in section II of this preamble in accordance with the requirements of 1 CFR 51.5. The EPA has made, and will continue to make, these materials generally available through *https://www.regulations.gov,* Docket ID No. EPA–R10–OAR–2020–0074, and at the EPA Region 10 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

In reviewing state plan submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this 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);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because this action is not significant 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).

In addition, this proposed approval of the ODEQ plan submittal for existing MSW landfills does not apply in Indian Country. Therefore, the state plan does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000.

List of Subjects in 40 CFR Part 62

Environmental protection, Air pollution control, Landfills, Incorporation by reference, Intergovernmental relations, Methane, Ozone, Reporting and recordkeeping requirements,Volatile organic compounds.

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

Dated: February 28, 2020.

Chris Hladick,

Regional Administrator, Region 10.

[FR Doc. 2020–05009 Filed 3–12–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[EPA–R04–OW–2020–0056; FRL–10006–07–Region 4]

Ocean Dumping: Modification of an Ocean Dredged Material Disposal Site Offshore of Port Everglades, Florida

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a modification of the existing EPA designated ocean dredged material disposal site (ODMDS) offshore of Port Everglades, Florida (referred to hereafter as the existing Port Everglades ODMDS) pursuant to the Marine Protection, Research and Sanctuaries Act, as amended (MPRSA). The primary purpose for the site modification is to enlarge the site to serve the long-term need for a location to dispose of suitable material dredged from the Port Everglades Harbor and for the disposal of suitable dredged material for persons who receive a MPRSA permit for such disposal. The modified site will be subject to monitoring and management to ensure continued protection of the marine environment.

DATES: Written comments must be received on or before April 13, 2020.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OW–2020–0056, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments and accessing the docket and materials related to this proposed rule.
- *Email: OceanDumpingR4@epa.gov.*
- *Mail:* Wade Lehmann, U.S. Environmental Protection Agency, Region 4, Water Division, Oceans and Estuarine Management Section, 61 Forsyth Street SW, Atlanta, Georgia 30303.

Instructions: Direct your comments to Docket ID No. EPA–R04–OW–2020–0056. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *www.regulations.gov* or email, information that you consider to be CBI or otherwise protected. The *www.regulations.gov* website is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *www.regulations.gov,* 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. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about the EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: Publicly available docket materials are available either electronically at *www.regulations.gov* or in hard copy during normal business hours from the regional library at the EPA, Region 4 Library, 9th Floor, 61 Forsyth Street SW, Atlanta, Georgia 30303. For access to the documents at the Region 4 Library, contact the Region 4 Library Reference Desk at (404) 562–8190, between the hours of 9:00 a.m. to 12:00 p.m., and between the hours of 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding Federal holidays, for an appointment.

FOR FURTHER INFORMATION CONTACT: Wade Lehmann, U.S. Environmental Protection Agency, Region 4, Water Division, Oceans and Estuarine Management Section, 61 Forsyth Street SW, Atlanta, Georgia 30303; phone number (404) 562–8082; email: *Lehmann.Wade@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Potentially Affected Persons

Persons potentially affected by this action include those who seek or might seek permits or approval to dispose of dredged material into ocean waters pursuant to the MPRSA, 33 U.S.C. 1401 to 1445. The EPA's proposed action would be relevant to persons, including organizations and government bodies seeking to dispose of dredged material in ocean waters offshore of Port Everglades, Florida. Currently, the U.S. Army Corps of Engineers (USACE) would be most affected by this action. Potentially affected categories and persons include:

Category	Examples of potentially regulated persons
Federal Government	USACE Civil Works projects, and other Federal agencies.
Industry and general public	Port authorities, marinas and harbors, shipyards and marine repair facilities, berth owners.
State, local and tribal governments	Governments owning and/or responsible for ports, harbors, and/or berths, government agencies requiring disposal of dredged material associated with public works projects.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding persons likely to be affected by this proposed action. For any questions regarding the applicability of this proposed action to a particular entity, please refer to the contact person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

II. Background

a. History of Disposal Sites Offshore of Port Everglades, Florida

There is currently one designated ODMDS off the coast of Port Everglades, Florida. The existing Port Everglades ODMDS is located three nautical miles offshore of Fort Lauderdale. It is currently 1.43 square nautical miles (nmi^2) in size. The Port Everglades ODMDS received final designation in 2005.

The USACE Port Everglades District and the EPA Region 4 have identified a need to either designate a new ODMDS or modify the existing Port Everglades ODMDS. The need for modifying current ocean disposal capacity is based on future capacity requirements, historical dredging volumes, estimates of dredging volumes for future proposed projects, and limited capacity of upland confined disposal facilities (CDFs) in the area.

The EPA is proposing to modify, by expansion, the existing Port Everglades ODMDS rather than designate a new site off the coast of Port Everglades for ocean disposal of dredged material. The proposed modification of the existing Port Everglades ODMDS for dredged material does not mean that the USACE or the EPA has approved the use of the existing Port Everglades ODMDS or a modified Port Everglades ODMDS for open water disposal of dredged material from any specific project. Before any person can ocean dump dredged material at the existing Port Everglades ODMDS or a modified Port Everglades ODMDS, the EPA and the USACE must evaluate the project according to the ocean dumping regulatory criteria (40 CFR 227) and the USACE must authorize the disposal. Under section 103 of the MPRSA, the USACE is the federal agency that decides whether to issue a permit authorizing the ocean disposal of dredged materials. In the case of federal navigation projects, the USACE may implement the MPRSA directly in the USACE projects involving ocean disposal of dredged materials. The USACE relies on the EPA's ocean dumping criteria when evaluating permit requests for (and implementing federal projects involving) the transportation of dredged material for the purpose of dumping it into ocean waters. MPRSA permits and federal projects involving ocean dumping of dredged material are subject to the EPA's review and concurrence in accordance with 33 U.S.C. 1413(c). The

EPA may concur with or without conditions or decline to concur (*i.e.,* non-concur) on the permit. If the EPA concurs with conditions, the final permit or authorization must include those conditions. If EPA the declines to concur, the USACE cannot issue the permit for ocean dumping of dredged material or authorize the disposal. This action is supported by a Draft Environmental Assessment (DEA), which was provided for public notice and comment in February 2020 and is accessible at: *https://www.epa.gov/aboutepa/about-epa-region-4-southeast#r4-public-notices*.

b. Location and Configuration of the Proposed Modified Port Everglades ODMDS

This action proposes the modification of the existing Port Everglades ODMDS. The proposed modified ODMDS is in -587 to -761 feet of water (-179 to -232 meters). The proposed modified ODMDS would expand the existing Port Everglades ODMDS from a size of approximately 1.34 nmi² to 3.21 nmi² in size. The location of the proposed modified ODMDS is bounded by the coordinates listed below. The proposed coordinates for the site are in North American Datum 83 (NAD 83):

Proposed Modified Port Everglades ODMDS

(A) 26°08.750′ N, 80°01.000′ W
(B) 26°08.750′ N, 80°02.578′ W
(C) 26°06.500′ N, 80°02.578′ W
(D) 26°06.500′ N, 80°01.000′ W

The proposed modification of the existing ODMDS will allow the EPA to adaptively manage the site to maximize its capacity, minimize the potential for mounding and loss of fine sediments outside of the site, and minimize the potential for any long-term adverse effects to the marine environment.

c. Management and Monitoring of the Site

The proposed modified ODMDS is expected to receive dredged material from the Federal navigation project at Port Everglades Harbor, Florida, and dredged material from other applicants who obtain a permit for the disposal of dredged material at the proposed modified ODMDS. All persons using the site will be required to follow the Site Management and Monitoring Plan (SMMP) for the ODMDS that is specifically developed for the proposed modified ODMDS. A draft SMMP for the proposed modified ODMDS was noticed for public review in January 2020 along with the DEA and is accessible at: *https://www.epa.gov/aboutepa/about-epa-region-4-southeast#r4-public-notices.* The SMMP will be finalized by the EPA Region 4 and the USACE Jacksonville District following the consideration of comments received. The SMMP includes management and monitoring requirements to ensure that dredged materials disposed at the proposed modified ODMDS are suitable for disposal in the ocean and that adverse impacts of disposal, if any, are addressed to the maximum extent practicable. This includes provisions to avoid and minimize potential impacts to coral reefs present near Port Everglades. The SMMP for the proposed modified ODMDS also addresses management of the site to ensure adverse mounding and dispersal of fine sediments does not occur and ensures that disposal events minimize interference with other uses of ocean waters near the proposed modified ODMDS.

d. MPRSA Criteria

In evaluating the proposed modified ODMDS, the EPA assessed the site according to the criteria of the MPRSA, with emphasis on the general and specific regulatory criteria of 40 CFR part 228, to determine whether the proposed site designation satisfies those criteria. The EPA's DEA provides an extensive evaluation of the criteria and other related factors for the modification of the existing ODMDS.

General Criteria (40 CFR 228.5)

(a) Sites must be selected to minimize interference with other activities in the marine environment, particularly avoiding areas of existing fisheries or shellfisheries, and regions of heavy commercial or recreational navigation (40 CFR 228.5(a)).

Historically, an interim site located approximately 1.6 nautical miles from shore was used for ocean disposal of dredged material from Port Everglades Harbor but was discontinued in the 1980s due to potential impacts of sediments on nearby coral reef resources. The existing Port Everglades Harbor ODMDS was designated in 2005 under Section 103 of the MPRSA, as there was no nearby EPA-designated ODMDS. The evaluation for the 2005 designation included considerations of potential interference with other activities in the marine environment including avoiding areas of existing critical fisheries or shellfisheries, and regions of heavy commercial or recreational navigation. These evaluations were reconsidered from 2010 through to the present time as the proposed modified ODMDS continued to be assessed.

(b) Sites must be situated such that temporary perturbations to water quality or other environmental conditions during initial mixing caused by disposal operations would be reduced to normal ambient levels or undetectable contaminant concentrations or effects before reaching any beach, shoreline, marine sanctuary, or known geographically limited fishery or shellfishery (40 CFR 228.5(b)).

The proposed ODMDS modification area will be used for disposal of suitable dredged material as determined by Section 103 of the MPRSA. Based on the USACE and EPA sediment testing and evaluation procedures, disposal of dredged maintenance material and proposed new work material is not expected to have any long-term impact on water quality. The existing Port Everglades ODMDS and proposed modified ODMDS are located sufficiently far from shore and fisheries resources to allow temporary water quality disturbances caused by disposal of dredged material to be reduced to ambient conditions before reaching any environmentally sensitive areas.

(c) The sizes of disposal sites will be limited in order to localize for identification and control any immediate adverse impacts, and to permit the implementation of effective monitoring and surveillance to prevent adverse long-range impacts. Size, configuration, and location are to be determined as part of the disposal site evaluation (40 CFR 228.5(d)).

The location, size, and configuration of the proposed modified ODMDS provides long-term capacity, while also permitting effective site management, site monitoring, and limiting environmental impacts to the surrounding area to the greatest extent practicable.

Based on projected new work and maintenance dredging, and permitted dredged material disposal needs, it is estimated that the proposed modified ODMDS should be approximately 3.21 nmi² in size to meet the anticipated long-term disposal needs of the area. This would provide the proposed modified ODMDS with an estimated capacity of approximately 6.7 million cubic yards, which is sufficient to manage risk, account for future unknown disposal operations from private entities, and provide a margin of navigation safety.

By adding approximately 2.2 nmi² to the existing Port Everglades ODMDS, the total area of the proposed modified Port Everglades ODMDS would be 3.21 nmi². An ODMDS of this size and capacity will provide a long-term ocean disposal option for the greater Port Everglades area.

When determining the size of the proposed site, the ability to implement effective monitoring and surveillance programs was considered to ensure that the environment of the site could be protected, and that navigational safety would not be compromised by the mounding of dredged material. An SMMP is being developed and will be implemented to determine if disposal at the site is significantly affecting adjacent areas and to detect the presence of adverse effects. At a minimum, the monitoring program will consist of bathymetric surveys, sediment grain size analysis, chemical analysis of constituents of concern in the sediments, and an assessment of the constitution of the benthic community.

(d) EPA will, wherever feasible, designate ocean dumping sites beyond the edge of the continental shelf and other such sites where historical disposal has occurred (40 CFR 228.5(e)).

The existing Port Everglades ODMDS and proposed expansion of the ODMDS are beyond the edge of the continental shelf.

Specific Criteria (40 CFR 228.6)

(1) Geographical Position, Depth of Water, Bottom Topography and Distance From Coast (40 CFR 228.6(a)(1))

The proposed modified ODMDS is on the Florida Continental Slope, four nautical miles offshore of Fort Lauderdale, Florida. Water depths range from -179 to -232 meters (-587 to -761 feet), with an average depth of 207 meters (-678 feet). Sediments consist of sand with various mixtures of sand and silts with scattered rubble hardbottom. The DEA contains a map of the proposed ODMDS modification. The expansion retains the ODMDS off the continental shelf in a range that is not expected to allow sediments to travel to nearby shore-associated coral reef habitat.

(2) Location in Relation to Breeding, Spawning, Nursery, Feeding, or Passage Areas of Living Resources in Adult or Juvenile Phases (40 CFR 228.6(a)(2))

The proposed modified ODMDS has been selected to avoid the presence of any exclusive breeding, spawning, nursery, feeding, or passage areas for adult or juvenile phases of living resources.

(3) Location in Relation to Beaches and Other Amenity Areas (40 CFR 228.6(a)(3))

The center of the proposed modified ODMDS is several miles from any beaches or amenity areas. No significant impacts to beaches or amenity areas associated with the existing Port Everglades ODMDS have been detected. The U.S. Navy has facilities south of the ODMDS and were consulted to verify that no impediments will exist with the expanded ODMDS.

(4) Types and Quantities of Wastes Proposed To Be Disposed of, and Proposed Methods of Release, Including Methods of Packing the Waste, if any (40 CFR 228.6(a)(4))

Only suitable dredged material that meets the Ocean Dumping Criteria in 40 CFR 220–228 and receives a permit or is otherwise authorized for dumping by the USACE will be disposed in the proposed modified ODMDS. Dredged materials dumped in this area will be primarily sand and rock with some fines that originate from the Port Everglades Harbor. Average yearly disposal of dredged maintenance material into the proposed modified ODMDS is expected to be approximately 30,000 cubic yards and variable volumes of new work dredged material up to 6.7 million cubic yards. None of the material is packaged in any manner.

Under section 103 of the MPRSA, the USACE is the federal agency that decides whether to issue a permit authorizing the ocean disposal of dredged materials. In the case of federal navigation projects involving ocean disposal of dredged materials, the USACE is subject to MPRSA, but does not require a USACE permit. The USACE relies on the EPA's ocean dumping criteria when evaluating permit requests for (and implementing federal projects involving) the transportation of dredged material for the purpose of dumping it into ocean waters. MPRSA permits and federal projects involving ocean dumping of dredged material are subject to the EPA's review and concurrence. The EPA may concur, with or without conditions, or decline to concur on the permit, *i.e.* non-concur. If the EPA concurs with conditions, the final permit must include those conditions. If the EPA declines to concur (non-concurs) on an ocean dumping permit for dredged material, the USACE cannot issue the permit.

(5) Feasibility of Surveillance and Monitoring (40 CFR 228.6(a)(5))

The EPA expects monitoring and surveillance at the proposed modified ODMDS to be feasible and readily performed from ocean or regional class research vessels. The area of the proposed modified ODMDS has been surveyed and sampled in 2004, 2007 and 2014. The EPA will monitor the site for physical, biological and chemical attributes as well as for potential impacts. Bathymetric surveys will be conducted routinely, and benthic infauna and epibenthic organisms will be monitored, as described in the SMMP for the site.

(6) Dispersal, Horizontal Transport and Vertical Mixing Characteristics of the Area, Including Prevailing Current Direction and Velocity, if any (40 CFR 228.6(a)(6))

Current velocities vary throughout the water column and are subject to wind and the Florida Current based circulations which is generally northerly with eddies occuring that drive currents south. Currents measured at nearby sites are predominantly to the north or south on the order of 1–4 knots (50–200 centimeters per second).

(7) Existence and Effects of Current and Previous Discharges and Dumping in the Area (Including Cumulative Effects) (40 CFR 228.6(a)(7))

Previous disposal of dredged material in the existing Port Everglades ODMDS has resulted in temporary increases in suspended sediment concentrations during disposal operations, burial of benthic organisms within the site, and slight changes in the abundance and composition of benthic assemblages. Short-term, long-term, and cumulative effects of dredged material disposal in the proposed modified ODMDS would be similar to those for the existing Port Everglades ODMDS, which are expected to be temporary and return to baseline over time.

(8) Interference With Shipping, Fishing, Recreation, Mineral Extraction, Desalination, Fish and Shellfish Culture, Areas of Special Scientific Importance and Other Legitimate Uses of the Ocean (40 CFR 228.6(a)(8))

There will be minor, short-term interferences with commercial and recreational boat traffic during the transport of dredged material to the proposed modified ODMDS. The site has not been identified as an area of special scientific importance. There are no aquaculture areas near the site. There may be recreational fishing in the area. The likelihood of direct interference with these activities is low, provided there is close communication and coordination among users of the ocean resources. The U.S. Navy, Fort Lauderdale Branch, Naval Surface Warfare Center range is located south of the existing and proposed expanded ODMDS. There will be no impact to either U.S. Navy operations due to the expansion of the ODMDS. The SMMP for the proposed modified ODMDS contains provisions for corrective

measures if impacts to potential hardbottom habitat related to dredged material disposal are identified.

(9) The Existing Water Quality and Ecology of the Sites as Determined by Available Data or Trend Assessment of Baseline Surveys (40 CFR 228.6(a)(9))

Water quality of the existing site is typical of the Florida coast. Water and sediment quality analyses conducted in the vicinity of the proposed modified ODMDS and experience with past disposals in the existing Port Everglades ODMDS have not identified any adverse water quality impacts from ocean disposal of dredged material. The site supports benthic and epibenthic fauna characteristic of the region.

(10) Potentiality for the Development or Recruitment of Nuisance Species in the Disposal Site (40 CFR 228.6(a)(10))

Nuisance species, considered as any undesirable organism not previously existing at a location, have not been observed at, or in the vicinity of, the proposed modified ODMDS. Disposal of dredged material, as well as monitoring, has been ongoing for the past 14 years. Nuisance species have not been found. The dredged material to be disposed at the ODMDS is expected to be from similar locations to those dredged previously; therefore, it expected that any benthic organisms transported to the site would be relatively similar in nature to those already present.

(11) Existence at or in Close Proximity to the Site of any Significant Natural or Cultural Feature of Historical Importance (40 CFR 228.6(a)(11))

A maritime survey of this site was conducted in 2013 to identify areas of potential hardbottom resources as well as any historical artifacts. These efforts showed the presence of only two anomalies that when investigated were not likely to be indicative of potential historical or natural features. Wreckage from one modern sailing vessel was potentially identified in the northeast corner of the site. Scattered rubble hardbottom habitat was potentially identified within the expanded footprint.

The SMMP for the ODMDS contains measures to monitor potential identified resources.

III. Environmental Statutory Review

a. National Environmental Policy Act (NEPA)

The EPA's primary voluntary NEPA document for expanding the existing Port Everglades ODMDS is the DEA, prepared by the EPA in cooperation with the USACE and issued for public review and comment in January 2020. Anyone desiring a copy of the DEA may access it at *https://www.epa.gov/aboutepa/about-epa-region-4-southeast#r4-public-notices,* or obtain a copy from the address given above. The DEA issued in January 2020 amends a DEA that was previously issued for public review and comment in August 2013 to capture prior corresponding agency comments. Any comments received regarding the DEA issued in January 2020 will be provided in the Final Environmental Assessment for this proposed action. The DEA and its Appendices provide the threshold environmental review for modification of the ODMDS. The information from the DEA is used above in the discussion of the ocean dumping criteria.

The proposed action discussed in the DEA is the permanent designation of a modified ODMDS offshore Port Everglades, Florida. The purpose of the proposed action is to provide an environmentally acceptable option for the ocean disposal of dredged material. The need for the proposed modified ODMDS is based on a demonstrated USACE need for ocean disposal of dredged material from the Port Everglades Harbor Federal Navigation Project, including the deepening and widening portions of the Project. The need for ocean disposal for these and other future projects, and the suitability of the material for ocean disposal, will be determined on a case-by-case basis as part of the USACE process for reviewing ocean disposal actions and a public review process for its own actions to ocean dump dredged material from federal projects. These permit/authorization evaluations will include evaluation of disposal alternatives.

The DEA discusses the need for the proposed modified ODMDS and examines ocean disposal site alternatives to the proposed actions. The need for expanding the existing Port Everglades ODMDS is based on future capacity modeling, movement of fine sediments in the Miami ODMDS which correlate to this site, estimated dredging volumes for proposed projects, and limited capacity of upland disposal facilities in the area. Other options were considered nearer to the Port, but the other options were discarded due to potential impacts to protected coral resources. The following three ocean disposal alternatives were considered in the DEA.

No Action Alternative

The No Action Alternative is defined as not modifying the size of the existing Port Everglades ODMDS. Implementation of this alternative would not address the need for an adequately sized ocean dump site to accommodate future ocean disposal of dredging projections. As a result, the No Action Alternative does not meet the proposed action's purpose and need. However, the No Action Alternative was evaluated in the DEA as a basis to compare the effects of the other alternatives considered.

Alternative 1: Modification of the Existing Port Everglades ODMDS To Encompass a 3.21 nmi^2 Area in a North-South Orientation (Preferred Alternative)

Modification of the existing Port Everglades ODMDS to encompass a 3.21 nmi^2 area as described above is the environmentally and operationally preferred alternative and considered the most viable option. The existing Port Everglades ODMDS is relatively small and has a limited capacity. Modifying the existing Port Everglades ODMDS to increase capacity would sustain the disposal needs associated with: The federally authorized Port Everglades Harbor sand bypass and navigation projects; authorized maintenance dredging; and potential future private interests. It is the most feasible option based on containing dredged material from disposal operations while impacting the least potential hardbottom habitat. A detailed justification for this preferred alternative is included in Section 2 in the DEA.

Alternative 2: Modification of the Existing Port Everglades ODMDS To Encompass a 2.89 nmi^2 Area in an East-West Orientation

In order to inform viable options for expanding the existing site, the EPA evaluated the data and information included in the September 2013 *Evaluation of Dredged Material Behavior at the Port Everglades Harbor Federal Project Ocean Dredged Material Disposal Site.* The EPA specifically considered the option of expanding the site in an east-west orientation. Although designating an expanded ODMDS in an east-west orientation would provide adequate site capacity, there is the possibility that disposal to a site within this orientation would result in a higher level of impact to hardbottom habitat. As described in the DEA, a site more adequately protective of potential hardbottom areas was selected as the preferred alternative (Alternative 1).

b. Magnuson-Stevens Act

The USACE, in conjunction with EPA, submitted an Essential Fish

Habitat (EFH) assessment, pursuant to Section 305(b), 16 U.S.C. 1855(b)(2), of the Magnuson-Stevens Act, as amended (MSA), 16 U.S.C. 1801 to 1891d, to the National Marine Fisheries Service (NMFS). The USACE determined that the modification of the existing Port Everglades ODMDS will not significantly affect managed species or EFH; however, underwater surveys are being conducted to verify conclusions. Discussions with the NMFS are ongoing, and consultation will be completed prior to finalization of the rule.

c. Coastal Zone Management Act

Pursuant to an Office of Water policy memorandum dated October 23, 1989, the EPA has evaluated the proposed site designations for consistency with the State of Florida's (the State) approved coastal zone management program. On behalf of the EPA, the USACE, Jacksonville District determined that the proposed action is consistent with the Florida Coastal Management Program to the maximum extent practicable. Florida Department of Environmental Protection (FLDEP) issued Coastal Zone Consistency for the Port Everglades ODMDS on April 29, 2011. The EPA is communicating with the State of Florida to determine appropriate next steps to ensure consistency with the Coastal Zone Management Act.

d. Endangered Species Act

The Endangered Species Act (ESA), as amended, 16 U.S.C. 1531 to 1544, requires federal agencies to consult with NMFS and the U.S. Fish and Wildlife Service to ensure that any action authorized, funded, or carried out by the federal agency is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of any critical habitat. The EPA is opting to address consultation pursuant to ESA Section 7(d) due to the expected publication of an updated Biological Opinion for the South Atlantic District of the U.S. Army Corps of Engineers, which is expected to address the species to which this action may apply.

e. National Historic Preservation Act

The National Historic Preservation Act (NHPA), 16 U.S.C. 470 to 470a–2, requires federal agencies to consider the effect of their actions on districts, sites, buildings, structures, or objects, included in, or eligible for inclusion in the National Register of Historic Places (NRHP). The depths of the ODMDS (greater than 700 feet depth) exclude potential habitation or resources related to human settlements. In a letter dated February 4, 2013, the Florida Department of State concurred with the determination that no historic properties would be affected by the expansion of the ODMDS. The EPA is in communication with the State of Florida to determine whether any additional information has become available that may warrant changes to their 2013 determination.

IV. Statutory and Executive Order Reviews

This rule proposes to modify the Port Everglades ODMDS pursuant to Section 102 of the MPRSA. This proposed action complies with applicable executive orders and statutory provisions as follows:

a. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This proposed action is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

b. Executive Order 13089: Coral Reef Protection

This proposed action considers Executive Order 13089 on Coral Reef Protection ''to preserve and protect the biodiversity, health, heritage, and social and economic value of U.S. coral reef ecosystems and the marine environment.'' Conditions are present in the SMMP which are designed to reduce potential impacts from sediments during transit to the ODMDS.

c. Paperwork Reduction Act

This proposed action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* Burden is defined at 5 CFR 1320.3(b). This proposed site designation, does not require persons to obtain, maintain, retain, report, or publicly disclose information to or for a federal agency.

d. Regulatory Flexibility Act

The Regulatory Flexibility Act generally requires federal agencies to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions. For purposes of assessing the impacts of this rule on small entities, small entity is defined as: (1) A small business defined by the Small Business Administration's size regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district, or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. The EPA determined that this proposed action will not have a significant economic impact on small entities because the proposed rule will only have the effect of regulating the location of site to be used for the disposal of dredged material in ocean waters. After considering the economic impacts of this proposed rule, the EPA certifies that this proposed action will not have a significant economic impact on a substantial number of small entities.

e. Unfunded Mandates Reform Act

This proposed action contains no federal mandates under the provisions of Title II of the Unfunded Mandates Reform Act (UMRA) of 1995, 2 U.S.C. 1531 to 1538, for State, local, or tribal governments or the private sector. This proposed action imposes no new enforceable duty on any State, local or tribal governments or the private sector. Therefore, this proposed action is not subject to the requirements of sections 202 or 205 of the UMRA. This proposed action is also not subject to the requirements of section 203 of the UMRA because it contains no regulatory requirements that might significantly or uniquely affect small government entities. Those entities are already subject to existing permitting requirements for the disposal of dredged material in ocean waters.

f. Executive Order 13132: Federalism

This proposed action does not have federalism implications. It does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among various levels of government, as specified in Executive Order 13132. Thus, Executive Order 13132 does not apply to this proposed action. In the spirit of Executive Order 13132, and consistent with the EPA policy to promote communications between the EPA and State and local governments, the EPA specifically solicited comments on this proposed action from State and local officials.

g. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This proposed action does not have tribal implications, as specified in Executive Order 13175 because the modification of the existing Port Everglades ODMDS will not have a direct effect on 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. In addition, the depths of the ODMDS (greater than 700 feet depth) exclude potential habitation or resources related to human settlements. Thus, Executive Order 13175 does not apply to this action. However, the EPA specifically welcomes comments on this proposed action from tribal officials and any comments related to this Executive Order.

h. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under Section 5–501 of the Executive Order has the potential to influence the regulation. This proposed action is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks. However, the EPA welcomes comments on this proposed action related to this Executive Order.

i. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This proposed action is not subject to Executive Order 13211, ''Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355) because it is not a ''significant regulatory action'' as defined under Executive Order 12866. However, we welcome comments on this proposed action related to this Executive Order.

j. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, 12(d) (15 U.S.C. 272), directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus bodies. The NTTAA directs the EPA to provide Congress, through Office of Management and Budget, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This proposed action includes environmental monitoring and measurement as described in the EPA's proposed SMMP. The EPA will not require the use of specific, prescribed analytic methods for monitoring and managing the proposed modified ODMDS. The Agency plans to allow the use of any method, whether it constitutes a voluntary consensus standard or not, that meets the monitoring and measurement criteria discussed in the SMMP. The EPA welcomes comments on this aspect of the proposed rulemaking and, specifically, invites the public to identify potentially applicable voluntary consensus standards and to explain why such standards should be used in this proposed action.

k. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 (59 FR 7629) 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. The EPA determined that this proposed rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. The EPA has assessed the overall protectiveness of modifying the existing Port Everglades ODMDS against the criteria established pursuant to the MPRSA to ensure that any adverse impact to the environment will be mitigated to the greatest extent practicable. The EPA welcomes comments on this proposed action related to this Executive Order.

List of Subjects in 40 CFR Part 228

Environmental protection, Water pollution control.

Authority: This action is issued under the authority of Section 102 of the Marine Protection, Research, and Sanctuaries Act, as amended, 33 U.S.C. 1401, 1411, 1412.

Dated: February 18, 2020.

Mary S. Walker,

Regional Administrator, EPA Region 4.

For the reasons set out in the preamble, the EPA proposes to amend chapter I, title 40 of the Code of **Federal Register** as follows:

PART 228—CRITERIA FOR THE MANAGEMENT OF DISPOSAL SITES FOR OCEAN DUMPING

■ 1. The authority citation for part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418.

■ 2. Section 228.15 is amended by revising paragraphs (h)(14)(i) through (iii) and (vi) to read as follows:

§ 228.15 Dumping sites designated on a final basis.

* * * * *

(h) * * *

(14) * * *

(i) *Location:* Corner Coordinates (NAD 1983) 26° 06.500′, 80° 01.000′; 26° 06.500′, 80° 02.578′; 26° 08.750, 80° 02.578′; 26° 08.750′, 80° 01.000′.

(ii) *Size:* Approximately 2.31 square nautical miles in size.

(iii) *Depth:* Ranges from approximately 587 to 761 feet (179 to 232 meters).

* * * * *

(vi) *Restrictions:* (A) Disposal shall be limited to dredged material from the Port Everglades, Florida area;

(B) Disposal shall be limited to dredged material determined to be suitable for ocean disposal according to 40 CFR 220–228;

(C) Disposal shall be managed by the restrictions and requirements contained in the currently approved Site Management and Monitoring Plan (SMMP);

(D) Monitoring, as specified in the currently approved SMMP, is required.

* * * * *

[FR Doc. 2020–04650 Filed 3–12–20; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 85, No. 50
Friday, March 13, 2020

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

March 10, 2020.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, Washington, DC; New Executive Office Building, 725—17th Street NW, Washington, DC, 20503. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602.

Comments regarding these information collections are best assured of having their full effect if received by April 13, 2020. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Agricultural Marketing Service

Title: Reporting Forms Under Milk Marketing Order Programs.

OMB Control Number: 0581–0032.

Summary of Collection: Agricultural Marketing Service (AMS) oversees the administration of the Federal Milk Marketing Orders authorized by the Agricultural Marketing Agreement Act of 1937, as amended. The Act is designed to improve returns to producers while protecting the interests of consumers. The Federal Milk Marketing Order regulations require places certain requirements on the handling of milk in the area it covers. Currently, there are 11 milk marketing orders regulating the handling of milk in the respective marketing areas.

Need and Use of the Information: The information collected is needed to administer the classified pricing system and related requirements of each Federal Order. Forms are used for reporting purposes and to establish the quantity of milk received by handlers, the pooling status of the handler, and the class-use of the milk used by the handler and the butterfat content and amounts of other components of the milk. Without the monthly information, the market administrator would not have the information to compute each monthly price nor know if handlers were paying producers on dates prescribed in the order. Penalties are imposed for violation of the order, such as the failure to pay producers by the prescribed dates.

Description of Respondents: Business or other for-profit; Not-for-profit institutions; Individuals or households; Farms.

Number of Respondents: 745.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Quarterly; Monthly; Annually.

Total Burden Hours: 28,559.

Ruth Brown,
Departmental Information Collection Clearance Officer.

[FR Doc. 2020–05166 Filed 3–12–20; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

[Docket No. FSA–2020–0001]

Information Collection Request; Power of Attorney

AGENCY: Farm Service Agency, USDA.

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Farm Service Agency (FSA) is requesting comments from all interested individuals and organizations on an extension and a revision of a currently approved information collection associated with the form of the Power of Attorney. This information collection is used to support the FSA, Commodity Credit Corporation (CCC), Natural Resources Conservation Service (NRCS), Federal Crop Insurance Corporation (FCIC) and Risk Management Agency (RMA) in conducting business and accepting signatures on certain documents from individuals acting on behalf of other individuals or entities.

DATES: We will consider comments that we receive by May 12, 2020.

ADDRESSES: We invite you to submit comments on this notice. In your comments, include date, volume, and page number of this issue of the **Federal Register**. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and search for Docket ID FSA–2020–0001. Follow the online instructions for submitting comments.
- *Mail:* Joe Lewis Jr., Agricultural Program Specialist, USDA, FSA, STOP 0572, 1400 Independence Avenue SW, Washington, DC 20250–0572.

You may also send comments to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. Copies of the information collection may be requested by contacting Joe Lewis Jr. at the above addresses.

FOR FURTHER INFORMATION CONTACT: Joe Lewis Jr., (202) 720–0795.

SUPPLEMENTARY INFORMATION:

Title: Power of Attorney.

OMB Control Number: 0560–0190.

Expiration Date of Approval: June 30, 2020.

Type of Request: Revision and extension.

Abstract: Individuals or entities that want to appoint another to act as an attorney-in-fact in connection with certain FSA, CCC, NRCS, FCIC, and RMA programs and related actions must complete a form of FSA–211, Power of Attorney form. The form is used by a grantor to appoint another to act on the individual's or entity's behalf for certain FSA, CCC, NRCS, FCIC and RMA programs or other specific actions, giving the appointee legal authority to enter into certain programs, agreements, or contracts, or other specific actions on the grantor's behalf. The form also provides FSA, CCC, NRCS, FCIC and RMA a source to verify an individual's authority to sign and act for another in the event of errors or fraud. The information collected on the form is limited to grantor's name, signature and identification number, the grantee's address, and the applicable FSA, CCC, NRCS, FCIC and RMA programs or transactions.

The burden hours in this collection decreased by 58,032 since the last OMB approval. The reason for the decrease is due to the removal of travel times from the request. The respondents may submit applications by mail and many respondents go to the county offices to do regular and customary business with FSA for other FSA programs and can complete and submit the form FSA–211 during this time; this means no travel time is required specifically for the information collection and therefore, it is no longer included in the burden hour reporting.

For the following estimated total annual burden on respondents, the formula used to calculate the total burden hours is the estimated average time per responses multiplied by the estimated total annual of responses.

Estimate of Average Time To Respond: Public reporting burden for collecting information under this notice is estimated to average 0.483 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Type of Respondents: Individuals and households.

Estimated Number of Respondents: 12,896.

Estimated Average Number of Responses per Respondent: 1.

Estimated Total Annual Responses: 12,896.

Estimated Average Time per Response: 0.483.

Estimated Total Annual Burden on Respondents: 6,224 hours.

We are requesting comments on all aspects of this information collection to help us 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 estimate of burden of the collection of information including the validity of the methodology and assumptions used;

(3) Evaluate the quality, utility and clarity of the information technology; and

(4) Minimize the burden of the information collection on those who respond through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses where provided, will be made a matter of public record. Comments will be summarized and included in the request for OMB approval.

Richard Fordyce,

Administrator, Farm Service Agency.

[FR Doc. 2020–05162 Filed 3–12–20; 8:45 am]

BILLING CODE 3410–05–P

CIVIL RIGHTS COMMISSION

Sunshine Act Meeting Notice

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of Commission Public Briefing, *Racial Disparities in Maternal Health.*

DATES: Friday, March 20, 2020, 9:00 a.m. Eastern Time (ET).

ADDRESSES: Place: National Place Building, 1331 Pennsylvania Ave. NW, Suite 1150, Washington, DC 20245 (Entrance on F Street NW).

FOR FURTHER INFORMATION CONTACT: Zakee Martin, (202) 376–8359; TTY: 711 (202) 376–7700; *publicaffairs@usccr.gov.*

SUPPLEMENTARY INFORMATION: The U.S. Commission on Civil Rights will hold a briefing on March 20, 2020, to examine racial disparities in maternal health. The Commission is studying the federal role in preventing negative pregnancy-related health outcomes and pregnancy-related deaths of women in the U.S. The Commission will analyze current data regarding pregnancy-related and pregnancy-associated deaths, including data collected by the Centers for Disease Control and Prevention (CDC), the National Institute of Minority Health and Health Disparities, and the Department of Health and Human Services' (HHS) State Partnership Initiative to Address Health Disparities. The Commission's investigation and subsequent report will aim to inform work being carried out in the federal government to address racial disparities in maternal health outcomes.

This briefing is open to the public. We will offer an open comment session in which members of the public will have an opportunity to address the Commission; detailed information, including on registering for a five-minute speaking slot, can be viewed *here.* Individuals may attend the briefing without the need to confirm attendance or RSVP.

The event will also live-stream. (Information subject to change.) There will also be a public call-in line (listen-only): 800–822–2024, conference ID: 152–9122. If attending in person, we ask that you RSVP to *publicaffairs@usccr.gov.*

A trauma specialist will be available on site. Sign language interpreters and computer assisted real-time transcription (CART) will be provided. Please note that CART is text-only translation that occurs in real time during the meeting and is not an exact transcript. To inquire about additional accommodations, please email *access@usccr.gov* or contact Pamela Dunston at (202) 376–8105 by Friday, March 13, 2020.

The Commission welcomes the submission of additional material for consideration as we prepare our report; please submit to *maternalhealth@usccr.gov* no later than April 20, 2020. Stay abreast of updates at *www.usccr.gov* and on Twitter and Facebook.

Agenda

Introductory Remarks: Chair Catherine E. Lhamon: 9:00 a.m.–9:10 a.m.

Panel One: Understanding the Research and Impact of Racial Disparities on Pregnancy and Childbirth: 9:10 a.m.–10:40 a.m.

Break: 10:40 a.m.–10:50 a.m.

Panel Two: Policy and Legislation: 10:50 a.m.–12:10 p.m.

Break: 12:10 p.m.–1:10 p.m.

Panel Three: Service Providers/ Private Organizations: 1:10 p.m.–2:30 p.m.

Break: 2:30 p.m.–2:40 p.m.

Panel Four: Lived Experience: 2:40 p.m.–4:00 p.m.

Break: 4:00 p.m.–5:00 p.m.

Open Public Comment Session: 5:00 p.m.–6:30 p.m.

Adjourn Briefing: 6:30 p.m.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2020–05346 Filed 3–11–20; 4:15 pm]

BILLING CODE P

DEPARTMENT OF COMMERCE

Census Bureau

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

Agency: U.S. Census Bureau.

Title: Automated Export System.

OMB Control Number: 0607–0152.

Form Number(s): Automated Export System (AES).

Type of Request: Revision of a currently approved collection.

Number of Respondents: 287,314 firms filing 17,315,950 AES transactions annually.

Average Hours per Response: 3 minutes per AES transaction.

Burden Hours: 865,798.

Needs and Uses: The Census Bureau requires mandatory filing of all export information via the AES. This requirement is mandated through Public Law 107–228 of the Foreign Trade Relations Act of 2003. This law authorizes the Secretary of Commerce with the concurrences of the Secretary of State and the Secretary of Homeland Security to require all persons who file export information according to Title 13, United States Code (U.S.C.), Chapter 9, to file such information through the AES.

The AES is the primary instrument used for collecting export trade data, which are used by the Census Bureau for statistical purposes. The AES record provides the means for collecting data on U.S. exports. Title 13, U.S.C., Chapter 9, Sections 301–307, mandates the collection of these data. The regulatory provisions for the collection of these data are contained in the Foreign Trade Regulations (FTR), Title 15, Code of Federal Regulations (CFR), Part 30. The official export statistics collected from these tools provide the basic component for the compilation of the U.S. position on merchandise trade. These data are an essential component of the monthly totals provided in the U.S. International Trade in Goods and Services (FT–900) Press Release, a principal economic indicator and a primary component of the Gross Domestic Product. The published export data enable U.S. businesses to develop practical marketing strategies as well as provide a means to assess the impact of exports on the domestic economy. These data are used in the development of U.S. government economic and foreign trade policies, including export control purposes under Title 50, U.S.C., Export Administration Act. The Bureau of Industry and Security (BIS), U.S. Customs and Border Protection (CBP), and other enforcement agencies use these data to detect and prevent the export of certain items by unauthorized parties to unauthorized destinations or end users. This information is noted in the ACE AESDirect User Guide.

In order to publish accurate export trade statistics, the Census Bureau is responsible for maintaining the Foreign Trade Regulations (FTR), which implement the provisions for reporting the Electronic Export Information (EEI) in the AES. In addition to the publication of the FT–900, the Census Bureau releases data on imports of steel mill products in advance of the regular monthly trade statistics release. This exception to the normal procedure was initially approved by the Office of Management and Budget (OMB) in January 1999 and has been subsequently extended annually through means of a separately submitted memo. This exception has permitted the public release of preliminary monthly data on imports of steel under the provisions of the OMB's Statistical Policy Directive No. 3 on the Compilation, Release and Evaluation of Principal Federal Economic Indicators. With this planned revision to the AES Program, the Census Bureau requests that provisions for the early release of preliminary steel mill import statistics be included in the clearance, thereby eliminating the need for a separate annual re-approval from OMB for the early release. See Attachment F for the Preliminary Report on U.S. Imports for Consumption of Steel Products.

Currently, the Census Bureau is drafting a Notice of Proposed Rulemaking (NPRM) to clarify the responsibilities of parties participating in routed and standard export transactions. The draft rule has received concurrence from the U.S. Department of State (State Department) and the Department of Homeland Security (DHS). Though concurrence was received from State Department and DHS, it is important to note that the Department of Commerce's Bureau of Industry and Security (BIS) administers the Export Administration Regulations (EAR) that also govern routed export transactions. BIS has also drafted a NPRM to revise the EAR as it pertains to routed export transactions. Both rules have required extensive review and coordination with each agency to ensure that there are no discrepancies or contradictory language in either NPRM. The Census Bureau is working with BIS to receive concurrence in order to publish the NPRM. The goal is to publish both NPRMs around the same time in order to allow the trade community an opportunity to review the proposed requirements as they relate to both filing and licensing responsibilities in a routed export transaction.

The draft rule also proposes to revise and add several key terms used in the regulatory provision of these transactions, including authorized agent, forwarding agent, standard export transaction and written release. While revisions to the FTR are necessary to improve clarity to the filing requirements for the routed export transaction, it is critical for the Census Bureau to ensure that any revisions made to the FTR will allow for the continued collection and compilation of complete, accurate and timely trade statistics. Additionally, it is important that the responsibilities of the U.S. Principal Party in Interest (USPPI) and the U.S. authorized agent are clearly defined to ensure that the EEI is filed by the appropriate party to prevent receiving duplicate filings or in some cases, no filings. The changes proposed in the NPRM will not have an impact on the reporting burden of the export trade community.

The information collected via the AES conveys what is being exported (description and commodity classification number), how much is exported (quantity, shipping weight, and value), how it is exported (mode of transport, exporting carrier, and whether containerized), from where (state of origin and port of export), to where (port of unloading and country of ultimate destination), and when a commodity is exported (date of exportation). The identification of the USPPI shows who is exporting goods. The USPPI and/or the forwarding or other agent information provides a

contact for verification of the information.

The information collected via the AES is used by the U.S. Federal Government and the private sector. The data collected from the AES serves as the official record of export transactions. The mandatory use of the AES enables the Federal Government to produce more complete, accurate and timely export statistics. The Census Bureau delegated the authority to enforce the FTR to the BIS's Office of Export Enforcement along with the DHS's U.S. Customs and Border Protection (CBP) and Homeland Security Investigations (HSI). The mandatory use of the AES also facilitates the enforcement of the EAR for the detection and prevention of exports of national security sensitive commodities to unauthorized destinations by the BIS and the CBP; the International Traffic in Arms Regulations by the U.S. Department of State for the exports of defense articles; the validation of the Kimberly Process Certificate for the exports of rough diamonds; and regulations pertaining to other federal agencies export requirements. (*i.e.* Environmental Protection Agency, Drug Enforcement Agency, etc.)

Other Federal agencies use these data to develop the components of the merchandise trade figures used in the calculations for the balance of payments and Gross Domestic Product accounts to evaluate the effects of the value of U.S. exports; to plan and examine export promotion programs and agricultural development and assistance programs; and to prepare for and assist in trade negotiations under the General Agreement on Tariffs and Trade. Collection of these data also eliminates the need for conducting additional surveys for the collection of information as the AES shows the relationship of the parties to the export transaction (as required by the Bureau of Economic Analysis). The Bureau of Labor Statistics also use these AES data as a source for developing the export price index and by the U.S. Department of Transportation for administering the negotiation of reciprocal arrangements for transportation facilities between the U.S. and other countries. Additionally, a collaborative effort amongst the Census Bureau, the National Governors' Association and other data users resulted in the development of export statistics requiring the state of origin to be reported on the AES. This information enables state governments to focus activities and resources on fostering the exports of goods that originate in their states.

Export statistics collected from the AES aid private sector companies, financial institutions, and transportation entities in conducting market analysis and market penetration studies for the development of new markets and market-share strategies. Port authorities, steamship lines, airlines, aircraft manufacturers, and air transport associations use these data for measuring the volume and effect of air or vessel shipments and the need for additional or new types of facilities.

The International Trade Administration relies heavily on the preliminary import statistics of steel mill products provided by the Census Bureau. In 1999, as a part of the federal government's steel initiative, the Department of Commerce was instructed by the White House administration to monitor steel imports so that industry could monitor trends and take appropriate action. Currently, the steel industry faces a similar situation further necessitating the preliminary publication of these statistics. The early release of preliminary statistics on steel mill imports provides the public with an early warning of any potential shifts in trade patterns in this important industry. A variety of parties, including government officials and the public with an interest in imports of steel products continue to use this monitoring system heavily.

The importer of record or its licensed customs broker file electronic entry summaries through the ACE, and file paper import entry summaries (CBP–7501) or paper records of vessel foreign repair or equipment purchase (CBP–226) directly with CBP in accordance with 19 CFR parts 1–199. The FTR, subpart F addresses the general requirements for filing import entries with CBP in the ACE in accordance with 19 CFR, which is the source of the import data on steel mill products.

Affected Public: Business or other for-profit.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 United States Code, Chapter 9, Section 301.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2020–05192 Filed 3–12–20; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; Current Population Survey (CPS) Voting and Registration Supplement

AGENCY: Census Bureau, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. The information to be collected is the Voting and Registration Supplement, collected in conjunction with the Current Population Survey (CPS).

DATES: To ensure consideration, written comments must be submitted on or before May 12, 2020.

ADDRESSES: Direct all written comments to Lisa A. Clement, Survey Director, Current Population and American Time Use Surveys, U.S. Census Bureau, 4600 Silver Hill Road, ADDP/CPS HQ–7H141, Washington, DC 20233 (or via the internet at *PRAcomments@doc.gov*). You may also submit comments, identified by Docket Number USBC–2019–0019, to the Federal e-Rulemaking Portal: *http://www.regulations.gov.* All comments received are part of the public record. No comments will be posted to *http://www.regulations.gov* for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should

be directed to Tim J. Marshall, U.S. Census Bureau, ADDP/CPS HQ–7H143, Washington, DC 20233–8400, (301) 763–3806 (or via the internet at *dsd.cps@census.gov*).

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau plans to request clearance from the Office of Management and Budget (OMB) for the collection of data concerning the Voting and Registration Supplement to be conducted in conjunction with the November 2020 CPS. The Census Bureau sponsors the supplement questions, which have been previously collected in November biennially since 1964. The current clearance expired August 31, 2019.

This survey has provided statistical information for tracking historical trends of voter and nonvoter characteristics in each Presidential or Congressional election since 1964. The data collected from the November supplement relates demographic characteristics (age, sex, race, education, occupation, and income) to voting and nonvoting behavior. The November CPS supplement is the only federal survey that provides a comprehensive set of voter and nonvoter characteristics. Federal, state, and local election officials use these data to formulate policies relating to the voting and registration process. Academic researchers, political party committees, think tanks, and other private organizations also use the voting and registration data.

II. Method of Collection

The voting and registration information will be collected by both personal visit and telephone interviews in conjunction with the November CPS interviewing. All interviews are conducted using computer-assisted interviewing.

III. Data

OMB Control Number: 0607–0466.

Form Number(s): There are no paper forms. We conduct all interviews using computers.

Type of Review: Regular submission.

Affected Public: Households.

Estimated Number of Respondents: 52,000.

Estimated Time per Response: 1.5 minutes.

Estimated Total Annual Burden Hours: 1300.

Estimated Total Annual Cost to Public: $0 (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required by the collection.)

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, Section 182; and Title 29, United States Code, Section 1.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection 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 on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2020–05191 Filed 3–12–20; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; 2020 New York City Housing and Vacancy Survey

AGENCY: Census Bureau, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the proposed reinstatement, with change, of the 2020 New York City Housing and Vacancy Survey, as required by the Paperwork Reduction Act of 1995.

DATES: To ensure consideration, written comments must be submitted on or before May 12, 2020.

ADDRESSES: Direct all written comments to Tamara Cole, Survey Director, U.S. Census Bureau, 4600 Silver Hill Road, Room 8H181, Washington, DC 20233 (or via the internet at *PRAcomments@doc.gov*). You may also submit comments, identified by Docket Number USBC–2019–0007, to the Federal e-Rulemaking Portal: *http://www.regulations.gov.* All comments received are part of the public record. No comments will be posted to *http://www.regulations.gov* for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Tamara Cole, US Census Bureau, Room 8H181, Washington, DC 20233–8500; phone 301–763–4665; email *Tamara.A.Cole@census.gov.*

SUPPLEMENTARY INFORMATION

I. Abstract

The New York City Housing and Vacancy Survey (NYCHVS) is sponsored by the New York City Department of Housing Preservation and Development and is conducted approximately every three years. The Census Bureau has conducted the survey for the City since 1962. The primary purpose of the survey is to measure the net rental vacancy rate, and describe the supply, condition, and continued need for rent control and rent stabilization. NYCHVS survey data are also used by policymakers, advocates, and researchers to inform policy and analyze housing costs and conditions in the City.

Detailed data from the survey cover many characteristics of the City's housing market, including characteristics of the City's population, households, housing stock, and neighborhoods. Data collected about each person in the household include housing costs and burden, income and employment, and key demographics, including membership in protected classes. On the household level, the NYCHVS collects data including total housing costs and income, public assistance, healthcare and childcare costs, and residential history. Data on the City's housing stock include building and unit quality and condition,

rent regulatory and homeownership status, and unit size and accessibility.

II. Method of Collection

We will attempt to collect all information via a computer-assisted personal interview in English, Spanish, Chinese (both Mandarin and Cantonese), Russian, Haitian Creole, or Bengali. However, upon the respondent's request, a telephone interview may be conducted. Interviews will be conducted with a knowledgeable adult in the household. In the event that the knowledgeable adult is unable to respond on behalf of another adult household member, we will make an effort to follow-up with the second household member to obtain more complete information. We will work to make sure that accommodations are made for respondents that require some form of modification to allow them to complete the interview.

III. Data

The core NYCHVS sample is longitudinal within each decade. The 2020 sample consists of approximately 30,000 housing units.

The Census Bureau releases the resulting survey estimates in non-identifiable microdata and select initial findings in tabular format. Both types of data are also made available to the general public through the Census internet site.

OMB Control Number: 0607–0757.

Form Number(s): None.

Type of Review: Regular submission.

Affected Public: Households and rental offices/realtors (for vacant units).

Estimated Number of Respondents: 30,000.

Estimated Time per Response: 40 minutes.

Estimated Total Annual Burden Hours: 20,000.

Estimated Total Annual Cost to Public: $0 (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C.—Section 8b, and the Local Emergency Housing Rent Control Act, Laws of New York (Chapters 8603 and 657).

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection 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 on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2020–05193 Filed 3–12–20; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–801]

Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Corrected Notice of Court Decision Not in Harmony With Final Results of Administrative Review and Notice of Amended Final Results of Antidumping Duty Administrative Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On May 24, 2018, the United States Court of International Trade (CIT) issued a final judgment in *Vinh Hoan Corporation et al.* v. *United States,* Consol. Court No. 13–00156 (*Vinh Hoan*). On July 31, 2018, the Department of Commerce (Commerce) notified the public that the final judgment in that case is not in harmony with Commerce's final results of the underlying administrative review, and, as a result, it also amended the final results, involving the antidumping duty (AD) order on certain frozen fish fillets (fish fillets) from the Socialist Republic of Vietnam (Vietnam) covering the period of review (POR) August 1, 2010 through July 31, 2011. Commerce hereby amends the prior notice.

DATES: Applicable June 3, 2018.

FOR FURTHER INFORMATION CONTACT: Javier Barrientos, AD/CVD Operations Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2243.

SUPPLEMENTARY INFORMATION:

Background

On May 24, 2018, the CIT issued a final judgment in *Vinh Hoan,* sustaining Commerce's remand results for the eighth administrative review of the AD order on fish fillets from Vietnam covering the POR August 1, 2010 through July 31, 2011. On July 31, 2018, Commerce notified the public that the final judgment was not in harmony with the final results of that administrative review.[1] As a consequence, Commerce also amended the final results of the eighth administrative review. However, in the *First Timken Notice,* Commerce inadvertently published incorrect weighted-average dumping margins for all companies except Vinh Hoan Corporation.[2] As such, we have corrected these rates in the chart below.

Amended Final Results

Commerce is amending the *First Timken Notice* with respect to all companies in the review except Vinh Hoan Corporation. The revised weighted-average dumping margins for these exporters during the period August 1, 2010 through July 31, 2011 are as follows:

Exporter	Weighted-average dumping margin (dollars per kilogram)
Vinh Hoan Corporation [3]	0.13
Anvifish Joint Stock Company [4]	2.30
An Giang Agriculture and Food Import-Export Joint Stock Company	1.26
Asia Commerce Fisheries Joint Stock Company	1.26
Binh An Seafood Joint Stock Company	1.26
Cadovimex II Seafood Import-Export and Processing Joint Stock Company	1.26
Hiep Thanh Seafood Joint Stock Company	1.26
Hung Vuong Corporation	1.26
Nam Viet Corporation	1.26
NTSF Seafoods Joint Stock Company	1.26
QVD Food Company Ltd [5]	1.26
Saigon Mekong Fishery Co., Ltd	1.26

[1] *See Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Notice of Court Decisions Not in Harmony With Final Results of Administrative Review and Notice of Amended Final Results of Antidumping Duty Administrative Review,* 83 FR 36876 (July 31, 2018) (*First Timken Notice*).

[2] *Id.,* 83 FR at 36877–78.

Exporter	Weighted-average dumping margin (dollars per kilogram)
Southern Fisheries Industries Company Ltd	1.26
Vinh Quang Fisheries Corporation	1.26

Assessment Instructions

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on unliquidated entries of subject merchandise exported by the companies mentioned above using the assessment rates listed above.

Cash Deposit Requirements

Unless the applicable cash deposit rates have been superseded by cash deposit rates calculated in an intervening administrative review of the AD order on fish fillets from Vietnam, Commerce will instruct CBP to require a cash deposit for estimated AD duties at the rate noted above for each specified exporter for entries of subject merchandise entered or withdrawn from warehouse for consumption on or after June 3, 2018.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e), 751(a)(1), and 777(i)(1) of the Tariff Act of 1930, as amended.

Dated: March 6, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2020–05182 Filed 3–12–20; 8:45 am]

BILLING CODE 3510–DS–P

[3] This rate is applicable to the Vinh Hoan Group which includes: Vinh Hoan Corporation and its affiliates Van Duc Food Export Joint Company and Van Duc Tien Giang. This rate did not change from the *First Timken Notice.*

[4] This company includes the trade name Anvifish Co., Ltd.

[5] This rate is also applicable to QVD Dong Thap Food Co., Ltd. (Dong Thap) and Thuan Hung Co., Ltd. (THUFICO). In the second review of this order, Commerce found QVD Food Company Ltd., Dong Thap and THUFICO to be a single entity, and, because there has been no evidence submitted on the record of this review that calls this determination into question, we continue to find these companies to be part of a single entity. Therefore, we assign this rate to the companies in the single entity. *See Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Preliminary Results of Antidumping Duty Administrative Review,* 71 FR 53387 (September 11, 2006).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–854]

Certain Steel Nails From Taiwan: Final Results of Antidumping Duty Administrative Review and Determination of No Shipments; 2017–2018

AGENCY: Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that Liang Chyuan Industrial Co., Ltd. and its affiliate Integral Building Products Inc. (collectively, LC), PT Enterprise, Inc. and its affiliated producer Pro-Team Coil Nail Enterprise, Inc. (collectively, PT), and Unicatch Industrial Co. Ltd. (Unicatch), made U.S. sales of subject merchandise below normal value during the period of review (POR) July 1, 2017 through June 30, 2018.

DATES: Applicable March 13, 2020.

FOR FURTHER INFORMATION CONTACT: Irene Gorelik, Suzanne Lam, or Joseph Dowling, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6905, (202) 482–0783, or (202) 482–1646, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 12, 2019, Commerce published the *Preliminary Results* of this administrative review.[1] For a discussion of the events that occurred since the *Preliminary Results, see* the Issues and Decision Memorandum.[2] On December 16, 2019, we partially extended the deadline for the final results to February 19, 2020.[3] On January 30, 2020, Commerce fully extended the final results deadline until March 10, 2020.[4]

Scope of the Order [5]

The merchandise covered by this order is certain steel nails. The certain steel nails subject to the order are currently classifiable under HTSUS subheadings 7317.00.55.02, 7317.00.55.03, 7317.00.55.05, 7317.00.55.07, 7317.00.55.08, 7317.00.55.11, 7317.00.55.18, 7317.00.55.19, 7317.00.55.20, 7317.00.55.30, 7317.00.55.40, 7317.00.55.50, 7317.00.55.60, 7317.00.55.70, 7317.00.55.80, 7317.00.55.90, 7317.00.65.30, 7317.00.65.60 and 7317.00.75.00. Certain steel nails subject to this order also may be classified under HTSUS subheadings 7907.00.60.00, 8206.00.00.00 or other HTSUS subheadings. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive. For a complete description of the scope of the order, *see* the Issues and Decision Memorandum.[6]

Analysis of Comments Received

In the Issues and Decision Memorandum, we addressed all issues raised in parties' case and rebuttal briefs. In the Appendix to this notice, we provide a list of the issues raised by parties. 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 in the Central Records Unit (CRU), 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/index.html.* The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Final Determination of No Shipments

Commerce received timely no-shipment certifications from six companies.[7] Commerce inadvertently

[1] *See Certain Steel Nails from Taiwan: Preliminary Results of Antidumping Duty Administrative Review; 2017–2018,* 84 FR 48116 (September 12, 2019) and accompanying Preliminary Decision Memorandum (*Preliminary Results*).

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review: Certain Steel Nails from Taiwan; 2017–2018'' (Issues and Decision Memorandum), dated concurrently with, and hereby adopted by, this notice.

[3] *See* Memorandum, ''Certain Steel Nails from Taiwan: Extension of Deadline for Final Results of Antidumping Duty Administrative Review,'' dated December 16, 2019.

[4] *See* Memorandum, ''Certain Steel Nails from Taiwan: Second Extension of Deadline for Final Results of Antidumping Duty Administrative Review,'' dated January 30, 2020.

[5] *See Certain Steel Nails from the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, and the Socialist Republic of Vietnam: Antidumping Duty Orders,* 80 FR 39994 (July 13, 2015) (*Order*).

[6] *See* Issues and Decision Memorandum.

[7] *See* certifications of no shipments filed by: (1) Astrotech Steels Private Limited, dated October 5, 2018; (2) Jinhai Hardware Co., Ltd., dated October

Continued

omitted from the *Preliminary Results* a preliminary determination of no shipments regarding these companies. However, Commerce issued a no-shipment inquiry to U.S. Customers and Border Protection (CBP) on November 2, 2018.[8] CBP responded that it did not find any shipments of subject merchandise from these six companies.[9] Further, we received no comments regarding the no-shipment certifications of these six companies or the CBP response to our inquiry. Accordingly, because the record contains no evidence to the contrary, we find that these six companies made no shipments of subject merchandise during the POR. Accordingly, consistent with Commerce's practice, we will instruct CBP to liquidate any existing entries of subject merchandise produced by these six companies, but exported by other parties, at the rate for the intermediate reseller, if available, or at the all-others rate.

Changes Since the Preliminary Results

Based on our review of the record and comments received from interested parties, we made certain changes to the *Preliminary Results.* Specifically, we made adjustments to the antidumping margin calculations for the mandatory respondents. As a result, we also revised the rate applicable to those companies for which a review was requested but which were not individually reviewed. For a full discussion of these changes, *see* the Issues and Decision Memorandum.

Final Results of the Administrative Review

We have determined the following weighted-average dumping margins for the firms listed below for the period July 1, 2017 through June 30, 2018:

Exporter/producer	Weighted-average dumping margin (percent)
Liang Chyuan Industrial Co., Ltd./Integral Building Products Inc	2.54
PT Enterprise, Inc./Pro-Team Coil Nail Enterprise, Inc	6.72
Unicatch Industrial Co. Ltd	27.69
Review-Specific Average Rate Applicable to the Following Companies: [10]	
Hor Liang Industrial Corp	12.90
Romp Coil Nail Industries Inc	12.90

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, 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. Commerce intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of this administrative review in the **Federal Register**.

For any individually examined respondent whose weighted-average dumping margin is above *de minimis* (*i.e.,* 0.50 percent), Commerce will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of sales. Where we do not have entered values for all U.S. sales to a particular importer/customer, we will calculate a per-unit assessment rate by aggregating the antidumping duties due for all U.S. sales to that importer (or customer) and dividing this amount by the total quantity sold to that importer (or customer).[11] To determine whether the duty assessment rates are *de minimis,* in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we calculate importer- (or customer-) specific *ad valorem* ratios based on the estimated entered value. Where either a respondent's weighted-average dumping margin is zero or *de minimis,* or an importer- (or customer-) specific *ad valorem* rate is zero or *de minimis,* we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[12]

For the companies which were not selected for individual review, we will assign an assessment rate based on the weighted-average of the dumping margins calculated for PT, Unicatch, and LC. As indicated above, for each company which we determined had ''no shipments'' of the subject merchandise during the POR, we will instruct CBP to liquidate all POR entries associated with these companies at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction, consistent with Commerce's reseller policy.[13]

For entries of subject merchandise during the POR produced by each respondent for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate such entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[14]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for the respondents noted above will be the rate established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the producer is, then the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 2.16 percent, the all-others rate in

10, 2018; (3) Region System SDN BHD, Region Industries Co., Ltd., and Region International Co., Ltd., dated October 10, 2018; and (4) Synn Industrial Co., Ltd., dated October 4, 2018.

[8] *See* Memorandum to the File, ''No Shipment Inquiry Response from CBP,'' dated November 9, 2018 (ACCESS Barcode 3776435–01), citing to Commerce's No Shipment Inquiry Message Number 8306301.

[9] *Id.*

[10] This rate is based on the weighted-average of the margins calculated for those companies selected for individual review. *See* Memorandum, ''Calculation of the Review-Specific Weighted-Average Rate for the Final Results,'' dated concurrently with this notice.

[11] *See* 19 CFR 351.212(b)(1).

[12] *See* 19 CFR 352.106(c)(2); *see also Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101, 8103 (February 14, 2012) (*Final Modification for Reviews*).

[13] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[14] *See* section 751(a)(2)(C) of the Act.

the LTFV investigation.[15] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers Regarding the Reimbursement of Duties

This notice also 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 the POR. 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.

Notification Regarding Administrative Protective Order

This notice also serves as a final reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: March 9, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Changes Since the Preliminary Results
V. Discussion of the Issues
  A. Issues Pertaining to LC
  Comment 1: Whether to Apply Adverse Facts Available (AFA)
  Comment 2: Treatment of Resales of Subject Merchandise Produced by Unaffiliated Suppliers
  Comment 3: Third Country Credit Expense Calculation
  Comment 4: Packing Services Cost Calculation
  Comment 5: Claimed Scrap Offset
  B. Issues Pertaining to Unicatch
  Comment 6: Home Market Viability
  Comment 7: Calculation of CV Profit Ratio
  Comment 8: Calculation of Freight Revenue Cap
  Comment 9: Treatment of Commissions
  Comment 10: Comparison of Brads and DA Nails to Other Nails
  Comment 11: Calculation of Interest and General and Administrative Expenses
  Comment 12: Cost of Manufacturing Adjustment
  C. Issues Pertaining to PT
  Comment 13: Calculation of CV Profit Ratio
  Comment 14: Treatment of Certain Line Items in Financial Statements as G&A Expenses
VI. Recommendation

[FR Doc. 2020–05183 Filed 3–12–20; 8:45 am]

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[15] The all-others rate from the underlying investigation was revised in *Certain Steel Nails from Taiwan: Notice of Court Decision Not in Harmony with Final Determination in Less than Fair Value Investigation and Notice of Amended Final Determination,* 82 FR 55090, 55091 (November 20, 2017).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–913]

Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Final Results of Countervailing Duty Administrative Review; 2017

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) continues to find that Weihai Zhongwei Rubber Co., Ltd. (Zhongwei) received countervailable subsidies from certain programs during the period of review (POR) from January 1, 2017 through December 31, 2017.

DATES: Applicable March 13, 2020.

FOR FURTHER INFORMATION CONTACT: Chien-Min Yang, AD/CVD Operations, Office VII, Enforcement and Compliance, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5484.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the preliminary results of the administrative review of the countervailing duty order on certain new pneumatic off-the-road tires (OTR Tires) from China on November 18, 2019.[1] In the *Preliminary Results,* Commerce partially rescinded the administrative review with respect to three companies and preliminarily found that Zhongwei received countervailable subsidies from certain programs during the POR.[2] No interested party commented on the *Preliminary Results.*

Scope of the Order

The products covered by the scope are new pneumatic tires designed for off-the-road (OTR) and off-highway use. The subject merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4011.20.10.25, 4011.20.10.35, 4011.20.50.30, 4011.20.50.50, 4011.70.0010, 4011.62.00.00, 4011.80.1020, 4011.90.10, 4011.70.0050, 4011.80.1010, 4011.80.1020, 4011.80.2010, 4011.80.2020, 4011.80.8010, and 4011.80.8020. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope is dispositive.[3]

Methodology

Commerce conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). As noted above, no interested party disputed Commerce's preliminary or post-preliminary findings. Commerce finds that there is no reason to modify its analysis for these final results. Accordingly, no decision memorandum accompanies this **Federal Register** notice. For further details of the issues already addressed in this review, *see* the *Preliminary Results* and accompanying PDM.

Final Results of Administrative Review

We determine that, for the period January 1, 2017 through December 31, 2017, the following estimated countervailable subsidy rate exists:

Company	Subsidy rate (percent)
Weihai Zhongwei Rubber Co., Ltd	24.49

Assessment Rates and Cash Deposit Requirement

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

[1] *See Certain New Pneumatic Off-The-Road Tires from the People's Republic of China: Preliminary Results and Partial Rescission of Countervailing Duty Administrative Review; 2017,* 84 FR 63612 (November 18, 2019) (*Preliminary Results*) and accompanying Preliminary Decision Memorandum (PDM).

[2] *See* PDM at 5 and 17–23.

[3] For a full description of the scope of the order, *see* PDM at 3–5.

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 rates listed above.

On May 10, 2019, as a result of the five-year (sunset) review, Commerce revoked the *OTR Tires China CVD Order.*[4] In the *Revocation Notice,* Commerce stated that it intended to issue instructions to CBP to terminate the suspension of liquidation and to discontinue the collection of cash deposits on entries of subject merchandise, entered or withdrawn from warehouse, on or after February 4, 2019.[5] Furthermore, because the *OTR Tires China CVD Order* has been revoked as a result of the *Revocation Notice,* Commerce will not issue cash deposit instructions at the conclusion of this administrative review.

Administrative Protective Order

This notice also serves as a final reminder to parties subject to an administrative protective order (APO) of their responsibilities concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

These final results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: March 9, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2020–05181 Filed 3–12–20; 8:45 am]

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[4] *See Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Countervailing Duty Order,* 73 FR 51627 (September 4, 2008) (*OTR Tires China CVD Order*); *see also Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Final Results of Sunset Reviews and Revocation of Antidumping Duty and Countervailing Duty Orders,* 84 FR 20616 (May 10, 2019) (*Revocation Notice*).

[5] *See Revocation Notice,* 84 FR at 20618.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–016, C–570–017]

Certain Passenger Vehicle and Light Truck Tires From the People's Republic of China: Final Results of Changed Circumstances Reviews

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) continues to find that: (1) Sailun Group Co., Ltd. (Sailun Group) is the successor-in-interest to Sailun Jinyu Group Co., Ltd. (Sailun Jinyu); (2) Sailun (Dongying) Tire Co., Ltd. (Sailun Dongying) is the successor-in-interest to Shandong Jinyu Industrial Co., Ltd. (Shandong Jinyu); and (3) Sailun Group (Hong Kong) Co., Limited. (Sailun HK) is the successor-in-interest to Sailun Jinyu Group (Hong Kong) Co., Limited. (Sailun Jinyu HK). As a result, Sailun Group, Sailun Dongying and Sailun HK are entitled to the antidumping (AD) and countervailing duty (CVD) cash deposit rates of Sailun Jinyu, Shandong Jinyu and Sailun Jinyu HK, respectively.

DATES: Applicable March 13, 2020.

FOR FURTHER INFORMATION CONTACT: Toni Page at (202) 482–1398 (AD) or Andrew Huston at (202) 482–4261 (CVD), Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION

Background

On August 10, 2015, Commerce published in the **Federal Register** the AD and CVD *Orders* on passenger tires from China.[1] On January 29, 2020, Commerce initiated changed circumstances reviews (CCRs) and made preliminary findings that Sailun Group, Sailun Dongying and Sailun HK were the successors-in-interest to Sailun Jinyu, Shandong Jinyu and Sailun Jinyu HK, respectively, and, as a result, these entities should be accorded the same treatment previously accorded to this company group.[2] We provided interested parties the opportunity to comment on the *Preliminary Results.* No interested parties submitted case briefs. Sailun Group, Sailun Dongying, and Sailun HK submitted a letter requesting that the *Preliminary Results* be adopted as the final results.[3]

Scope of the Orders

The scope of these *Orders* is passenger vehicle and light truck tires. Passenger vehicle and light truck tires are new pneumatic tires, of rubber, with a passenger vehicle or light truck size designation. Tires covered by this order may be tube-type, tubeless, radial, or non-radial, and they may be intended for sale to original equipment manufacturers or the replacement market.

Subject tires have, at the time of importation, the symbol ''DOT'' on the sidewall, certifying that the tire conforms to applicable motor vehicle safety standards. Subject tires may also have the following prefixes or suffix in their tire size designation, which also appears on the sidewall of the tire:

Prefix designations:

P—Identifies a tire intended primarily for service on passenger cars

LT—Identifies a tire intended primarily for service on light trucks

Suffix letter designations:

LT—Identifies light truck tires for service on trucks, buses, trailers, and multipurpose passenger vehicles used in nominal highway service.

All tires with a ''P'' or ''LT'' prefix, and all tires with an ''LT'' suffix in their sidewall markings are covered by this investigation regardless of their intended use.

In addition, all tires that lack a ''P'' or ''LT'' prefix or suffix in their sidewall markings, as well as all tires that include any other prefix or suffix in their sidewall markings, are included in the scope, regardless of their intended use, as long as the tire is of a size that is among the numerical size designations listed in the passenger car section or light truck section of the Tire and Rim Association Year Book, as updated annually, unless the tire falls within one of the specific exclusions set out below.

Passenger vehicle and light truck tires, whether or not attached to wheels or rims, are included in the scope. However, if a subject tire is imported attached to a wheel or rim, only the tire is covered by the scope.

[1] *See Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Amended Final Affirmative Antidumping Duty Determination and Antidumping Duty Order,* and *Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order,* 80 FR 47902 (August 10, 2015) (collectively, *Orders*).

[2] *See Notice of Initiation and Preliminary Results of Changed Circumstances Reviews: Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China,* 85 FR 5193 (January 29, 2020) (*Preliminary Results*).

[3] *See* Sailun Group, Sailun Dongying and Sailun HK's Letter, ''Sailun Letter in Lieu of Brief: Changed Circumstances Review in Certain Passenger and Light Truck Tires from the People's Republic of China, Case Nos. A–570–016, C–570–017,'' dated February 12, 2020.

Specifically excluded from the scope are the following types of tires:

(1) Racing car tires; such tires do not bear the symbol ''DOT'' on the sidewall and may be marked with ''ZR'' in size designation;

(2) new pneumatic tires, of rubber, of a size that is not listed in the passenger car section or light truck section of the Tire and Rim Association Year Book;

(3) pneumatic tires, of rubber, that are not new, including recycled and retreaded tires;

(4) non-pneumatic tires, such as solid rubber tires;

(5) tires designed and marketed exclusively as temporary use spare tires for passenger vehicles which, in addition, exhibit each of the following physical characteristics:

(a) The size designation and load index combination molded on the tire's sidewall are listed in Table PCT–1B (''T'' Type Spare Tires for Temporary Use on Passenger Vehicles) of the Tire and Rim Association Year Book,

(b) the designation ''T'' is molded into the tire's sidewall as part of the size designation, and,

(c) the tire's speed rating is molded on the sidewall, indicating the rated speed in MPH or a letter rating as listed by Tire and Rim Association Year Book, and the rated speed is 81 MPH or a ''M'' rating;

(6) tires designed and marketed exclusively for specialty tire (ST) use which, in addition, exhibit each of the following conditions:

(a) The size designation molded on the tire's sidewall is listed in the ST sections of the Tire and Rim Association Year Book,

(b) the designation ''ST'' is molded into the tire's sidewall as part of the size designation,

(c) the tire incorporates a warning, prominently molded on the sidewall, that the tire is ''For Trailer Service Only'' or ''For Trailer Use Only'',

(d) the load index molded on the tire's sidewall meets or exceeds those load indexes listed in the Tire and Rim Association Year Book for the relevant ST tire size, and

(e) either

(i) the tire's speed rating is molded on the sidewall, indicating the rated speed in MPH or a letter rating as listed by Tire and Rim Association Year Book, and the rated speed does not exceed 81 MPH or an ''M'' rating; or

(ii) the tire's speed rating molded on the sidewall is 87 MPH or an ''N'' rating, and in either case the tire's maximum pressure and maximum load limit are molded on the sidewall and either

(1) both exceed the maximum pressure and maximum load limit for any tire of the same size designation in either the passenger car or light truck section of the Tire and Rim Association Year Book; or

(2) if the maximum cold inflation pressure molded on the tire is less than any cold inflation pressure listed for that size designation in either the passenger car or light truck section of the Tire and Rim Association Year Book, the maximum load limit molded on the tire is higher than the maximum load limit listed at that cold inflation pressure for that size designation in either the passenger car or light truck section of the Tire and Rim Association Year Book;

(7) tires designed and marketed exclusively for off-road use and which, in addition, exhibit each of the following physical characteristics:

(a) The size designation and load index combination molded on the tire's sidewall are listed in the off-the-road, agricultural, industrial or ATV section of the Tire and Rim Association Year Book,

(b) in addition to any size designation markings, the tire incorporates a warning, prominently molded on the sidewall, that the tire is ''Not For Highway Service'' or ''Not for Highway Use'',

(c) the tire's speed rating is molded on the sidewall, indicating the rated speed in MPH or a letter rating as listed by the Tire and Rim Association Year Book, and the rated speed does not exceed 55 MPH or a ''G'' rating, and

(d) the tire features a recognizable off-road tread design.

The products covered by this order are currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4011.10.10.10, 4011.10.10.20, 4011.10.10.30, 4011.10.10.40, 4011.10.10.50, 4011.10.10.60, 4011.10.10.70, 4011.10.50.00, 4011.20.10.05, and 4011.20.50.10. Tires meeting the scope description may also enter under the following HTSUS subheadings: 4011.99.45.10, 4011.99.45.50, 4011.99.85.10, 4011.99.85.50, 8708.70.45.45, 8708.70.45.60, 8708.70.60.30, 8708.70.60.45, and 8708.70.60.60. While HTSUS subheadings are provided for convenience and for customs purposes, the written description of the subject merchandise is dispositive.

Final Results of Changed Circumstances Reviews

Because the record contains no information or evidence that calls into question the *Preliminary Results,* for the reasons stated in the *Preliminary Results,* Commerce continues to find that: (1) Sailun Group is the successor-in-interest to Sailun Jinyu; (2) Sailun Dongying is the successor-in-interest to Shandong Jinyu; and (3) Sailun HK is the successor-in-interest to Sailun Jinyu HK, and, as a result, these entities should be accorded the same treatment previously accorded to this company group.[4]

Instructions to U.S. Customs and Border Protection

Based on these final results, we will instruct U.S. Customs and Border Protection to collect estimated AD and CVD duties for all shipments of subject merchandise exported by Sailun Group, Sailun Dongying, and Sailun HK at the AD and CVD cash deposit rates applicable to Sailun Jinyu, Shandong Jinyu, and Sailun Jinyu HK (*i.e.,* 2.96% for all three companies for AD, and 30.61% for all three companies for CVD). These cash deposit requirements shall remain in effect until further notice.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

We are issuing and publishing these results in accordance with sections 751(b) and 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.216 and 19 CFR 351.221(c)(3).

Dated: March 9, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2020–05180 Filed 3–12–20; 8:45 am]

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[4] *See Orders.*

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XR059]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Elkhorn Slough Tidal Marsh Restoration Project, Phase II in California

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

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to California Department of Fish and Wildlife (CDFW) to incidentally harass, by Level B harassment only, marine mammals during construction activities associated with the second phase of the tidal marsh restoration project in Elkhorn Slough, California.

DATES: This Authorization is effective from June 1, 2020 through May 31, 2021.

FOR FURTHER INFORMATION CONTACT: Bonnie DeJoseph, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed incidental take authorization may be provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to in shorthand as ''mitigation''); and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

Summary of Request

On August 14, 2019, NMFS received a request from CDFW for an IHA to take marine mammals incidental to Elkhorn Slough Tidal Marsh Restoration Project, Phase II; *i.e.,* using heavy equipment to restore 58 acres of saltmarsh habitat. The application was deemed adequate and complete on November 4, 2019. CDFW's request is for take of a small number of Pacific harbor seals (*Phoca vitulina richardii*) by Level B harassment only. Neither CDFW nor NMFS expects serious injury or mortality to result from this activity and, therefore, an IHA is appropriate. A proposed IHA was published on December 31, 2019 (84 FR 72308).

NMFS previously issued an IHA to CDFW for related work (Phase I of the Elkhorn Slough Tidal Marsh Restoration Project; 82 FR 16800; April 6, 2017). CDFW complied with all the requirements (*e.g.,* mitigation, monitoring, and reporting) of the previous IHA and information regarding their monitoring results may be found in the Estimated Take section.

This IHA will cover one year of a larger project for which CDFW obtained the prior IHA; they intend to request take authorization for subsequent phases of the project. The larger project involves restoring 147 acres of vegetated tidal salt marsh, upland ecotone, and native grasslands in Monterey County in response to years of anthropogenic degradation (*e.g.,* diking and marsh draining).

Description of Specified Activity

Phase II plans to restore 58 acres of saltmarsh habitat in two areas, by using heavy equipment to relocate up to 276,000 cubic yards of soil from an upland area south of the Minhoto-Hester Restoration Area, within an 11 month work period. This includes 53-acres of subsided marsh within the Minhoto-Hester (sub-areas M4a–b, M5, and M6 in Figure 1) and Seal Bend Restoration Areas (subareas S1–S4); 2 acres of tidal channels; and an additional 3 acres of intertidal salt marsh created at an upland borrow area. To restore hydrologic function to the project area they plan to raise the subsided marsh plain, maintaining or re-excavating the existing tidal channels, and excavating within the upland buffer area to restore marsh plain, ecotone, and native grassland habitat. Sediment would be placed to a fill elevation slightly higher than the target marsh plain elevation, permitting settlement and consolidation of the underlying soils. The average fill depth would be .64 meter (2.1 feet), including 25 percent overfill.

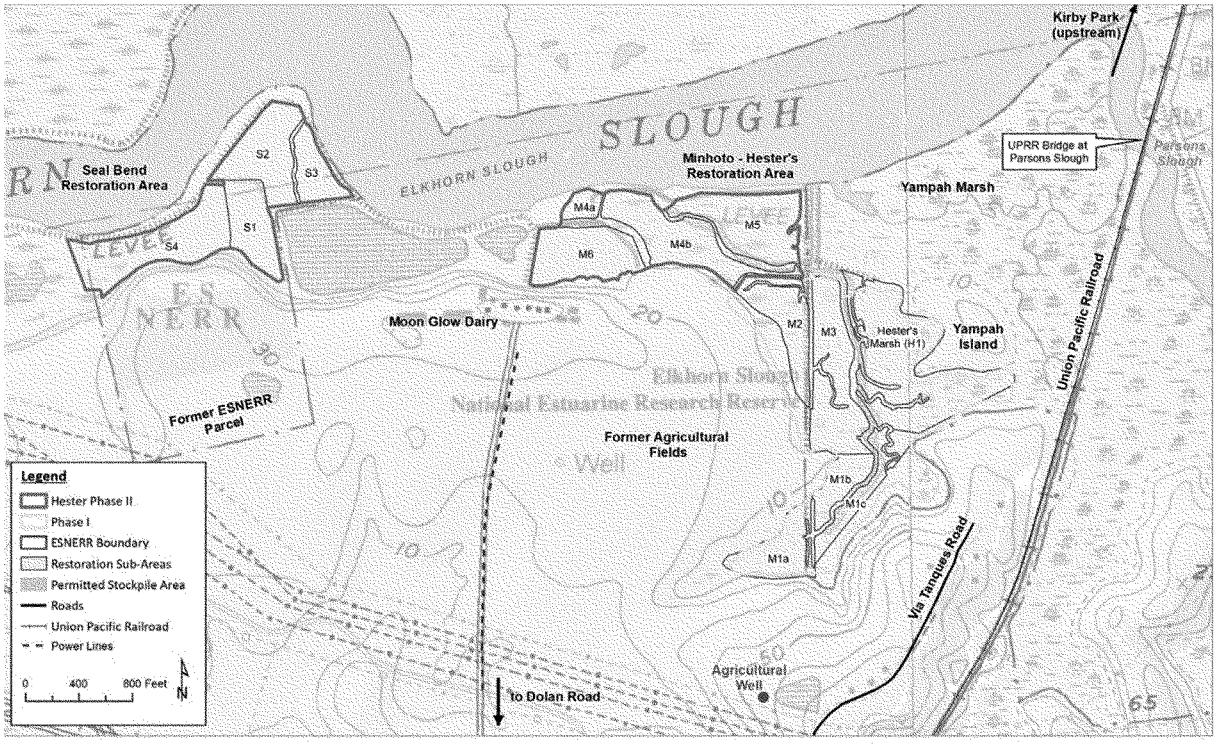

Figure 1 – Overview of Elkhorn Slough Tidal Marsh Restoration Project

Construction sequencing would begin with water management and/or turbidity control measures constructed around the work areas prior to placing material on the marsh. Water control structures, such as temporary berms, would be utilized to isolate the fill placement area during the construction period. Existing berms would be used, where possible, and tidal channels in this area will be blocked to allow construction in non-tidal conditions. When sediment placement is completed, any temporary features, such as water management berms, would be removed; *i.e.,* the berms would be lowered to the target marsh elevation, reintroducing tidal inundation. At the end of each stage of construction, any elevated haul roads and/or berms constructed to aid in material placement would be excavated to design grades, with the resulting earth used to fill adjacent restoration areas.

A detailed description of the planned Elkhorn Slough Tidal Marsh Restoration Project, Phase II is provided in the **Federal Register** notice for the proposed IHA (84 FR 72308; December 31, 2019). Since that time, no changes have been made to the planned construction work activities. Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specific activity.

Mitigation, monitoring, and reporting measures are described in detail later in this document (please see Mitigation and Monitoring and Reporting sections).

Comments and Responses

A notice of NMFS's proposal to issue an IHA to CDFW was published in the **Federal Register** on December 31, 2019 (84 FR 72308). That notice described, in detail, CDFW's activity, the marine mammal species that may be affected by the activity, and the anticipated effects on marine mammals. During the 30-day public comment period, NMFS received a comment letter from the Marine Mammal Commission (Commission). For full detail of the Commission's recommendations and supporting rationale, please see the letter (available online at: *https://www.fisheries.noaa.gov/action/incidental-take-authorization-tidal-marsh-restoration-project-elkhorn-slough-phase-ii-2020*).

Comment 1: The Commission described concerns with the estimated take rationale and recommends that NMFS authorize up to 417 harbor seals being taken on up to 180 days of proposed activities.

Response: We agree there were problems with the estimated take determination in the proposed IHA notice. CDFW subsequently provided the raw monitoring data from Phase I. NMFS learned there was a misunderstanding of terms and inadequate information to provide a full data set for Table 5 from the Proposed IHA. From the raw data we determined harbor seals could potentially be taken up to a distance of 300 m from construction activity. The phase I data observations were recorded as within different habitat grids and without exact distance from the construction activity. NMFS determined that the observation data from the grids within the Minhoto area provide the best estimate of harbor seals present within 300 m of Phase I's activities. The data gathered for Phase I and used in the proposed IHA included animals from a much farther distance away that were not really available to be taken. Therefore, NMFS used the observation data from Phase I's Minhoto area to calculate the abundance and fraction of animals potentially exposed to Level B harassment. We then calculated the percent take of seals from Phase I activities using these data (8.79 percent) rather than using the data from all sites (2 percent), as was done in the Proposed IHA. The estimated take increased accordingly. Please refer to the Estimated Take section below for more details.

Comment 2: The Commission recommended that NMFS: (1) Specify

that all construction activities would be required to be conducted during daylight hours only and remove any references to in-water activities; (2) require that, if poor environmental conditions restrict the full visibility of the shut-down zone, construction activities be delayed; (3) require that, if a pup less than one week of age comes within 20 m of heavy equipment, activities be delayed and remove any references to only a pup; (4) include the relevant reporting measures for injured and dead marine mammals; (5) include the specific data that CDFW would be required to collect before, during, and after each day's activities and require that all such data and the Protected Species Observer (PSO) sightings datasheets be included in CDFW's monitoring report; and (6) include NMFS's current definitions of Level 1, 2, and 3 responses.

Response: NMFS concurs with these recommendations and changed the final authorization to reflect these changes.

Comment 3: The Commission recommended that NMFS: (1) Require that CDFW delay or cease activities, if the number of takes that have been authorized is met or if a species for which takes were not granted is observed in the project area and (2) ensure that the CDFW keeps a running tally of the total takes to ensure that the number of authorized takes are not exceeded.

Response: NMFS agrees that CDFW must ensure they do not exceed authorized takes. As is typical in such authorizations, we have included a requirement in the IHA that ''activities must cease if a marine mammal species for which take was not authorized, or a species for which authorization was granted but the authorized number of takes have been met, is observed by PSOs approaching or within the Level B harassment zone. Activities must not resume until the animal is confirmed to have left the area.'' However, NMFS is not responsible for ensuring that CDFW does not operate in violation of an issued IHA.

Comment 4: The Commission recommends that NMFS require CDFW to use at least two PSOs to monitor the restoration areas, with at least one PSO at Seal Bend and one at Minhoto-Hester Marsh, if construction activities occur simultaneously. CDFW also should be cognizant of documenting disturbance of harbor seals hauled out on the tidal flats across the main channel from where the construction activities would occur.

Response: We agree that all Level B harassment zones must be monitored and that may require two PSOs if work is occurring simultaneously at both sites. We have added the following text to the IHA to clarify this requirement: ''If multiple construction activities occur simultaneously, enough PSOs must be on duty to monitor all Level B Harassment zones.''

Comment 5: The Commission reiterates programmatic recommendations regarding NMFS' potential use of the renewal mechanism for one-year IHAs; that NMFS refrain from issuing renewals for any authorization and instead use its abbreviated **Federal Register** notice process.

Response: NMFS disagrees with the Commission's recommendations, as stated in our previous comment responses relating to other actions, which we incorporate herein by reference.

Deleted comments.

Changes From the Proposed IHA to Final IHA

Corrections have been made to the estimated take determination process and take table as discussed in the response to comment 1 above (see also Estimated Take section and Table 7 for more details).

Upon reviewing the raw data of the required monitoring during Phase I, the Level B harassment zone for Phase II has been increased from 100 m to 300 m from construction activities to align with the distance at which take occurred during phase I. The Level B harassment zone is defined as the area within 300 m of where construction activities occur. Monitoring is now required when construction activities occur either, (1) in water or (2); within the boundaries of the two tidal restoration areas, Minhoto-Hester and Seal Bend, identified in Figure 1. Monitoring must occur every other day when work is occurring, rather than every day of construction activities within 100 m of tidal waters. Monitoring must occur every fifth day when work is occurring near the ''borrow'' areas, where marsh fill material is gathered, unless the borrow area is more than 300 m from any area where marine mammals have been observed.

To accommodate for the reduction of monitoring, the monitoring report must include an extrapolation of the estimated takes by Level B harassment based on the number of observed disturbances within the Level B harassment zone and the percentage of time the Level B harassment zone was not monitored; *i.e.,* 50 percent of time for the two restoration areas and 80 percent of the time for the borrow and other areas.

The Pinniped Behavioral Disturbance Code Reactions (Table 8) have been updated to reflect NMFS's current language. The Mitigation and Monitoring and Reporting sections were updated to accurately coincide with the standard conditions in the final IHA.

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history, of the potentially affected species. Additional information regarding population trends and threats may be found in NMFS's Stock Assessment Reports (SARs; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS's website (*https://www.fisheries.noaa.gov/find-species*).

Table 1 lists all species with expected potential for occurrence in Elkhorn Slough and summarizes information related to the population or stock, including regulatory status under the MMPA and the Endangered Species Act (ESA) and potential biological removal (PBR), where known. For taxonomy, we follow Committee on Taxonomy (2019). PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS's SARs). While no mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS's stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS's U.S. Marine Mammal SARs (*e.g.,* Carretta *et al.* 2019). All values presented in Table 1 are the most recent available at the time of publication and are available in the 2018 SARs (Carretta

et al., 2019) and draft 2019 SARs (available online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/draft-marine-mammal-stock-assessment-reports*).

TABLE 1—HARBOR SEAL STATUS INFORMATION

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Family Phocidae (earless seals)						
Pacific Harbor Seal	*Phoca vitulina richardii*	California	-;N	30,968 seals (CV = 0.157, N_{min} = 27,348, 2012).	1,641	43

[1] Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[2] NMFS marine mammal stock assessment reports online at: *www.nmfs.noaa.gov/pr/sars/.* CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable.

[3] These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

A detailed description of the of the species likely to be affected by Phase II of the Elkhorn Slough Tidal Marsh Restoration project, including brief introductions to the species and relevant stocks, as well as available information regarding population trends and threats, and information regarding local occurrence, were provided in the **Federal Register** notice for the proposed IHA (84 FR 72308; December 31, 2019); since that time, we are not aware of any changes in the status of these species and stocks; therefore, detailed descriptions are not provided here. Please refer to that **Federal Register** notice for these descriptions. Please also refer to NMFS' website (*https://www.fisheries.noaa.gov/find-species*) for generalized species accounts.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

The main impact to marine mammal habitat associated with the CDFW's restoration project is the temporary exclusion from the accustomed haulout areas. During the restoration, the inability of seals to use suitable habitat within the footprint of the construction area will temporarily remove less than two percent of the potential haulout areas in the Slough (see Figure 4–4 of the application). Although the action will permanently alter habitat within the footprint of the construction area, harbor seals haul out in many locations throughout the estuary, and the activities are not expected to have any habitat-related effects that could cause significant or long-term consequences for individual harbor seals or their population.

CDFW's construction activities have the potential to cause behavioral harassment to seals that may be hauling out, resting, foraging, or engaging in other activities either inside or near the project area. The **Federal Register** notice of the proposed IHA (84 FR 72308; December 31, 2019) included a discussion of the effects of anthropogenic noise and visual disturbance on marine mammals and their habitat. That information and analysis is incorporated by reference into this final IHA determination and is not repeated here; please refer to the **Federal Register** notice (84 FR 72308; December 31, 2019) for that information.

Estimated Take

This section provides an estimate of the number of incidental takes authorized through this IHA, which will inform both NMFS' consideration of ''small numbers'' and the negligible impact determination.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes will be by Level B harassment only, in the form of disruption of behavioral patterns for individual marine mammals resulting from exposure to the stressor/s—pedestrian traffic, biological monitors, construction workers, and use of heavy machinery. Based on the nature of the activity, Level A harassment is neither anticipated nor authorized.

As described previously, no mortality or serious injury is anticipated or authorized for this activity. Below we describe how the take is estimated.

Generally speaking, we estimate take by considering: (1) Acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water or air that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) and the number of days of activities. We note that while these basic factors can contribute to a basic calculation to provide an initial prediction of takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.,* previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the authorized take estimate.

Acoustic Thresholds

Using the best available science, NMFS has developed acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur PTS of some degree (equated to Level A harassment). Thresholds have also been developed identifying the received level of in-air sound above which exposed pinnipeds would likely be behaviorally harassed.

Level B Harassment for non-explosive sources—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source (*e.g.,* frequency, predictability, duty cycle), the environment (*e.g.,*

bathymetry), and the receiving animals (hearing, motivation, experience, demography, behavioral context) and can be difficult to predict (Ellison *et al.,* 2012, Southall *et al.,* 2007). Based on what the available science indicates and the practical need to use a threshold based on a factor that is both predictable and measurable for most activities, NMFS uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS predicts that marine mammals are likely to be behaviorally harassed in a manner we consider Level B harassment when exposed to underwater anthropogenic noise above received levels of 120 dB re 1 microPascal (μPa), (rms) for continuous (*e.g.,* vibratory pile-driving, drilling) and above 160 dB re 1 μPa (rms) for non-explosive impulsive (*e.g.,* seismic airguns) or intermittent (*e.g.,* scientific sonar) sources. For in-air sounds, NMFS predicts that harbor seals exposed above received levels of 90 dB re 20 μPa (rms) will be behaviorally harassed, and other pinnipeds will be harassed when exposed above 100 dB re 20 μPa (rms).

CDFW's Elkhorn Slough Tidal Marsh Restoration Project, Phase II includes the use of intermittent (construction activities) airborne noise and visual disturbances, and therefore the 90 dB re 20 μPa (rms) threshold is applicable. We note, however, that the take estimates (described in detail below) are based on occurrence in the general area, rather than within any specific isopleth.

As indicated above, no Level A harassment is anticipated or authorized.

Marine Mammal Occurrence

In this section we provide the information about the presence, density, or group dynamics of marine mammals that will inform the take calculations.

Data on harbor seal use near the project area is derived from marine mammal monitoring data collected by the Reserve Otter Monitoring Project (ESNERR 2018) and Phase I construction monitoring (Fountain *et al.,* 2019).

The Reserve Otter Monitoring Project has been monitoring otter movement and behavior in Elkhorn Slough since 2011. This effort has been a collaboration between Elkhorn Slough National Estuarine Research Reserve (ESNERR), Monterey Bay Aquarium, United State Geologic Survey and University of California Santa Cruz. In January of 2018, they added seals to their observations, and have compiled monitoring data for seals through April 2019. During this time period, biologists conducted weekly monitoring at nine locations along Elkhorn Slough and five locations in Moss Landing Harbor (see Figure 4 in the application). Seal and otter counts were completed every Tuesday, every half hour on the hour and half hour, from 10 a.m.–12 p.m. Eight teams were positioned concurrently throughout the estuary using high-powered binoculars and scopes to see otters and seals. Data collected included weather, observation time, tide, the number and species of marine mammal sited, and the location they were observed. All monitoring was completed by or under the supervision of a qualified biologist previously approved by USFWS and NMFS for marine mammal monitoring.

Figure 5 (from the application) and Table 2 below, summarizes the maximum number of seals observed by location on the highest day of counts via monitoring on a single day of monitoring, June 19, 2018. In addition, the maximum and average number of seals observed during hourly counts at each of the seven monitored locations proximate to the Phase II restoration areas over the 16-month observation period (*i.e.,* January 2018 to April 2019) are also presented. Since the maximum and average seal counts were collected from various days between January 2018 and April 2019, duplicate counts (*i.e.,* recording the same seal more than once), are considered highly probable. These data are consistent with previous population estimates by McCarthy (2010), who estimated the population of seals in Elkhorn Slough at 300 to 500, with seasonal variability based on prey availability, molting and reproduction. The data also illustrate that seals tend to move between areas proximate to each other. For example, when large numbers of seals were observed in Parsons Slough (''Avila'') in the summer of 2018, there was a comparable decline in the number of seals observed at Seal Bend (see Figure 5 in the application).

TABLE 2—HARBOR SEAL COUNTS BY RESERVE OTTER MONITORING PROJECT

Location [1]	Highest daily count [2]	Hourly counts [3]	
		Maximum	Average
Harbor	88	.....	.....
Wildlife	59	106	41
Seal Bend	56	86	24
Moonglow	0	87	16
Hester	0	33	5
Main Channel	93	100	30
Yampah	1	81	18
Avila	120	122	32
Total	417	615	166

[1] See Figure 4 (from application) for location of observation areas.
[2] Represents highest count of seals recorded on a single day, June 19, 2018, during hourly counts.
[3] Represents maximum and average number or seals observed during an hourly count at each location from monitoring dates between January 2018 and April 2019 by Reserve Otter Monitoring Project.

During Phase I construction, marine mammal monitoring was required and implemented on 89 days (976 hours of monitoring) within the 9-month construction window. An average of 75 seals were recorded by marine mammal monitors in the observation area at any given time, and up to 257 individual seals were observed near the Phase I restoration area in a given day. Nineteen incidents of Level B harassment of harbor seals (flushing or movement) were recorded by the monitors. Of these, 16 incidents, representing harassment of 62 individual seals, were attributed to construction activity or marine mammal monitoring; the remaining 3 incidents were unrelated to the project (*e.g.,* seals flushing as a result of a passing boat in Elkhorn Slough). When Level B harassment occurred, it was always when seals were within a range of 500 meters of the disturbance source; the majority of reactions were when

distances were 100 meters or less (Fountain *et al.,* 2019). In addition, not all seals located in the vicinity of the disturbance flushed or moved during each discrete incident. For example, in nine incidents, less than one third of the seals present in the area flushed.

Regarding the presence of pups during Phase I, Table 3 depicts the maximum number of pups observed during hourly counts by month. This metric conservatively represents the highest number of pups that could have been disturbed by project-related activities (including by monitoring observers) at a given time. Table 4 summarizes all occasions where monitors observed seal pups reacting to Phase I project-related activities—typically sound. All responses were observed at a 100m distance from project-related activities; caused by either a monitor or construction activities.

TABLE 3—MAXIMUM NUMBER OF PUPS OBSERVED DURING HOURLY COUNTS BY MONTH DURING PHASE I CONSTRUCTION

Month	Number of pups
2017: December	5
2018:	
January	6
February	9
March	4
April	7
May	15
June	5
July	9
August	9

TABLE 4—PHASE I HARBOR SEAL PUP DISTURBANCE DATA

Date	Reaction	Trigger	Total number of seals present	Total number seals reacted [1]	Number pups reacted
4/11/18	Flush	Monitor (Visual)	18	6	3
4/11/18	Flush	Construction (Sound)	12	2	1
4/11/18	Flush	Construction (Sound)	10	2	1
4/11/18	Flush	Construction (Sound)	10	2	1
4/12/18	Alert	Construction (Sound and Visual)	17	2	1
5/01/18	Flush	Monitor (Visual)	3	3	1

[1] Includes all seals (adults, pups) that reacted to project-related disturbance.

No takes by Level A harassment, serious injury, or mortality are expected, or authorized, from the disturbance associated with the construction activities. It is unlikely a stampede (a potentially dangerous occurrence in which large numbers of animals succumb to mass panic and rush away from a stimulus) would occur nor the abandonment of pups. The primary spots used for nursing and resting for mother/pup pairs has been the entrance to Parson Slough, which is ~610 m east of Minhoto-Hester restoration area and will not be affected by construction activities (personal communication, J Harvey 2019). Pacific harbor seals have been hauling out in the project area and within the greater Elkhorn Slough throughout the year for many years (including during pupping season and while females are pregnant) while being exposed to anthropogenic sound sources such as recreational vessel traffic, the Union Pacific Railroad (UPRR), and other stimuli from human presence. The number of harbor seals disturbed would likely also fluctuate depending on time day and tidal stage. Fewer harbor seals will be present in the early morning and approaching evening hours as seals leave the haulout site to feed, and they are also not present when the tide is high and the haulout area is inundated.

Take Calculation and Estimates

Here we describe how the information provided above is brought together to produce a quantitative take estimate.

Incidental take is calculated using the estimated number of seals that will be present in project area during construction activities and the anticipated percentage of those seals that will be taken based on monitoring for Phase I. As described above, using the observation data from Minhoto rather than that of all collection sites provides the best estimate of seals within the 300 m potential effect area of Phase I's activities. The average percentage of seals taken in a day is represented in the following equation:

$$\frac{\text{Total \# Of Seals Taken in Phase I}}{\text{Sum of Daily Average \# of Seals Observed Hourly in Minhoto during Phase I}}$$

The percentage calculated (8.79 percent) was then rounded up to 9 percent and used to calculate the daily take estimate. Daily take estimates are based on the average percentage of Level B disturbance observed during Phase 1 construction (percent of seals taken) multiplied by the expected number of animals in the project area on a daily basis. Upon review of CDFW's prior monitoring data, NMFS decided to assume the maximum number of seals observed in a single day (417) at the seven monitoring locations conservatively reflects the maximum possible number of seal that could be exposed to disturbance daily. Therefore, The daily take estimate is then the product of the average percentage of seals taken in a day (9 percent) and the number of seals that could be exposed to disturbance daily (417). Thus the daily take estimate is 37.53.

The total authorized take was determined by multiplying the daily take estimate (37.53) by the number of construction days (180) for Phase II of the restoration project and rounding (Table 5).

TABLE 5—CALCULATED TAKE AND PERCENTAGE OF STOCK EXPOSED

Species	Authorized take		% population [4]
	Level B	Level A	
Pacific Harbor Seal	417 [1] max seals/day (9% [2]) (180 days [3]) = 6755	0	1.3%

[1] Maximum number of seals observed/day between January 2018 and April 2019 by Reserve Otter Monitoring Project.
[2] % Take from Phase I.
[3] Number of construction days.
[4] Data from U.S. Pacific Marine Mammal Stock Assessments: 2015 (Carretta *et al.,* 2015).

All estimates are considered conservative. Construction activities will occur in sections, and some sections (*e.g.* S1–S4) are further away from seal haulouts (approximately 100 m and greater). Noise from construction activities in more southern sections may thus cause fewer disturbances to seals. There are unlikely to be 417 animals in the project area on any given day. Not all seals that previously used the haulouts within the footprint of the construction will use the haulouts just outside the project. Some seals may seek alternative haul out habitat in other parts of Elkhorn Slough.

Mitigation

In order to issue an IHA under Section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting such activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, we carefully consider two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned), and;

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations, and, in the case of a military readiness activity, personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

The following mitigation measures are detailed in the IHA:

Timing Restrictions

All work must be conducted during daylight hours when visual monitoring of marine mammals can be implemented. If environmental conditions deteriorate such that marine mammals within the entire shutdown zone would not be visible (*e.g.,* fog, heavy rain), construction must be delayed until the PSO is confident marine mammals within the shutdown zone could be detected.

Visual Monitoring

Required monitoring must be conducted by dedicated, trained, NMFS-approved PSO(s). PSOs shall establish a Level B harassment zone within 300 m of all construction activities. When construction activities occur either, (1) in water or (2); within the boundaries of the two tidal restoration areas, Minhoto-Hester and Seal Bend identified in Figure 1, monitoring must occur every other day when work is occurring.

When construction activities occur near the ''borrow'' areas where marsh fill material is gathered, monitoring must occur every fifth day when work is occurring, unless the borrow area is more than 300 m from any area where marine mammals have been observed. Occurrence of marine mammals within the Level B harassment zone must be communicated to the construction lead to prepare for the potential shutdown when required.

Pre-Construction Clearance and Ramp-up

A 30-minute pre-clearance observation period must occur prior to the start of ramp-up and construction activities. CDFW must adhere to the following pre-clearance and ramp-up requirements: (i) Construction activities must not be initiated if any marine mammal is within 10 m of planned operations. If a marine mammal is observed within 10 m of planned operations during the 30-minute pre-clearance period, ramp-up must not begin until the animal(s) has been observed exiting the zones or until an additional time period has elapsed with no further sightings (15 minutes for small odontocetes and pinnipeds and 30 minutes for all other species), (ii) The construction contractor must begin construction activities gradually each day (*e.g.,* ramp up by moving around the project area and starting equipment sequentially).

Shutdown Requirements

For heavy machinery work, if a marine mammal comes within 10 m of such operations, operations must cease and vessels shall reduce speed to the minimum level required to maintain steerage and safe working conditions.

Pupping Season—Construction activities may not be initiated: (1) Within 300 m of a mom/pup pair that is hauled out, or (2) within 100 m of a mom/pup pair in the water. If there is a gap in construction activities of more than an hour or if construction moves to a different area, this initiation protocol must again be implemented. During site containment activities that are underway, heavy machinery must not approach closer than 100 m of where mothers and pups are actively hauled out. If a pup less than one week old (neonate) comes within 20 m of where heavy machinery is working, construction activities in that area must be shutdown or delayed until the pup has left the area. In the event that a pup less than one week old remains within those 20 m, NMFS will be consulted to determine the appropriate course of action.

Activities must cease if a marine mammal species for which take was not authorized, or a species for which authorization was granted but the authorized number of takes have been met, is observed by PSOs approaching or within the Level B harassment zone. Activities must not resume until the animal is confirmed to have left the area.

Construction Activities

A NMFS approved PSO must conduct biological resources awareness training for construction personnel. The awareness training will be provided to brief construction personnel on identification of marine mammals (including neonates) and the need to avoid and minimize impacts to marine mammals. If new construction personnel are added to the project, the contractor shall ensure that the personnel receive the mandatory training before starting work.

Construction activities must not be initiated if any marine mammal is within 10 m of planned operations. If a marine mammal is observed within 10 m of planned operations during the 30-minute pre-clearance period, ramp-up must not begin until the animal(s) has been observed exiting the zones or until an additional time period has elapsed with no further sightings (15 minutes for small odontocetes and pinnipeds and 30 minutes for all other species). Furthermore, the PSO will have the authority to stop project activities if marine mammals approach or enter the Level B Harassment Zone and/or at any time for the safety of any marine mammals. Work will commence only with approval of the PSO to ensure that no marine mammals are present in the Level B Harassment Zone.

Ramp Up

To reduce the risk of potentially startling marine mammals with a sudden intensive sound, the construction contractor must begin construction activities gradually each day by moving around the project area and starting machinery one at a time.

Based on our evaluation of the applicant's proposed measures, as well as other measures considered by NMFS, NMFS has determined that the authorized mitigation measures provide the means effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an IHA for an activity, Section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the planned action area. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density).
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas).
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors.
- How anticipated responses to stressors impact either: (1) Long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks.
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat).
- Mitigation and monitoring effectiveness.

Protected Species Observers

PSOs shall be used to detect, document, and minimize impacts to marine mammals, as well as, communicate with and instruct relevant construction crew with regard to the presence of marine mammals and mitigation requirements. Independent PSOs (*i.e.,* not construction personnel) who have no other assigned tasks during monitoring periods must be used. Biological monitoring will begin 30 minutes before work begins and will continue until 30 minutes after work is completed each day.

PSOs will be placed at the best vantage point(s) practicable to monitor for marine mammals within the Level B harassment zone, defined above. If multiple construction activities occur simultaneously, enough PSOs must be on duty to monitor all Level B Harassment zones.

Qualifications for PSOs for visual monitoring include:

- Visual acuity in both eyes (correction is permissible) sufficient for discernment of harbor seals on land or in the water with ability to estimate target size and distance; use of binoculars may be necessary to correctly identify the target;
- Successfully attained a bachelor's degree from an accredited college or university with a major in one of the natural sciences and a minimum of 30 semester hours or equivalent in the biological sciences and at least one undergraduate course in math or statistics. The educational requirements may be waived if the PSO has acquired the relevant skills through alternate experience. Requests for such a waiver must include written justification. Alternate experience that may be considered includes, but is not limited to (1) secondary education and/or experience comparable to PSO duties; (2) previous work experience conducting academic, commercial, or government-sponsored marine mammal surveys; or (3) previous work experience as a PSO; the PSO should demonstrate good standing and consistently good performance of PSO duties;
- Experience and ability to conduct field observations and collect data according to assigned protocols (this may include academic experience);
- Experience or training in the field identification of marine mammals, including the identification of behaviors;
- Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;
- Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and times when construction activities were conducted; dates and times when construction activities were suspended to avoid potential incidental injury from construction sound or visual disturbance of marine mammals observed; and marine mammal behavior;

• Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary;

(a) PSOs must be provided with the equipment necessary to effectively monitor for marine mammals in order to record species, the distance from species' location to the construction activities, behaviors, and responses to construction activities;

(b) The PSO must also conduct biological resources awareness training for construction personnel. The awareness training will be provided to brief construction personnel on identification of marine mammals (including neonates) and the need to avoid and minimize impacts to marine mammals. If new construction personnel are added to the project, the contractor shall ensure that the personnel receive the mandatory training before starting work.

Monitoring requirements also include:

Pre-Activity Monitoring

Pre and post construction daily censuses—A census of marine mammals in the project area and the area surrounding the project must be conducted 30 minutes prior to the beginning of construction on monitoring days, and again 30 minutes after the completion of construction activities. The following data will be collected:

• Environmental conditions (weather condition, tidal conditions, visibility, cloud cover, air temperature and wind speed
• Numbers of each marine mammal species spotted
• Location of each species spotted, including distance from construction activity
• Status (in water or hauled out)
• Behavior

Hourly Counts—Conduct hourly counts of animals hauled out and in the water within, at least, the Level B harassment zone.

Data collected must include:

• Numbers of each species;
• Location, including whether inside the Level B harassment zone; whether hauled out or in the water; and distance from construction activities (±10 m);
• Time;
• Tidal conditions;
• Time construction activities start and end;
• Primary construction activities occurring during the past hour ;
• Any noise or visual disturbance;
• Number of mom/pup pairs and neonates observed;
• Notable behaviors, including foraging, grooming, resting, aggression, mating activity, and others.

Notes should include any of the following information to the extent it is feasible to record:

• Age-class;
• Sex;
• Unusual activity or signs of stress;
• Any other information worth noting.

Construction Related Reactions

Record reaction observed in relation to construction activities including:

• Tally of each reaction;
• Time of reaction;
• Concurrent construction activity;
• The assumed cause (whether related to construction activities or not) shall be noted;
• Disturbance must be recorded according to NMFS' three-point pinniped disturbance scale (see Table 7);
• Location of animal during initial reaction and distance from the noted disturbance;
• Activity before and after disturbance;
• Status (in water or hauled out) before and after disturbance.

TABLE 7—PINNIPED BEHAVIORAL DISTURBANCE CODE REACTIONS

Level	Type of response	Definition
1	Alert	Seal head orientation or brief movement in response to disturbance, which may include turning head towards the disturbance, craning head and neck while holding the body rigid in a u-shaped position, changing from a lying to a sitting position, or brief movement of less than twice the animal's body length.
2	Movement	Movements in response to the source of disturbance, ranging from short withdrawals at least twice the animal's body length to longer retreats over the beach, or if already moving a change of direction of greater than 90 degrees.
3	Flush	All retreats (flushes) to the water.

Reporting

A draft marine mammal monitoring report would be submitted to NMFS within 90 days after the completion of pile driving and removal activities, or 60 days prior to a requested date of issuance of any future IHAs for projects at the same location, whichever comes first. The report must include full documentation of methods, results, and interpretation pertaining to all monitoring. It shall also include marine mammal observations pre-activity, during-activity, and post-activity of construction, and shall also provide descriptions of any behavioral responses by marine mammals due to disturbance from construction activities and a complete description of total take estimate based on the number of marine mammals observed during the course of construction. The report must include an extrapolation of the estimated takes by Level B harassment based on the number of observed disturbances within the Level B harassment zone and the percentage of time the Level B harassment zone was not monitored; *i.e.,* 50 percent of time for the two restoration areas and 80 percent of the time for the borrow and other areas. If comments are received from the NMFS Office of Protected Resources on the draft report, a final report shall be submitted to NMFS within 30 days thereafter following resolution of comments on the draft report from NMFS. If no comments are received from NMFS, the draft report will be considered to be the final report. This report must contain the informational elements described above.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature

of any responses (*e.g.,* intensity, duration), the context of any responses (*e.g.,* critical reproductive time or location, migration), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS's implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the environmental baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

Construction activities associated with this project have the potential to disturb or displace marine mammals. No serious injury or mortality is expected or authorized, and with mitigation we expect to avoid any potential for Level A harassment as a result of the Seal Bend and Minhoto-Hester Marsh construction activities. The specified activities may result in take, in the form of Level B harassment (behavioral disturbance) only, from visual disturbance and/or noise from construction activities. The project area is within a portion of the local habitat for harbor seals of the greater Elkhorn Slough and seals are present year-round. Behavioral disturbances that could result from anthropogenic sound or visual disturbance associated with these activities are expected to affect only a small amount of the total population, although those effects could be recurring over the life of the project if the same individuals remain in the project vicinity. Harbor seals may avoid the area or halt any behaviors (*e.g.,* resting) when exposed to anthropogenic noise or visual disturbance. Due to the abundance of suitable haul out habitat available in the greater Elkhorn Slough, the short-term displacement of resting harbor seals is not expected to affect the overall fitness of any individual animal.

Effects on individuals that are taken by Level B harassment, on the basis of reports in the literature as well as monitoring from other similar activities, will likely be limited to reactions such as displacement from the area or disturbance during resting. The construction activities analyzed here are similar to, or less impactful than for Parson's Slough (and other projects), which have taken place with no reported injuries or mortality to marine mammals, and no known long-term adverse consequences from behavioral harassment. Repeated exposures of individuals to levels of noise or visual disturbance at these levels, though they may cause Level B harassment, are unlikely to result in hearing impairment or to significantly disrupt foraging behavior. Many animals perform vital functions, such as feeding, resting, traveling, and socializing, on a diel cycle (*i.e.,* 24 hour cycle). Behavioral reactions (such as disruption of critical life functions, displacement, or avoidance of important habitat) are more likely to be significant if they last more than one diel cycle or recur on subsequent days (Southall *et al.,* 2007). However, Pacific harbor seals have been hauling out at Elkhorn Slough during the year for many years (including during pupping season and while females are pregnant) while being exposed to anthropogenic sound and visual sources such as vessel traffic, UPRR trains, and human voices from kayaking. Harbor seals have repeatedly hauled out to rest (inside and outside the project area) or pup (outside of the project area) despite these potential stressors. The activities are not expected to result in the alteration of reproductive or feeding behaviors. Seals are primarily foraging outside of Elkhorn Slough and at night in Monterey Bay, outside the project area, and during times when construction activities are not occurring.

Pacific harbor seals, as the potentially affected marine mammal species under NMFS jurisdiction in the action area, are not listed as threatened or endangered under the ESA and NMFS SARs for this stock have shown that the population is increasing and is considered stable (Carretta *et al.,* 2016). Even repeated Level B harassment of some small subset of the overall stock is unlikely to result in any significant realized decrease in viability for the affected individuals, and thus will not result in any adverse impact to the stock as a whole. The restoration of the marsh habitat will have no adverse effect on marine mammal habitat, but possibly a long-term beneficial effect on harbor seals by improving ecological function of the slough, inclusive of higher species diversity, increased species abundance, larger fish, and improved habitat.

In summary and as described above, the following factors primarily support our determination that the impacts resulting from this activity are not expected to adversely affect the species or stock through effects on annual rates of recruitment or survival:

- No serious injury or mortality is anticipated or authorized;
- No Level A harassment is anticipated or authorized;
- Anticipated incidents of Level B harassment consist of, at worst, temporary modifications in behavior;
- Primary foraging and reproductive habitat are outside of the project area and the construction activities are not expected to result in the alteration of habitat important to these behaviors or substantially impact the behaviors themselves. There is alternative haul out habitat just outside the footprint of the construction area, along the main channel of Elkhorn Slough, and in Parson's Slough, preferred in recent years for pupping (personal communication, J. Harvey 2019), that will be available for seals while some of the haul outs are inaccessible;
- Restoration of the marsh habitat will have no adverse effect on marine mammal habitat, but possibly a long-term beneficial effect;
- Presumed efficacy of the mitigation measures in reducing the effects of the specified activity to the level of least practicable impact; and
- These stocks are not listed under the ESA or considered depleted under the MMPA. In combination, we believe that these factors, as well as the available body of evidence from other similar activities, demonstrate that the potential effects of the specified activities will have only short-term effects on a relatively small portion of the entire California stock. The specified activities are not expected to impact rates of recruitment or survival and will therefore not result in population-level impacts.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS finds that the total marine mammal take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted above, only small numbers of incidental take may be authorized under Sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals.

Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

Here, the authorized take comprises approximately 1.3 percent of the abundance of the California stock of harbor seals based on the estimate of 417 seals in the project area. The total authorized take (6755) reflects the number of disturbances potentially caused by the Phase II project activities, not the number of individual seals disturbed. An animal can only be counted as ''taken'' once a day; however, the PSO is not able to identify duplicate counts of the same animal. Animals taken on different days are also not likely to be different individuals as the population is resident. Thus, the total authorized take includes many duplicate counts of the same animal.

Therefore, based on the analysis contained herein of the proposed activity (including the proposed mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must evaluate our proposed action (*i.e.,* the promulgation of regulations and subsequent issuance of incidental take authorization) and alternatives with respect to potential impacts on the human environment. This action is consistent with categories of activities identified in Categorical Exclusion B4 of the Companion Manual for NAO 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that the proposed action qualifies to be categorically excluded from further NEPA review.

Endangered Species Act (ESA)

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is proposed for authorization or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

Authorization

As a result of these determinations, NMFS has issued an IHA to CDFW for the potential harassment of small numbers of harbor seals incidental to the Phase II of the Elkhorn Slough Tidal Marsh Restoration Project in Elkhorn Slough located in Monterey County, CA, provided the previously mentioned mitigation, monitoring and reporting are completed.

Dated: March 10, 2020.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2020–05165 Filed 3–12–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA075]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting via webinar.

SUMMARY: The New England Fishery Management Council's is convening its Scientific and Statistical Committee (SSC) via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This webinar will be held on Tuesday, March 31, 2020 at 10 a.m. Webinar registration URL information: *https://attendee.gotowebinar.com/register/4554168771490120450.* Call in information: +1 (562) 247–8422, Access Code: 157–256–431.

ADDRESSES: The meeting will be held via webinar.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The SSC will meet to: receive a presentation on the Northeast Fisheries Science Center's Ecosystems Status Report and provide the NRFSC any recommendations about revisions; review research priority updates identified by the Council's committees and plan development teams and provide the Council any recommendations on revisions to the research priorities. Other business will be discussed as necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: March 10, 2020.

Tracey L. Thompson,

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

[FR Doc. 2020–05142 Filed 3–12–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Ocean Exploration Advisory Board

AGENCY: Office of Ocean Exploration and Research (OER), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda for a meeting of the Ocean Exploration Advisory Board (OEAB). OEAB members will discuss and provide advice on Federal ocean exploration programs, with a particular emphasis on the topics identified in the section on Matters to Be Considered.

DATES: The announced meeting is scheduled for Wednesday, April 8, 2020, from 9 a.m. to 5 p.m. CDT and Thursday, April 9, 2020, from 9 to 5 p.m. CDT.

ADDRESSES: The meeting will be held at: Edison Chouest Offshore, 16201 E. Main St., Cut Off, LA 70345.

FOR FURTHER INFORMATION CONTACT: Mr. David McKinnie, Designated Federal Officer, Ocean Exploration Advisory Board, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE, Seattle, WA 98115, (206) 526–6950.

SUPPLEMENTARY INFORMATION: NOAA established the OEAB under the Federal Advisory Committee Act (FACA) and legislation that gives the agency statutory authority to operate an ocean exploration program and to coordinate a national program of ocean exploration. The OEAB advises NOAA leadership on strategic planning, exploration priorities, competitive ocean exploration grant programs and other matters as the NOAA Administrator requests.

OEAB members represent government agencies, the private sector, academic institutions, and not-for-profit institutions involved in all facets of ocean exploration—from advanced technology to citizen exploration.

In addition to advising NOAA leadership, NOAA expects the OEAB to help to define and develop a national program of ocean exploration—a network of stakeholders and partnerships advancing national priorities for ocean exploration.

Matters To Be Considered: The OEAB will discuss the following topics: (1) The new OEAB Blue Economy Subcommittee; (2) OER updates, including the OER program review; (3) the future of the OEAB; (4) the National Strategy for Mapping, Exploring, and Characterizing the U.S. Exclusive Economic Zone; and (5) other matters as described in the agenda. The agenda and other meeting materials are available on the OEAB website at *http://oeab.noaa.gov.*

Status: The meeting will be open to the public with a 15-minute public comment period on Thursday, April 9, 2020 from 11:45 a.m. to 12 p.m. CDT (please check the final agenda on the OEAB website to confirm the time). The public may listen to the meeting and provide comments during the public comment period via teleconference. Dial-in information may be found on the meeting agenda on the OEAB website.

The OEAB expects that public statements at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to three minutes. The Designated Federal Officer must receive written comments by April 3, 2020, to provide sufficient time for OEAB review. Written comments received after April 3, 2020, will be distributed to the OEAB but may not be reviewed prior to the meeting date. Seats will be available on a first-come, first-served basis.

Special Accomodations: These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Designated Federal Officer by April 3, 2020.

Dated: *March 5, 2020.*

David Holst,

Chief Financial Officer/Administrative Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2020–05185 Filed 3–12–20; 8:45 am]

BILLING CODE 3510–KA–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed addition and deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed addition to and deletions from the Procurement List.

SUMMARY: The Committee is proposing to add a service to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes products and services previously furnished by such agencies.

DATES: Comments must be received on or before: April 12, 2020.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia, 22202–4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed addition, the entities of the Federal Government identified in this notice will be required to procure the service listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following service is proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Service

Service Type: Complete Facilities Management

Mandatory for: U.S. Department of Health & Human Services, Hubert H. Humphrey Building, Washington, DC

Mandatory Source of Supply: Skookum Educational Programs, Bremerton, WA

Contracting Activity: HHS, PROGRAM SUPPORT CENTER ACQ MGMT SVC

Note: The Notice listed above replaces the Notice for Operations and Maintenance Services, U.S. Department of Health & Human Services, Hubert H. Humphrey Building, Washington, DC that originally posted on November 22, 2019, in Document Citation 84 FR 64468, Document Number 2019–25393

Deletions

The following products and services are proposed for deletion from the Procurement List:

Products

NSNs—Product Names:

8940–00–NIB–0094—Soup, Shelf-Stable, Cream of Mushroom, Low Sodium

8940–00–NIB–0095—Soup, Shelf-Stable, Cream of Chicken

Mandatory Source of Supply: Cambridge Industries for the Visually Impaired—Deleted, Somerset, NJ

Contracting Activity: DEPT OF AGRIC/AGRICULTURAL MARKETING SERVICE, WASHINGTON, DC

Services

Service Type: Janitorial/Custodial
Mandatory for: Smithsonian Institution Service Center: 1111 North Carolina Street NE, Washington, DC
Mandatory Source of Supply: Melwood Horticultural Training Center, Inc., Upper Marlboro, MD
Contracting Activity: SMITHSONIAN INSTITUTION

Service Type: Janitorial/Custodial
Mandatory for: Backbay National Wildlife Refuge, Virginia Beach, VA
Mandatory Source of Supply: Community Alternatives, Incorporated, Norfolk, VA
Contracting Activity: OFFICE OF POLICY, MANAGEMENT, AND BUDGET, NBC ACQUISITION SERVICES DIVISION

Service Type: Mailroom Operation
Mandatory for: Internal Revenue Service: 300 North Los Angeles Street, Los Angeles, CA
Mandatory Source of Supply: Elwyn, Aston, PA
Contracting Activity: TREASURY, DEPARTMENT OF THE, DEPT OF TREAS/

Service Type: Janitorial/Custodial
Mandatory for: Paul E. Garber Complex: 3904 Old Silver Hill Road, Suitland, MD
Mandatory Source of Supply: Melwood Horticultural Training Center, Inc., Upper Marlboro, MD
Contracting Activity: GENERAL SERVICES ADMINISTRATION, FPDS AGENCY COORDINATOR

Service Type: Carwash Service
Mandatory for: U.S. Border Patrol: 536 Barbara Worth Road, Calexico, CA
Mandatory for: U.S. Border Patrol: 221 W. Aten Rd., Imperial, CA
Mandatory for: U.S. Border Patrol: 1111 N. Imperial Ave, El Centro, CA
Mandatory Source of Supply: ARC-Imperial Valley, El Centro, CA
Contracting Activity: U.S. CUSTOMS AND BORDER PROTECTION, BORDER ENFORCEMENT CONTRACTING DIVISION

Service Type: Janitorial/Custodial
Mandatory for: U.S. Army Reserve Center: Edison, MG Willian Weigal, Edison, NJ
Contracting Activity: DEPT OF THE ARMY, W6QM MICC CTR–FT DIX (RC)

Service Type: Forms Distribution Service
Mandatory for: Department of Health and Human Services, Agency for Healthcare Research and Quality, Rockville, MD
Mandatory Source of Supply: Melwood Horticultural Training Center, Inc., Upper Marlboro, MD
Contracting Activity: AGENCY FOR HEALTH CARE POLICY AND RESEARCH, PHS AHRQ, HHS, ROCKVILLE, MD

Service Type: Mailroom Operation
Mandatory for: USDA, Rural Development Agency, St. Louis, MO
Mandatory Source of Supply: MGI Services Corporation, St. Louis, MO
Contracting Activity: RURAL HOUSING SERVICE, RURAL DEVELOPMENT

Service Type: Grounds Maintenance
Mandatory for: U.S. Geological Survey: Wildlife Research Center, Patuxent, MD
Mandatory Source of Supply: Melwood Horticultural Training Center, Inc., Upper Marlboro, MD
Contracting Activity: OFFICE OF POLICY, MANAGEMENT, AND BUDGET, NBC ACQUISITION SERVICES DIVISION

Michael R. Jurkowski,

Deputy Director, Business & PL Operations.

[FR Doc. 2020–05201 Filed 3–12–20; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Addition and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Addition to and deletions from the Procurement List.

SUMMARY: This action adds a service to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes products and services from the Procurement List previously furnished by such agencies.

DATES: *Date added to and deleted from the Procurement List:* April 12, 2020

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Addition

On 12/20/2019, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the service and impact of the addition on the current or most recent contractors, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service to the Government.

2. The action will result in authorizing small entities to furnish the service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the service proposed for addition to the Procurement List.

End of Certification

Accordingly, the following service is added to the Procurement List:

Service

Service Type: Information Technology Support
Mandatory for: U.S. Air Force, 96th Medical Group, Eglin AFB, FL
Mandatory Source of Supply: Global Connections to Employment, Inc., Pensacola, FL
Contracting Activity: DEPT OF THE AIR FORCE, FA2823 AFTC PZIO

The Committee finds good cause to dispense with the 30-day delay in the effective date normally required by the Administrative Procedure Act. See 5 U.S.C. 553(d). This addition to the Committee's Procurement List is effectuated because of the expiration of the U.S. Air Force, Information Technology Support contract. The U.S. Air Force contacted, and has worked diligently with, the AbilityOne Program to fulfill this service need under the AbilityOne Program. To avoid performance disruption, and the possibility that the U.S. Air Force will refer its business elsewhere, this addition must be effective on March 31, 2020, ensuring timely execution for an April 1, 2020 start date, while still allowing 18 days for comment. Pursuant to its own regulation 41 CFR 51–2.4, the Committee conducted an impact analysis on the current contractor and determined that no severe adverse financial impact will result from the Commission's decision. The incumbent graduated from the Small Business Administration's 8(a) Program, and is no longer eligible for award of the requirement, which will remain under the 8(a) Program if not placed on the Procurement List. The Committee also published a notice of proposed

Procurement List addition in the **Federal Register** on December 13, 2019, and did not receive any comments from any interested persons, including from the incumbent contractor. This addition will not create a public hardship and has limited effect on the public at large, but, rather, will create new jobs for other affected parties—people with significant disabilities in the AbilityOne Program who otherwise face challenges obtaining and maintaining employment. Moreover, this addition will enable U.S. Air Force operations to continue without interruption.

Deletions

On 2/7/2020, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the products and services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.
2. The action may result in authorizing small entities to furnish the product(s) and service(s) to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) and service(s) deleted from the Procurement List.

End of Certification

Accordingly, the following products and services are deleted from the Procurement List:

Products

NSN—Product Name:
7530–01–583–0558—Folders, File, Reinforced Tab, Manila, ⅔ Cut, Letter
Mandatory Source of Supply: Central Association for the Blind & Visually Impaired, Utica, NY
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY

NSNs—Product Names:
7510–01–660–3972—Toner Cartridge, Remanufactured, Standard Yield, Black, Hp LaserJet 8100/8150 Compatible
7510–01–625–1726—Toner cartridge, Laser, Extra High Yield, HP Compatible for the P1102
7510–01–625–0852—Toner Cartridge, Laser, Double Yield, Compatible w/ Lexmark E250d & other LM, Dell, & IBM printers
Mandatory Source of Supply: Alabama Industries for the Blind, Talladega, AL
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY

Services

Service Type: Administrative Services
Mandatory for: GSA, Field Office Los Angeles: 312 N. Spring Street, Los Angeles, CA
Mandatory for: GSA, Field Office Los Angeles: 300 N. Los Angeles Street, Los Angeles, CA
Mandatory for: GSA, Field Office Los Angeles: 888 S. Fugueroa, Los Angeles, CA
Mandatory Source of Supply: Elwyn, Aston, PA
Contracting Activity: GENERAL SERVICES ADMINISTRATION, FPDS AGENCY COORDINATOR

Service Type: Grounds Maintenance
Mandatory for: Hannah Houses & adjacent property 157–159 Conception St., Mobile AL
Mandatory Source of Supply: GWI Services, Inc., Mobile, AL
Contracting Activity: PUBLIC BUILDINGS SERVICE, ACQUISITION DIVISION/ SERVICES BRANCH

Service Type: Administrative Services
Mandatory for: GSA, National Furniture Center: Crystal Mall Building 4, Arlington, VA
Mandatory Source of Supply: ServiceSource, Inc., Oakton, VA
Contracting Activity: GENERAL SERVICES ADMINISTRATION, FPDS AGENCY COORDINATOR

Service Type: Grounds Maintenance
Mandatory for: U.S. Court of Appeals: 7th and Mission Streets, San Francisco, CA
Mandatory Source of Supply: Rubicon Programs, Inc., Richmond, CA
Contracting Activity: GENERAL SERVICES ADMINISTRATION, FPDS AGENCY COORDINATOR

Michael R. Jurkowski,
Deputy Director, Business & PL Operations.

[FR Doc. 2020–05200 Filed 3–12–20; 8:45 am]
BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Notice of Availability; Correction

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Notice of correction.

SUMMARY: The Committee for Purchase From People Who Are Blind or Severely Disabled published a document in the **Federal Register** of February 28, 2020, concerning a new guidance portal. The document contained certain links and citations that have been updated here.

DATES: The updated links and citations are effective immediately.

ADDRESSES: *https://abilityone.gov/guidance.*

FOR FURTHER INFORMATION CONTACT: Brian Hoey, 703.603.2114, *guidanceportal@abilityone.gov.*

SUPPLEMENTARY INFORMATION: The Committee for Purchase From People Who Are Blind or Severely Disabled published a document in the **Federal Register** of February 28, 2020, 85 FR 11971, concerning a new guidance portal. The document contained certain links and citations that have been updated. The corrected notice is as follows:

Section 3 of Executive Order 13891 requires each federal agency to ''establish or maintain on its website a single, searchable, indexed database that contains or links to all guidance documents in effect from such agency or component.'' 84 FR 55235 (Oct. 15, 2019).

OMB Memorandum M–20–02 further requires agencies to ''send to the **Federal Register** a notice announcing the existence of the new guidance portal and explaining that all guidance documents remaining in effect are contained on the new guidance portal.'' OMB Memorandum M–20–02, Guidance Implementing Executive Order 13891, titled ''Promoting the Rule of Law Through Improved Agency Guidance Documents'' (Oct. 31, 2019).

In compliance with the above, the Commission is announcing the availability of a single, searchable, indexed database containing all Commission guidance documents currently in effect, which may be accessed at *https://abilityone.gov/guidance* on or after February 28, 2020.

(Authority: Executive Order 13891; OMB Memorandum M–20–02.)

Michael R. Jurkowski,
Deputy Director, Business & PL Operations.

[FR Doc. 2020–05202 Filed 3–12–20; 8:45 am]
BILLING CODE 6353–01–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2009–0092]

Proposed Extension of Approval of Information Collection; Comment Request—Clothing Textiles, Vinyl Plastic Film

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: As required by the Paperwork Reduction Act of 1995, the Consumer Product Safety Commission (CPSC or Commission) requests comments on a proposed request for extension of approval of a collection of information from manufacturers and importers of clothing, textiles and related materials intended for use in clothing under the Standard for the Flammability of Clothing Textiles and the Standard for the Flammability of Vinyl Plastic Film. These regulations establish requirements for testing and recordkeeping for manufacturers and importers who furnish guaranties for products subject to these standards. The Office of Management and Budget (OMB) previously approved the collection of information under control number 3041–0024. OMB's most recent extension of approval will expire on June 30, 2020. The CPSC will consider all comments received in response to this notice before requesting an extension of approval of this collection of information from OMB.

DATES: The Office of the Secretary must receive comments not later than May 12, 2020.

ADDRESSES: You may submit comments, identified by Docket No. CPSC–2009–0092, by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: *https://www.regulations.gov.* Follow the instructions for submitting comments. The CPSC does not accept comments submitted by electronic mail (email), except through *https://www.regulations.gov.* The CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

Mail/hand delivery/courier Written Submissions: Submit comments by mail/hand delivery/courier to: Division of the Secretariat, Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7479.

Instructions: All submissions received must include the agency name and docket number for this notice. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to: *https://www.regulations.gov.* Do not submit electronically confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If you wish to submit such information please submit it according to the instructions for written submissions.

Docket: For access to the docket to read background documents or comments received, go to: *https://www.regulations.gov,* and insert the docket number, CPSC–2009–0092, into the ''Search'' box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Cynthia Gillham, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504–7791, or by email to: *cgillham@cpsc.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

The Commission has promulgated several standards under section 4 of the Flammable Fabrics Act (FFA), 15 U.S.C. 1193, to prohibit the use of dangerously flammable textiles and related materials in wearing apparel. Clothing and fabrics intended for use in clothing (except children's sleepwear in sizes 0 through 14) are subject to the Standard for the Flammability of Clothing Textiles (16 CFR part 1610). Clothing made from vinyl plastic film and vinyl plastic film intended for use in clothing (except children's sleepwear in sizes 0 through 14) are subject to the Standard for the Flammability of Vinyl Plastic Film (16 CFR part 1611). These standards prescribe a test to ensure that articles of wearing apparel, and fabrics and film intended for use in wearing apparel, are not dangerously flammable because of rapid and intense burning. (Children's sleepwear and fabrics and related materials intended for use in children's sleepwear in sizes 0 through 14 are subject to other, more stringent flammability standards codified at 16 CFR parts 1615 and 1616).

Section 8 of the FFA (15 U.S.C. 1197) provides that a person who receives a guaranty in good faith that a product complies with an applicable flammability standard is not subject to criminal prosecution for a violation of the FFA resulting from the sale of any product covered by the guaranty. The CPSC uses the information compiled and maintained by firms that issue these guaranties to help protect the public from risks of injury or death associated with flammable clothing and fabrics and vinyl film intended for use in clothing. In addition, the information helps the CPSC arrange corrective actions if any products covered by a guaranty fail to comply with the applicable standard in a manner that creates a substantial risk of injury or death to the public. Section 8 of the FFA requires that a guaranty must be based on ''reasonable and representative tests.'' The testing and recordkeeping requirements by firms that issue guaranties are set forth under 16 CFR part 1610, subpart B, and 16 CFR part 1611, subpart B.

B. Burden

The CPSC estimates that approximately 1,000 firms issue guaranties. Although the CPSC's past records indicate that approximately 675 firms have filed continuing guaranties at the CPSC, staff believes additional guarantees may be issued that are not filed with the Commission. Accordingly, staff has estimated the number of firms upwards to account for those guaranties to 1000 firms. Staff estimated the burden hours based on an estimate of the time for each firm to conduct testing, issue guaranties, and to establish and maintain associated records.

- Burden Hours per Firm—An estimated 5 hours for testing per firm, using either the test and conditioning procedures in the regulations or alternate methods. Although many firms are exempt from testing to support guaranties under 16 CFR 1610.1(d), CPSC staff does not know the proportion of those firms that are testing vs. those that are exempt. Thus, staff has included testing for all firms in the burden estimates.
- Guaranties Issued per Firm—On average, 20 new guaranties are issued per firm per year for new fabrics or garments.
- Estimated Annual Testing Time per Firm—100 hours per firm (5 hours for testing × 20 guaranties issued = 100 hours per firm).
- Estimated Annual Recordkeeping per Firm—1 hour to create, record, and enter test data into a computerized dataset; 20 minutes (= 0.3 hours) for annual review/removal of records; 20 minutes (= 0.3 hours) to respond to one CPSC records request per year; for a total of 1.6 recordkeeping hours per firm (1 hour + .3 hours + .3 hours = 1.6 hours per firm).
- Total Estimated Annual Burden Hours per Firm—100 hours estimated annual testing time per firm + 1.6 estimated annual recordkeeping hours per firm = 101.6 hours per firm.

• Total Estimated Annual Industry Burden Hours—101.6 hours per firm × 1,000 firms issuing guaranties = 101,600 industry burden hours. The total annual industry burden imposed by the flammability standards for clothing textiles and vinyl plastic film and enforcement regulations on manufacturers and importers of garments, fabrics, and related materials is estimated to be about 101,600 hours (101.6 hours per firm × 1,000 firms).

• Total Annual Industry Cost—The hourly wage for the testing and recordkeeping required by the standards is approximately $70.17 (for management, professional, and related occupations in goods-producing industries, Bureau of Labor Statistics, September, 2019), for an estimated annual cost to the industry of approximately $7.1 million (101,600 × $70.17 = $7,129,272).

C. Request for Comments

The Commission solicits written comments from all interested persons about the proposed collection of information. The Commission specifically solicits information relevant to the following topics:

—Whether the collection of information described above is necessary for the proper performance of the Commission's functions, including whether the information would have practical utility;

—Whether the estimated burden of the proposed collection of information is accurate;

—Whether the quality, utility, and clarity of the information to be collected could be enhanced; and

—Whether the burden imposed by the collection of information could be minimized by use of automated, electronic or other technological collection techniques, or other forms of information technology.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2020–05138 Filed 3–12–20; 8:45 am]

BILLING CODE 6355–01–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2010–0055]

Agency Information Collection Activities; Proposed Collection; Comment Request; Standard for the Flammability of Mattresses and Mattress Pads and Standard for the Flammability (Open Flame) of Mattress Sets

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: As required by the Paperwork Reduction Act of 1995, the Consumer Product Safety Commission (CPSC, or Commission) requests comments on a proposed extension of approval of a collection of information from manufacturers and importers of mattresses and mattress pads. The collection of information is set forth in the Standard for the Flammability of Mattresses and Mattress Pads, and the Standard for the Flammability (Open Flame) of Mattress Sets. These regulations establish testing and recordkeeping requirements for manufacturers and importers subject to the standards. The Office of Management and Budget (OMB) previously approved the collection of information under control number 3041–0014. OMB's most recent extension of approval will expire on June 30, 2020. The CPSC will consider all comments received in response to this notice, before requesting an extension of approval of this collection of information from OMB.

DATES: The Office of the Secretary must receive comments not later than May 12, 2020.

ADDRESSES: You may submit comments, identified by Docket No. CPSC–2010–0055, by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: *https://www.regulations.gov.* Follow the instructions for submitting comments. The CPSC does not accept comments submitted by electronic mail (email), except through *https://www.regulations.gov.* The CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

Mail/hand delivery/courier Written Submissions: Submit comments by mail/hand delivery/courier to: Division of the Secretariat, Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7479.

Instructions: All submissions received must include the agency name and docket number for this notice. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to: *https://www.regulations.gov.* Do not submit electronically confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If you wish to submit such information please submit it according to the instructions for written submissions.

Docket: For access to the docket to read background documents or comments received, go to: *https://www.regulations.gov,* and insert the docket number, CPSC–2010–0055, into the ''Search'' box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Cynthia Gillham, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504–7791, or by email to: *cgillham@cpsc.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

Approximately 344 establishments produce mattresses. The Standard for the Flammability of Mattresses and Mattress Pads, 16 CFR part 1632 (part 1632 standard), was promulgated under section 4 of the Flammable Fabrics Act (FFA), 15 U.S.C. 1193, to reduce unreasonable risks of burn injuries and deaths from fires associated with mattresses and mattress pads. The part 1632 standard prescribes requirements to test whether a mattress or mattress pad will resist ignition from a smoldering cigarette. The part 1632 standard also requires manufacturers to perform prototype tests of each combination of materials and construction methods used to produce mattresses or mattress pads and to obtain acceptable results from such testing. Manufacturers and importers must maintain the records and test results specified under the standard.

The Commission also promulgated the Standard for the Flammability (Open Flame) of Mattress Sets, 16 CFR part 1633 (part 1633 standard), under section 4 of the FFA to reduce deaths and injuries related to mattress fires, particularly those ignited by open-flame sources, such as lighters, candles, and matches. The part 1633 standard requires manufacturers to maintain certain records to document compliance with the standard, including maintaining records concerning

prototype testing, pooling, and confirmation testing, and quality assurance procedures and any associated testing. The required records must be maintained for as long as mattress sets based on the prototype are in production and must be retained for 3 years thereafter. Although some larger manufacturers may produce mattresses based on more than 100 prototypes, most mattress manufacturers base their complying production on 15 to 20 prototypes. OMB previously approved the collection of information for 16 CFR parts 1632 and 1633, under control number 3041–0014, with an expiration date of June 30, 2020. The information collection requirements under the part 1632 standard are separate from the testing and recordkeeping requirements under the part 1633 standard.

B. Burden Hours

16 CFR 1632: Staff estimates that there are 344 respondents. It is estimated that each respondent will spend 26 hours for testing and record keeping annually for a total of 8,944 hours (344 establishments × 26 hours = 8,944). The hourly compensation for the time required for record keeping is $70.17 (for management, professional, and related occupations in goods-producing industries, Bureau of Labor Statistics, September, 2019). The annualized cost to respondents would be approximately $627,600 (8,944 hours × $70.17).

16 CFR 1633: The standard requires detailed documentation of prototype identification and testing records, model and prototype specifications, inputs used, name and location of suppliers, and confirmation of test records, if establishments choose to pool a prototype. This documentation is in addition to documentation already conducted by mattress manufacturers in their efforts to meet 16 CFR part 1632. Staff estimates that there are 344 respondents. Based on staff estimates, the recordkeeping requirements are expected to require about 4 hours and 44 minutes per establishment, per qualified prototype. Although some larger manufacturers reportedly are producing mattresses based on more than 100 prototypes, most mattress manufacturers probably base their complying production on 15 to 20 prototypes, according to an industry representative contacted by staff. Assuming that establishments qualify their production with an average of 20 different qualified prototypes, recordkeeping time is about 94.6 hours (4.73 hours × 20 prototypes) per establishment, per year. (Note that pooling among establishments or using a prototype qualification for longer than 1 year will reduce this estimate). This translates to an estimated annual recordkeeping time cost to all mattress producers of 32,542 hours (94.6 hours × 344 establishments). The hourly compensation for the time required for record keeping is $70.17 (for management, professional, and related occupations in goods-producing industries, Bureau of Labor Statistics, September, 2019). The annual total estimated costs for recordkeeping are approximately $2,283,500 (32,542 hours × $70.17).

The total estimated annual cost to the 344 establishments for the burden hours associated with both 16 CFR part 1632 and 16 CFR part 1633 is approximately $2.8 million.

C. Request for Comments

The Commission solicits written comments from all interested persons about the proposed collection of information. The Commission specifically solicits information relevant to the following topics:

- Whether the collection of information described above is necessary for the proper performance of the Commission's functions, including whether the information would have practical utility;
- Whether the estimated burden of the proposed collection of information is accurate;
- Whether the quality, utility, and clarity of the information to be collected could be enhanced; and
- Whether the burden imposed by the collection of information could be minimized by use of automated, electronic or other technological collection techniques, or other forms of information technology.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2020–05137 Filed 3–12–20; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2020–0012; OMB Control Number 0704–0232]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement, Contract Pricing

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. *DoD invites comments on:* (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology.

DATES: DoD will consider all comments received by May 12, 2020.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704–0232, using any of the following methods:

○ *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

○ *Email: osd.dfars@mail.mil.* Include OMB Control Number 0704–0232 in the subject line of the message.

○ *Fax:* 571–372–6094.

○ *Mail:* Defense Acquisition Regulations System, Attn: Ms. Kerryn Loan, OUSD(A&S)DPC/DARS, Room 3B941, 3060 Defense Pentagon, Washington, DC 20301–3060.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Kerryn Loan, telephone 571–372–6119.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Subpart 215.4, Contract Pricing, and related clause at DFARS 252.215; OMB Control Number 0704–0232.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Number of Respondents: 427.

Responses per Respondent: 1 (approximately).

Annual Responses: 427.

Average Burden per Response: 40.7 (approximately).

Annual Burden Hours: 17,400.

Reporting Frequency: On occasion.

Needs and Uses: The clause at DFARS 252.215–7002, Cost Estimating System

Requirements, requires that certain large business contractors—

- Establish an acceptable cost estimating system and disclose the estimating system to the administrative contracting officer (ACO) in writing;
- Maintain the estimating system and disclose significant changes in the system to the ACO on a timely basis; and
- Respond in writing to written reports from the Government that identify deficiencies in the estimating system.

DoD contracting officers use this information to determine if the contractor has an adequate system for generating cost estimates, which forecasts costs based on appropriate source information available at the time, and has the ability to monitor the correction of significant deficiencies. The need for information collection decreases as contractor estimating systems improve and gain contracting officer approval.

Jennifer Lee Hawes,

Regulatory Control Officer, Defense Acquisition Regulations System.

[FR Doc. 2020–05212 Filed 3–12–20; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

Meeting of the Naval War College (NWC) Subcommittee of the Education for Seapower Advisory Board (E4SAB)

AGENCY: Department of the Navy, DoD.

ACTION: Notice of open meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the NWC Subcommittee of the E4SAB, referred to as the Board of Advisors to the President of the Naval War College hereafter, referred to as the ''Board'' will take place.

DATES: Open to the public, Thursday, April 2, 2020 from 9:00 a.m. to 4:30 p.m. and on Friday, April 3, 2020 from 8:30 a.m. to 11:00 a.m.

ADDRESSES: The meeting will be held at the U.S. Naval War College, 686 Cushing Road, Newport, RI, 02841–1207. Individuals without a DoD Government Common Access Card require an escort at the meeting location.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas J. Gibbons, Alternate Designated Federal Official (ADFO), 686 Cushing Road, Newport, RI, 02841–1207, telephone number (401) 841–4008, *gibbonst@usnwc.edu.*

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and the General Services Administration's (GSA) Federal Advisory Committee Management Final Rule (41 CFR part 102–3).

Purpose of Meeting: The purpose of the Board, which reports all draft findings and recommendations to the E4SAB, is to focus on the NWC, and is necessary for the purpose of accreditation. The purpose of the E4SAB is to provide independent advice and recommendations to the Secretary of Defense, through the Secretary of the Navy, the Chief of Naval Operations, and the Presidents of the Naval Postgraduate School (NPS) and the NWC on matters related to the NPS and NWC. Matters include, but are not limited to organizational management, curricula, methods of instruction, facilities, and other matters of interest.

Agenda: The agenda for Thursday, April 2, 2020, is as follows:

9:00 a.m.–10:30 a.m. Update Briefing—NWC Leadership
10:30 a.m.–2:45 p.m. Break
2:45 p.m.–4:30 p.m. Meet with NWC Faculty Members

The agenda for Friday is as follows:

8:30 a.m.–11:00 a.m. Board Business and Discussion of Findings and Recommendations
11:00 a.m. Meeting Adjourn

The most recent public agenda and other documentation may be obtained from Dr. Thomas J. Gibbons at (401) 841–4008 or *gibbonst@usnwc.edu.*

Meeting Accessibility: Pursuant to FACA and 41 CFR 102–3.140, this meeting is open to the public. Seating is limited and is on a first-come basis. All members of the public who wish to attend the public meeting must contact Dr. Thomas J. Gibbons at the email or telephone number listed above no later than March 19, 2020 to register and make arrangements for an escort, if necessary. Individuals requiring special accommodations to access the public meeting should contact Dr. Thomas J. Gibbons at least 10 business days prior to the meeting so that appropriate arrangements can be made.

Written Statements: In accordance with Section 10(a)(3) of the FACA and 41 CFR 102–3.105(j) and 102–3.140, interested persons may submit a written statement for consideration at any time, but should be received by the ADFO a least 5 business days prior to the meeting date so that the comments may be made available to the Board for their consideration prior to the meeting. Written statements should be submitted via email to Dr. Thomas J. Gibbons at *gibbonst@usnwc.edu* in either Adobe or Microsoft Word format. Please note that since the Board operates under the provisions of the FACA, as amended, all submitted comments and public presentations will be treated as public documents and will be made available for public inspection, including, but not limited to, being posted on the board website.

Dated: March 10, 2020.

D.J. Antenucci,

Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2020–05161 Filed 3–12–20; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Meeting of the Marine Corps University Board of Visitors

AGENCY: Department of the Navy, DoD.

ACTION: Notice of open meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the *Marine Corps University Board of Visitors,* hereafter, ''Board'' will take place.

DATES: Open to the public, Thursday, April 2, 2020, from 9:00 a.m. to 5:00 p.m., and Friday, April 3, 2020, from 9:45 a.m. to 11:00 a.m.

ADDRESSES: The meeting will be held at 2076 South St., Quantico VA, 22134. Registration may be required.

FOR FURTHER INFORMATION CONTACT: ADFO Dr. Kimberly Florich, Faculty Development and Outreach, *kimberly.florich@usmcu.edu.* 703–432–4837, 2076 South St., Quantico, VA 22134.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), the General Services Administration's (GSA) Federal Advisory Committee Management Final Rule (41 CFR part 102–3).

Purpose of Meeting: The purpose of the Board is to provide the Secretary of Defense and/or the Deputy Secretary of Defense, through the Secretary of the Navy, independent advice and

recommendations on matters pertaining to:

a. U.S. Marine Corps Professional Military Education;

b. all aspects of the academic and administrative policies of the University;

c. higher educational standards and cost effective operations of the University; and

d. the operation and accreditation of the National Museum of the Marine Corps.

Agenda: The meeting is open to the public on both days. Known times and topics are as follows:

Thursday, April 2, 2020

0900–0930: Meeting Called to Order (DFO)
0920–1020: Discussion with CLO
1015–1115: Fellows PME TLS Assessment Update
1100–1230: BREAK
1230–1315: Naval Fellows Discussion
1315–1400: Presidential Stability
1400–1415: BREAK
1415–1500: Wargaming Usage: Case Study Update
1500–1600: E4S Naval Community College Update
1600–1615: BREAK
1615–1700: MILFAC Promotion Rate Data
1700: Meeting Adjourns (DFO)

Friday, 3 April, 2020

0945: Call to Order (DFO)
0945–1045: Discussion/BOV Recommendations
1100: Meeting Adjourns (DFO)

The most recent public agenda and other documentation may be obtained on the FACA Database.

Meeting Accessibility: Pursuant to FACA and 41 CFR 102–3.140, this meeting is open to the public. Seating is limited and is on a first-come basis. All members of the public who wish to attend the public meeting must contact Dr. Kimberly Florich at the email or telephone number listed in Contact Information section no later than March 15, 2020 COB to register and make arrangements for an escort, if necessary. Individuals requiring special accommodations to access the public meeting should contact Dr. Kimberly Florich at least 17 business days prior to the meeting so that appropriate arrangements can be made.

Written Statements: In accordance with Section 10(a)(3) of the FACA and 41 CFR 102–3.105(j) and 102–3.140, interested persons may submit a written statement for consideration at any time, but should be received by the Alternate Designated Federal Officer (ADFO) a least 10 business days prior to the meeting date so that the comments may be made available to the Board for their consideration prior to the meeting. Written statements should be submitted via email to *kimberly.florich@usmcu.edu* in either Adobe or Microsoft Word format. Please note that since the Board operates under the provisions of the FACA, as amended, all submitted comments and public presentations will be treated as public documents and will be made available for public inspection, including, but not limited to, being posted on the board website.

Dated: March 10, 2020.

D.J. Antenucci,

Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2020–05160 Filed 3–12–20; 8:45 am]

BILLING CODE 3810–FF–P

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Recommendation 2020–01

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Notice; recommendation.

SUMMARY: The Defense Nuclear Facilities Safety Board has made a Recommendation to the Secretary of Energy concerning the Department of Energy's regulatory framework to ensure adequate protection of public health and safety at defense nuclear facilities. Pursuant to the requirements of the Atomic Energy Act of 1954, as amended, the Defense Nuclear Facilities Safety Board is publishing the Recommendation and associated correspondence with the Department of Energy and requesting comments from interested members of the public.

DATES: Comments, data, views, or arguments concerning the recommendation are due on or by April 13, 2020.

ADDRESSES: Send comments concerning this notice to: Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW, Suite 700, Washington, DC 20004–2001. Comments may also be submitted by email to *comment@dnfsb.gov.*

FOR FURTHER INFORMATION CONTACT: Tara Tadlock at the address above or telephone number (202) 694–7000.

SUPPLEMENTARY INFORMATION:

Recommendation 2020–01 to the Secretary of Energy

Nuclear Safety Requirements, Pursuant to 42 U.S.C. 2286a(b)(5), Atomic Energy Act of 1954, as Amended

Introduction. The Department of Energy's (DOE) defense nuclear facilities and associated infrastructure are aging, but DOE will continue to use many of the facilities and much of the infrastructure for the foreseeable future. Consequently, the safety systems and features that were designed into the buildings or installed during construction are also aging. At the same time, DOE is proposing, designing, and building new defense nuclear facilities to support its continued mission. DOE needs to maintain a robust safety posture and strong regulatory framework to ensure that both its aging facilities and infrastructure and its new facilities provide adequate protection of public health and safety. DOE will need clear requirements and guidance for its staff to follow and enforce.

Background. DOE Policy 420.1, Nuclear Safety Policy, states, ''It is the policy of the Department of Energy to design, construct, operate, and decommission its nuclear facilities in a manner that ensures adequate protection of workers, the public, and the environment.'' Title 10 Code of Federal Regulations (CFR) 830, Nuclear Safety Management, provides a foundation of requirements upon which DOE relies to ensure adequate protection of workers, the public, and the environment. With this rule, DOE has developed a robust regulatory framework—including orders, guides, and standards—to provide the requirements and guidance for the safe design, construction, operation, and decommissioning of its defense nuclear facilities.

10 CFR 830 captures the fundamental requirements for nuclear safety management to ensure contractors perform work ''with the hazard controls that ensure adequate protection of workers, the public, and the environment.'' DOE provides additional requirements in orders and standards. These additional requirements may be imposed on contractors by reference in regulations or by contract. DOE also provides non-mandatory guidance in guides, handbooks, and manuals.

In its initial Notice of Proposed Rulemaking creating 10 CFR 830,[1] DOE noted:

The [Price-Anderson Amendments Act of 1988], coupled with DOE efforts to improve the assurance of safety in its nuclear operations, led DOE to conclude that basic DOE nuclear safety requirements should be established through rulemaking. These requirements would revise and supplement the existing requirements, and in particular, establish specific requirements for applicable DOE

[1] 56 FR 64316, December 9, 1991.

nuclear facilities and provide a structured means for measuring the adequacy of the implementation and compliance on a facility-specific basis. Compliance would be measured against specific requirements and against provisions of programs required by these requirements and approved by DOE.

As specified in its enabling legislation, the first function of the Defense Nuclear Facilities Safety Board (Board) is to ''review and evaluate the content and implementation of the standards relating to the design, construction, operation, and decommissioning of defense nuclear facilities of the Department of Energy (including all applicable Department of Energy orders, regulations, and requirements) at each Department of Energy defense nuclear facility.'' [2] Since its creation, the Board has provided several recommendations that focus on creating a standards-based safety management system for DOE's defense nuclear facilities. DOE issued a notice of proposed rulemaking for 10 CFR 830 in August 2018. In this recommendation, the Board recommends to the Secretary of Energy specific measures that DOE should retain or adopt as requirements in its regulatory framework, including 10 CFR 830 and associated orders and standards, to include the implementation thereof, to ensure that public health and safety are adequately protected.

The Board notes a fundamental principle of responsibility and delegation in Recommendation 2004–1, Oversight of Complex, High-Hazard Nuclear Operations:

In any delegation of responsibility or authority to lower echelons of DOE or to contractors, the highest levels of DOE continue to retain safety responsibility. While this responsibility can be delegated, it is never ceded by the person or organization making the delegation. Contractors are responsible to DOE for safety of their operations, while DOE is itself responsible to the President, Congress, and the public.[3]

DOE is responsible for designing, constructing, operating, and decommissioning its defense nuclear facilities in a manner that ensures adequate protection of the public. Therefore, DOE prescribes the requirements for its operating contractors to follow and implement, approves the facilities' safety bases,[4] and oversees compliance through line management and independent oversight.

Analysis

Aging Infrastructure—When DOE first issued 10 CFR 830, the majority of its defense nuclear facilities were already a few decades old, and DOE had launched an effort to construct new facilities to replace them. The Replacement Tritium Facility at the Savannah River Site (now known as Building 233–H) is an example. However, nearly three decades after construction and startup of the replacement facility, DOE continues to rely on some older facilities to support its tritium operations, and will continue to do so for the indefinite future.

Similarly, DOE has embarked upon the design and construction of the Uranium Processing Facility at the Y–12 National Security Complex, but intends to operate two associated 50-plus year old facilities for another several decades to support its production commitments for national security purposes. Also, the time from concept to startup of a new defense nuclear facility has increased dramatically in recent years, placing further emphasis on the need for continued operation of aging facilities.

As facilities age, concerns develop over whether DOE can still safely operate and maintain them. Safety structures, systems, and components may degrade and not be able to reliably perform their safety functions. Older facilities continue to update their safety bases to comply with 10 CFR 830 without ensuring the reliability of safety systems, comprehensively evaluating the need for refurbishment or replacement of those systems, reconsidering the design or integrity of structures, or conducting a backfit analysis of equipment important to safety. Aging impacts are especially concerning for passive features (*e.g.,* facility structures and fire walls) that are not required to be surveilled to ensure they can perform their safety function. While DOE performs some upgrades and retrofits at aging facilities, it lacks a formal, complex-wide regulatory structure for identifying and performing upgrades necessary for the adequate protection of public and workers.

In addition, as the infrastructure supporting safety systems (*e.g.,* utilities and site services) ages, the supporting infrastructure may also degrade and impact the reliability of safety systems. DOE has taken action to address specific issues at particular sites, such as the Extended Life Program (ELP) at Y–12. However, the Board's concerns about aging infrastructure extend across the complex. Efforts such as the Y–12 ELP are laudable, but a much more systematic approach is required to address the needs across the complex. The Board has previously communicated its concerns regarding age-related degradation of infrastructure.

In a 2018 report,[5] DOE's Infrastructure Executive Committee noted that deferred maintenance had increased by 25 percent between 2013 and 2017 to a total of $5.9 billion dollars for operational facilities. Also, the report noted that 17 of the Department's 79 core capabilities [6] were potentially at risk due to inadequate infrastructure, including 5 core capabilities related to defense nuclear facility infrastructure and operation.

The Administrator for the National Nuclear Security Administration (NNSA) recognized the challenges NNSA faces with regards to its aging infrastructure in her April 11, 2018, testimony to the Subcommittee on Energy and Water Development Senate Committee on Appropriations, ''NNSA's infrastructure is in a brittle state that requires significant and sustained investments over the coming decade to correct. There is no margin for further delay in modernizing NNSA's scientific, technical, and engineering capabilities, and recapitalizing our infrastructure needed to produce strategic materials and components for U.S. nuclear weapons.''

In addition to financial investment, a strong regulatory framework is needed to manage aging infrastructure investments and priorities. Accordingly, the Board believes that DOE needs to review its priorities and establish department-level policy and guidance for managing aging infrastructure.

Hazard Categories—In 10 CFR 830, DOE applies a graded approach to the preparation of the safety basis for defense nuclear facilities, provides the criteria to be used for such gradation, and defines three Hazard Categories grouped by the significance of their consequences to different receptors (*i.e.,* offsite/public, onsite/collocated workers, and local/facility workers). In its proposed revision to 10 CFR 830,

[2] 42 United States Code (U.S.C.) 2286a(b)(1).

[3] Recommendation 2004–1, Oversight of Complex, High-Hazard Nuclear Operations. May 21, 2004.

[4] From 10 CFR 830.3, ''Safety basis means the documented safety analysis and hazard controls that provide reasonable assurance that a DOE nuclear facility can be operated safely in a manner that adequately protects workers, the public, and the environment.''

[5] Annual Infrastructure Executive Committee Report to the Laboratory Operations Board, March 27, 2018.

[6] Core capability is defined in DOE Order 430.1C, Real Property Asset Management, as the ability to conduct programmatic activities that would be degraded should the asset fail to perform as intended.

DOE proposes to delete the specific definitions of Hazard Categories and replace them with a generic definition in the future.

If it removes the Hazard Category definitions from 10 CFR 830 and the rulemaking process, DOE fundamentally undermines important nuclear safety processes established in the rule. Hazard categorization is an important aspect of 10 CFR 830 because the process determines what safety basis requirements are applicable to a facility. When combined with the lack of an aging management program, this could enable contractors to increase the radiological hazards present in an aging facility without an adequate understanding of the ability of the facility's safety structures, systems, and components to control the higher level of risk.

DOE Approvals—Both DOE and the Board have observed that the current requirement for updating a facility's documented safety analysis on an annual basis has been problematic at some defense nuclear facilities with complex activities. This is compounded when DOE and its contractors defer correcting known deficiencies until the next annual update instead of correcting the deficiencies within the current cycle. The Board also has observed situations where there have been multiple ''review iterations'' by the contractors and their DOE approval authorities. This could be a sign of disagreement between DOE and its contractor, or the lack of adequate technical quality or content in the safety basis documents submitted to DOE for approval. Difficulties in the annual update process also could indicate that DOE's contractors are not implementing the unreviewed safety question (USQ) process consistent with DOE requirements.

The Notice of Rulemaking does not provide an analysis of the problems that DOE is attempting to address, so it is not clear that DOE's proposed change to remove the requirement for DOE to approve annual documented safety analysis (DSA) updates is an effective solution. Removal of this requirement also complicates DOE's ability to ensure the configuration of the facility, the processes, and the documentation, and to evaluate the cumulative impact of temporary or permanent changes on the safety of the facility. The lack of an annual approval process could result in increasing latent risks as facilities and infrastructure age, due to the reduced frequency of DOE's approval of the evaluation of the reliability of their safety structures, systems, and components. As the Board noted in Recommendation 2004–1, ''Contractors are responsible to DOE for safety of their operations, while DOE is itself responsible to the President, Congress, and the public.''

Safety Basis Process and Requirements—10 CFR 830 captures the fundamental requirements for nuclear safety management to ensure contractors perform work ''with the hazard controls that ensure adequate protection of workers, the public, and the environment.'' DOE provides additional requirements in orders and standards. These additional requirements may be imposed on contractors by reference in regulations or by contract. DOE also provides non-mandatory guidance in guides, handbooks, and manuals.

DOE uses a number of processes for implementing an approved safety basis. The USQ process determines the approval authority for proposed changes to DSAs. Technical safety requirements (TSR) ensure that important operating parameters are maintained, and that safety structures, systems, and components are available and able to perform their defined safety functions under all types of conditions. Specific administrative controls (SACs) are higher level administrative controls that have safety importance equivalent to engineered controls that would be classified as safety-class or safety-significant.

USQs, TSRs, and SACs are all very important aspects of implementing and maintaining the safety basis at defense nuclear facilities. However, DOE does not provide specific implementation requirements in its regulatory framework, including 10 CFR 830, for contractor implementation of USQs, TSRs, and SACs. Instead, DOE provides non-mandatory guidance for USQ and TSR implementation via guidance documents and some requirements for SACs via a standard.[7] This lack of implementation requirements leads to inconsistent implementation across the complex. Therefore, the Board concludes DOE should incorporate specific implementation requirements for USQs, TSRs, and SACs, in its regulatory framework, including 10 CFR 830.

The attached Findings, Supporting Data, and Analysis document provides the Board's supporting analysis for this recommendation.

Conclusion. DOE needs to have a robust regulatory framework that provides sufficient structure such that both aging and new defense nuclear facilities continue to provide adequate protection of workers and the public. This recommendation is intended to strengthen DOE's regulatory framework in its current form, including DOE's orders, standards, and implementation. The Board agrees with DOE that 10 CFR 830 requires an update, but believes that the Notice of Proposed Rulemaking would actually erode the regulatory framework. DOE's nuclear enterprise has grown since the original issuance of the rule; however, DOE's regulatory framework has not been updated to include requirements for key concepts and safety control strategies upon which its defense nuclear facilities rely.

Recommendation. To ensure adequate protection at defense nuclear facilities, the Board recommends that DOE revise its regulatory framework, to include requirements in 10 CFR 830, Nuclear Safety Management, associated orders and standards, and implementation thereof, as follows:

1. Aging Infrastructure.

a. Develop and implement an approach including requirements to aging management that includes a formal process for identifying and performing infrastructure upgrades that are necessary to ensure facilities and structures, systems, and components can perform their safety functions.

2. Hazard Categories.

a. Retain qualitative definitions of hazard categories in 10 CFR 830.

b. Revise 10 CFR 830 to mandate use of a single version of Standard 1027 when performing facility hazard categorization.

3. DOE Approvals.

a. Conduct a root cause analysis to identify the underlying issues prohibiting the current safety basis approval process from working efficiently and use the findings to improve DOE's approval process.

b. Add language to the rule to explain that DOE's review of safety basis updates should consider the cumulative effect of changes to the safety basis.

c. Revise the body of 10 CFR 830, Subpart B, to include formal DOE approval of justifications for continued operation and evaluations of the safety of a situation.

4. Safety Basis Process and Requirements.

a. Conduct a root cause analysis to identify the underlying issues prohibiting contractors from developing and submitting a documented safety analysis on an annual schedule for DOE approval and use the findings to improve the submission process.

b. While conducting the analyses in 3.a. and 4.a. above, retain the

[7] DOE Standard 1186–2016, Specific Administrative Controls, contains requirements; however, those requirements are only enforceable if Standard 1186–2016 is included in a contract.

requirement for contractors to submit a documented safety analysis on an annual schedule for DOE approval.

c. Specify what safety basis documentation a contractor must submit when seeking approval for an action involving a USQ (proposed 10 CFR 830.203(d)).

d. Establish requirements for USQs and TSRs in 10 CFR 830 and/or orders, by elevating key guidance on USQs and TSRs to clearly identified requirements.

e. Establish requirements for and incorporate the concept of defense-in-depth and SACs and add a discussion of defense-in-depth and SACs to 10 CFR 830 under safety structures, systems, and components.

Bruce Hamilton,
Chairman.

Recommendation 2020–1 to the Secretary of Energy

Nuclear Safety Requirements

Risk Assessment for Recommendation 2020–1

This risk assessment supports the Defense Nuclear Facilities Safety Board's (Board) Recommendation 2020–1, Nuclear Safety Requirements. Board's Policy Statement 5, Policy Statement on Assessing Risk, states:

Risk assessments performed in accordance with the Board's revised enabling statute will aid the Secretary of Energy in the development of implementation plans focused on the safety improvements that are needed to address the Board's recommendations.

This recommendation identifies deficiencies with the Department of Energy's (DOE) proposed Nuclear Safety Management rule, 10 CFR 830, and with the implementation of the current rule's requirements. Subpart B of the rule, Safety Basis Requirements, applies to the highest hazard defense nuclear facilities across the complex. The application of the changes DOE has proposed will have a far-reaching impact on those facilities posing the greatest risks to worker and public health and safety.

The Secretary of Energy is required to ensure adequate protection of the public. DOE established 10 CFR 830 as a fundamental part of the Secretary of Energy's ability to ensure adequate protection. Given the weaknesses in the existing rule and further weaknesses in DOE's proposed rulemaking, the Secretary of Energy cannot consistently ensure adequate protection. Therefore this recommendation is justified and necessary.

Recommendation 2020–1 to the Secretary of Energy

Nuclear Safety Requirements

Findings, Supporting Data, and Analysis

Background. The Department of Energy (DOE) developed the first draft of Subpart B to 10 Code of Federal Regulations (CFR) part 830, Safety Basis Requirements, in the mid-1990s using subject matter expertise from the Nuclear Regulatory Commission (NRC). DOE designed its format and contents similar to NRC's 10 CFR 50, Domestic Licensing of Production and Utilization Facilities. To that end, DOE created the concept of a safety basis, which is a series of documents comprising a documented safety analysis (DSA), a technical safety requirements (TSR) document, and a safety evaluation report (SER). DOE would review and approve the contractor developed DSA and TSR documents, and issue the SER to document its review and approval.

To maintain configuration control of the DSA while allowing some operational flexibility for the contractors, DOE established the unreviewed safety question (USQ) process so that contractors could make some changes to their activities as long as the changes were within the bounds of the DOE-approved DSA. Thus, three distinct sections were created in the main body of the rule, with the USQ process dedicated to the configuration control of the DSA; and any changes to the TSR document were to be submitted to DOE for approval prior to implementation. DOE Standard 1104, Review and Approval of Nuclear Facility Safety Basis and Safety Design Basis Documents established DOE's process for its review and approval activities and the development of the SER.

DOE provided additional details on these concepts in Appendix A to Subpart B as ''DOE's expectations for safety basis requirements of 10 CFR 830, acceptable methods for implementing these requirements, and criteria DOE will use to evaluate compliance with these requirements.'' This concept was also modeled on NRC's issuance of appendices to ''establish minimum requirements'' that need to be met in order to comply with 10 CFR 50. For example, Appendix A to Part 50 provides the general design criteria and Appendix R provides fire protection requirements. Neither NRC nor DOE intended to consider the contents of an appendix to a Code of Federal Regulations section to be subject to the users' discretion. NRC provided additional detailed guidance in the regulatory guides that utilities use to comply with Part 50. Similarly, DOE provided a list of standards in Appendix A to Part 830 that contractors should use as acceptable methodologies for compliance with 10 CFR 830, Subpart B. These are known as the safe harbor standards.

Introduction. As part of the DOE's regulatory reform activities under Executive Order 13777, Enforcing the Regulatory Reform Agenda, DOE directed its Office of Environment, Health, Safety and Security,[8] working with the Office of the General Counsel, to initiate a rulemaking to revise 10 CFR 830 to address the following areas (amongst others):

a. Regulatory Treatment of Hazard Category 3 Facilities. Differentiate the treatment of Hazard Category 2 and Hazard Category 3 nuclear facilities by developing a new subpart to 830 for Hazard Category 3 that provides an appropriate graded approach to the implementation of the requirements in 830 for both contractors and the Department.

b. Safe Harbor Standards. Table 2 of Appendix A of 10 CFR 830, Subpart B, should be removed from the rule and become a separate standard (or other mechanism) referenced in the Rule.

c. Standard 1027 (STD) Successor Document. Add the term 'or successor document' to the 10 CFR 830 requirement to categorize nuclear facilities consistent with DOE STD 1027–92. The [working] Team recommends that DOE initiate a new revision to DOE STD 1027 (in addition to the existing 1027–92 revision effort) that updates the hazard categorization methodology and can be synched with the eventual revision to 830.

d. Updates to Documented Safety Analyses (DSAs). Increase the periodicity from the existing annual requirement to either 2 or 3 years; the current (arbitrary) annual requirement is problematic for complex facilities (*e.g.,* the DOE review/approval can take several months and overlap with contractor delivery of the annual update for the subsequent year). In addition, appropriately scoped updates should not require DOE approval.

f. Unreviewed Safety Question (USQ). Set appropriate USQ approval levels, improving operational flexibility, and clarifying terminology.

g. Limiting Analyses of Chemical Hazards. Limiting the requirement for

[8] Memorandum from Dan R. Brouillette, Deputy Secretary, to heads of elements, Initiate a Rulemaking to Revise 10 CFR 830, dated August 15, 2017.

the analysis of chemical hazards in DSAs, unless the chemicals, for example, are an initiator to a nuclear event, or inhibit responses to nuclear events. [Note: Chemical hazards are already addressed in 10 CFR 851, Worker Safety and Health Program.]

These activities were to ''result in significant improvements in efficiency and/or decrease in cost in Laboratory and DOE operations, while maintaining accountability and contractor performance standards [and] an appropriate level of DOE oversight.''

Findings. DOE issued the notice of proposed rulemaking for 10 CFR 830 in August 2018. The following paragraphs provide the Board's findings and analysis of DOE's proposed changes to 10 CFR 830, Subpart B, Safety Basis Requirements, and its referenced documents.

1. Aging Infrastructure.

DOE's memorandum that initiated the rulemaking relied on input and proposals from a working group to ''identify internal DOE reforms that could result in significant improvements in efficiency and/or decrease in cost. . .while maintaining accountability and contractor performance standards.'' From the working group's proposal, DOE identified several focus areas, including reform of 10 CFR 830, for further development of actions that may achieve the goal of improving efficiency and decreasing cost. This effort did not identify issues with the aging infrastructure, including lack of DOE guidance or requirements for maintenance, or the adequacy of safety posture for indefinite continued operation.

It is clear that as defense nuclear facilities age, their safety bases will become more complex. In some cases, DOE introduced new missions into old facilities, which are dependent upon dated technological infrastructure. Complexity has been shown to drive the contractors to heavily rely on administrative controls, instead of engineered features, to overcome the inherent difficulties involved in trying to comply with the requirements of 10 CFR 830, Subpart B.

At the time when 10 CFR 830 was crafted, the majority of defense nuclear facilities were only a few decades old, and DOE had launched an aggressive effort to construct new facilities to replace them. Facilities such as the Replacement Tritium Facility (RTF, now known as Building 233–H) at the Savannah River Site were examples of this vision in the early 1990s. However, three decades after the construction and startup of RTF, DOE continues to rely on some older facilities to support its tritium operations for the indefinite future. Similarly, DOE embarked upon design and construction of the Uranium Processing Facility at the Y–12 National Security Complex, but plans to continue to rely on operation of two other 50-plus year old facilities for another several decades to support its production commitments for national security purposes.

A significant number of defense nuclear facilities in the complex are now more than 50 years old and have surpassed their design life by decades. Concerns over whether facilities can still be operated and maintained safely develop as facilities age. Safety structures, systems, and components may degrade and be unable to perform their safety functions reliably. As the infrastructure supporting those safety systems (*e.g.,* passive features, utilities, and site services) ages, it may also degrade and impact the reliability of those safety systems.

As facilities age, concerns develop over whether DOE can still safely operate and maintain them. Safety structures, systems, and components may degrade and not be able to reliably perform their safety functions. Older facilities continue to update their safety bases to comply with 10 CFR 830 without ensuring the reliability of safety systems, comprehensively evaluating the need for refurbishment or replacement of those systems, reconsidering the design or integrity of structures, or conducting a backfit analysis of equipment important to safety. Aging impacts are especially concerning for passive features (*e.g.,* facility structures and fire walls) that are not required to be surveilled to ensure they can perform their safety functions. While DOE performs some upgrades and retrofits at aging facilities, DOE lacks a formal, complex-wide regulatory structure for identifying and performing upgrades necessary for the adequate protection of public and workers.

In addition, as the infrastructure supporting safety systems (*e.g.,* utilities and site services) ages, the supporting infrastructure may also degrade and impact the reliability of safety systems. DOE has taken action to address specific issues at particular sites, such as the Extended Life Program (ELP) at Y–12. However, the Board's concerns about aging infrastructure extend across the complex. Efforts such as the Y–12 ELP are laudable, but a much more systematic approach is required to address the needs across the complex. The Board has previously communicated its concerns regarding age-related degradation of infrastructure. For example, in prior communications the Board has expressed concerns with age-related degradation in:

- General-service water distribution systems that provide water to safety-significant or safety-class fire suppression systems;
- General-service electrical distribution systems that could impact the reliability of safety-significant confinement ventilation systems; and
- Building structures and internal systems that cannot withstand the seismic loads required to meet their designated performance categories.[9]

In a 2018 report,[10] DOE's Infrastructure Executive Committee noted that deferred maintenance had increased by 25 percent between 2013 and 2017 to a total of $5.9 billion dollars for operational facilities, and that 17 of DOE's 79 core capabilities [11] were potentially at risk due to inadequate infrastructure (see Table 1 for examples).

[9] See Board correspondence dated March 13, 2007; February 6, 2009; September 10, 2010*; September 30, 2011*; March 27, 2012; October 31, 2012*; February 25, 2013; October 30, 2013*; February 4, 2015; October 29, 2015; December 16, 2015; May 11, 2017; September 7, 2018; and July 2, 2019. The four dates with an asterisk are annual aging infrastructure reports the Board issued to Congress and forwarded to DOE. The dates are from the cover letter forwarding the report to DOE.

[10] Annual Infrastructure Executive Committee Report to the Laboratory Operations Board; March 27, 2018.

[11] Core capability is defined in DOE Order 430.1C, Real Property Asset Management, as the ability to conduct programmatic activities that would be degraded should the asset fail to perform as intended.

[12] Data is from Table C of Annual Infrastructure Executive Committee Report to the Laboratory Operations Board; March 27, 2018.

[13] Replacement Plant Value (RPV) is defined in DOE Order 430.1C, Real Property Asset Management, as the cost to replace the existing structure with a new structure of comparable size using current technology, codes, standards, and materials.

TABLE 1—CORE CAPABILITIES POTENTIALLY AT RISK DUE TO INFRASTRUCTURE DEFICIENCIES [12]

Core capability	Replacement plant value [13] assessed as inadequate (%)
Decontaminate and Decommission Facilities and Infrastructure	74
Uranium	45
Nuclear Material Accountability, Storage, Protection, and Handling	43
Plutonium	40
Weapons Assembly/Disassembly	36

In recognition of the general situation of aging infrastructure in DOE and its potential impacts on the defense nuclear facilities, the Board is concerned that DOE needs to review its priorities and establish department-level policy and guidance for managing the aging infrastructure supporting those facilities.

DOE has not conducted a comprehensive analysis of the difficulties facing its aging infrastructure at defense nuclear facilities. Without this analysis, DOE's efforts will not address the fundamental reasons for increased cost or other difficulties of maintaining old facilities in operational condition; nor will it assess the reduction in their margin of safety that may occur as the facilities age.

DOE needs to evaluate the state of its aging facilities, identify their required operational life to meet their mission needs, and develop an integrated plan for replacement or refurbishment of those facilities to maintain their safety posture and ensure adequate protection of the public, the workers, and the environment. DOE does not have any DOE-wide policies, directives, or requirements in place for implementing an effective aging management program. Accordingly, DOE needs to develop requirements and criteria for dealing with its aging infrastructure.

2. Hazard Categories.

Definition of Hazard Categorization—In 10 CFR 830, DOE requires application of a graded approach to the preparation of DSAs and provides the criteria to be used for such gradation in Section 830.3 of Subpart B. Table 1 in Appendix A to Subpart B defines three hazard categories that are grouped by the significance of their consequences to different receptors (*i.e.,* offsite/public, onsite/collocated workers, and local/facility workers).

In the proposed revision to 10 CFR 830, DOE deletes Table 1 and the specific definitions of hazard categorization, and states that it intends to provide a generic definition in the future that is not described at this time. DOE Standard 3009, safe harbor for preparation of a DSA, is formulated using the concept provided in Table 1 of the existing Subpart B. By removing the definitions of hazard categories from Part 830 and the rulemaking process, DOE's proposed revisions fundamentally undermine important nuclear safety processes established in the rule.

Hazard categorization is a fundamental element of the safety basis requirements of 10 CFR 830 because the process determines whether the safety basis requirements of Subpart B are applicable to a facility. Based on the definition of hazard categories provided in Table 1, DOE referred to Standard 1027 [14] and mandated its use in Section 830.202 of the rule because ''DOE want[ed] contractors to be consistent when determining the hazard classification for its nuclear facilities, hence we are requiring the consistent use of DOE–STD–1027 which has an established history for this purpose.'' [15] DOE's proposed action to delete Table 1, without any detailed discussion regarding hazard categorization, and deferring to a future document to be developed:

- Lacks the ''established history'' and a roadmap for preparation and implementation of the replacement approach;
- Does not provide the rationale for such a significant change in approach, which has been practiced for more than two decades without known degradation or deficiencies in implementation of nuclear safety requirements;
- Creates an ambiguous and unclear domain of standards to be developed for compliance with nuclear safety requirements; and
- Undermines the fundamental principles of the graded approach and its implementation as described in the rule.

Reference to Standard 1027 Within the Rule—DOE's memorandum to initiate the rulemaking recommended adding the phrase ''or successor document'' to 10 CFR 830.202(b)(3) and to ''initiate a new revision [to Standard 1027] that updates the hazard categorization methodology.''

DOE prepared Standard 1027 in 1992 to provide guidance on hazard categorization and on the performance of hazard analyses for preparation of safety bases for nonreactor nuclear facilities. It used the available technical information to develop screening criteria and grouping of the nuclear facilities based on their potential consequences to the immediate workers, site area, and offsite members of the public. DOE also based Standard 1027 on a survey of all DOE nuclear facilities and their potential hazards to arrive at a set of parameters that would realistically categorize those facilities based on their potential consequences. More updated technical information and recommendations by the International Commission on Radiological Protection (ICRP) [16] [17] has resulted in some changes to those parameters. It would be prudent, and technically justified, to use the most up to date information in a DOE standard that is fundamental for graded implementation of nuclear safety requirements at defense nuclear facilities.

This DOE action, combined with the deletion of Table 1 from the rule that defines hazard categories, and deferring a new definition to be provided outside the rulemaking process, will create an uncertain, ambiguous, and unclear methodology for implementation of 10

[14] DOE–STD–1027–92, Hazard Categorization and Accident Analysis Techniques for compliance with DOE Order 5480.23, Nuclear Safety Analysis Reports; Change Notice 1, September 1997.

[15] Preamble to 10 CFR 830, Section III, Response to Comments on the Interim Final Rule, response to Comment N.

[16] ICRP 68, 1994, Dose Coefficients for Intakes of Radionuclides by Workers, Replacement of ICRP Publication 61, International Commission on Radiological Protection, Pergamon Press, Oxford, Great Britain.

[17] ICRP 72, 1995, Age-Dependent Doses to Members of the Public from Intake of Radionuclides, Part 5, Compilation of Ingestion and Inhalation Dose Coefficients, International Commission on Radiological Protection, Pergamon Press, Great Britain.

CFR 830 at the defense nuclear facilities; and consequently, a potential for eroding the level of protection currently provided by those facilities.

Additionally, both the existing version and the proposed revision of 10 CFR 830 state that a contractor must ''categorize the facility consistent with'' Standard 1027 rather than ''in accordance with'' Standard 1027. The words ''consistent with'' introduce flexibility in implementation to not actually follow the requirements in Standard 1027. This language has already led to the National Nuclear Security Administration (NNSA) issuing supplemental guidance to its facilities to use a modification [18] to Standard 1027 that is not cited by the rule and, therefore, not used by the Office of Environmental Management; resulting in an inconsistent gradation of defense nuclear facilities in the complex.

The safety basis requirements in Subpart B apply to Hazard Category 1, 2, or 3 nuclear facilities. With DOE's proposed revisions, 830 would not include any language that defines these terms, and DOE can change the definitions of these terms outside the rulemaking process.

3. Submission and Approval of Safety Bases.

Need for Root Cause Analysis and DOE Approval of Annual Updates to the DSA—The DOE memorandum that initiated the rulemaking directed DOE elements to ''increase the periodicity from the existing annual requirement to either two or three years; the current (arbitrary) annual requirement is problematic for complex facilities. In addition, appropriately scoped updates should not require DOE approval.'' In accordance with the memorandum, the notice of proposed rulemaking deletes the requirement for DOE review and approval of the annual updates to the DSAs. This DOE action weakens the safety basis construct created by DOE in establishing Subpart B. DOE required the preparation of safety basis for nuclear facilities to ensure that adequate protection of the public and the workers is implemented through compliance with its safe harbor standards. It also weakens the USQ process, which ensures that the safety bases are maintained under a defined configuration control program.

The Board has noted that some defense nuclear facilities with complex activities have difficulty meeting the annual update commitments. Although this was not anticipated by DOE at the time when 10 CFR 830 was issued in January 2001,[19] some sites rely on inter-related documents that comprise their safety bases and it might be difficult to ensure that the various elements of their safety bases are updated consistently in the allowed time.[20]

The Board has also observed situations where there have been multiple ''review iterations'' by contractors and their DOE approval authorities. This could be a sign of disagreement between DOE and its contractor, or the lack of adequate technical contents of the DSAs submitted to DOE for approval. Difficulties in submitting an annual update also could indicate that DOE's contractors are not implementing the USQ process consistent with the requirements.

DOE's notice of rulemaking does not identify the problems that DOE is attempting to address, so it is not clear that DOE's proposed change is an appropriate solution. It would be prudent for DOE to evaluate the reasons why contractors and DOE experience significant challenges implementing the annual requirement. DOE needs to conduct a root cause analysis to determine why DOE and its contractors are having difficulties managing the review and approval of annual updates, and use the results of that analysis to fix the underlying problems. While conducting the analysis, DOE should retain the requirement for contractors to develop and submit safety bases on an annual schedule for DOE approval.

In the revised Appendix A to Subpart B, DOE proposes language to clarify that it will continue to review the DSA updates in some cases, and may even approve the annual update in some cases. The proposed language states, ''DOE will review each documented safety analysis . . . if DOE has reason to believe a portion of the safety basis has substantially changed.'' Another relevant new sentence is: ''If additional changes are proposed by the contractor and included in the annual update that have not been previously approved by DOE or have not been evaluated as a part of the USQ process, DOE must review and approve these changes.'' DOE's notice of rulemaking does not include a detailed discussion of these changes, and therefore they do not alleviate concerns with removing DOE's approval of the annual update.

Temporary Authorization of Activities—10 CFR 830.202(g)(3) requires contractors to ''Submit the evaluation of the safety of the situation to DOE prior to removing any operational restrictions initiated to meet [safe condition]'' of the facility. Those operational restrictions (or other compensatory measures) may continue to be required for a long period of time. Per DOE Guide 424.1–1B, Implementation Guide for Use in Addressing Unreviewed Safety Question Requirements, the vehicle for operating under restrictions for ''an extended period of time'' until the next annual update of the DSA is issued, is the justification for continued operations (JCO), which is a ''temporary change to the facility safety basis.'' The DOE guide states that the contractor should submit the JCO to DOE for approval. However, the rule does not formally require DOE's approval of a JCO.

In some cases, contractors eventually incorporate the operational restrictions and accompanying analyses (or some revised version of them) into the DSA via the annual update. In other cases, JCOs continue to be a stand-alone part of the safety basis for several years. With DOE's proposed revision to the rule, *i.e.,* not requiring DOE approval of the annual updates to the DSA, there will be important changes to the safety basis with no requirement for their approval by DOE.

Instead of a JCO, contractors may prepare an evaluation of the safety of the situation (ESS) that includes operational restrictions. DOE Guide 424.1–1B states that DOE should approve ESSs for potential inadequacies of the safety analysis (PISAs) that represent a positive USQ; however, the rule does not require DOE approval for this situation. Under DOE's proposed revision to the rule, the ESS can represent a mechanism for the contractor to make important changes to the safety basis without any requirement for DOE approval.

4. Safety Basis Process and Requirements.

Fundamental Elements of Safety Bases—Unlike the safe harbors for DOE nonreactor nuclear facilities and nuclear explosive facilities for compliance with the DSA requirements of the rule, the rule does not provide any standards for compliance with USQs or TSRs; instead, it refers to DOE guides on those subjects, DOE Guide 424.1–1B and DOE Guide 423.1–1B, Implementation Guide For Use In Developing Technical Safety Requirements, respectively. DOE guides,

[18] NNSA Supplemental Guidance 1027, Guidance on Using Release Fraction and Modern Dosimetric Information Consistently with DOE STD 1027–92, Hazard Categorization and Accident Analysis Techniques for Compliance with DOE Order 5480.23, Nuclear Safety Analysis Reports.

[19] 66 FR 1810, DOE response to Comment JJ, Section III of the final Rule, 10 CFR 830: ''If the USQ process has been followed properly, the annual approval of the documented safety analysis should require minimal effort.''

[20] For example, the Board has corresponded on PF–4 at LANL, Pantex, and the Tritium Facilities at the Savannah River Site among others.

however, ''describe[s] acceptable, non-mandatory means for meeting requirements.'' As a result, contractors' implementation at the sites are diverse and inconsistent. The Deputy Secretary identified this issue in his memorandum as one to be addressed in the proposed rule. The Board has made similar observations that include lack of uniformity of implementation, and in some cases, inconsistency of implementation with the requirements of the rule.

Requirements Regarding the USQ Process—DOE Guide 424.1–1B provides an example of guidance on USQs that should be examined for elevation to a requirement and inclusion in Subpart B. The guide includes expectations on the timeliness with which contractors process PISAs:

It is appropriate to allow a short period of time (hours or days but not weeks) to investigate the conditions to confirm that a safety analysis is potentially inadequate before declaring a PISA . . . If it is immediately clear that a PISA exists, then the PISA should be declared immediately.[21]

This timeliness is important for safety, as it causes the contractor to formally declare a PISA and take actions to place the facility in a safe condition. Contractors do not always perform this step in a timely manner (*i.e.,* within hours or days, but not weeks). This leads contractors to delay implementing the necessary compensatory measures to place or maintain the facility in a safe condition that provides adequate protection of the public. There are instances where contractors have delayed a PISA declaration beyond hours or days because they deemed the information to be not yet mature enough to merit that action. The DOE guidance quoted above already addresses this situation, saying that the contractors may take hours or days to investigate, but not weeks. It should be noted that a similar statement was made in resolution of comments received for the final rulemaking of 10 CFR 830: ''the contractor's USQ procedure should define the period for performance of a USQ determination related to a PISA and that time period should be on the order of days, not weeks or months.'' However, not all contractors' procedures comply with this expectation.

DOE should formalize this guidance on timeliness into a requirement, to ensure that contractors place facilities into safe conditions when they discover PISAs. If DOE believes it is necessary to make some allowance for delaying action because the new information is immature, DOE should provide the criteria for defining ''information maturity.'' Declaring the information as ''immature'' and not declaring a PISA should be exceptional and subject to compliance with DOE criteria. Such criteria, however, do not exist and need to be developed.

Additionally, the Board has observed that some contractors allow themselves a ''grace period'' to take action and return the facility into compliance with their safety bases without declaring a PISA.[22] As a result, the facility would be operating outside of its approved safety basis for the duration of the grace period without DOE knowledge or approval of the situation, and without having to take safety precautions to put the facility in a safe configuration. Section 830.202, Subpart B, does not allow this action, which may result in unsafe operation of defense nuclear facilities and a lack of adequate protection of the public.

Several of the USQ procedures approved by DOE lack any requirements for training and qualification of USQ screeners. These individuals are the first line of defense against lack of compliance with the requirements of the rule, and their knowledge of the facility and its safety basis, as well as the USQ process, is of utmost importance. While preparation of safety bases throughout the complex has created a wealth of knowledgeable subject matter experts that the contractors rely on, implementation of USQ procedures and USQ screening sometimes relies on available personnel, making their training and qualification an important aspect of the safety of operations.

The definition of USQ in the rule also warrants clarification. The proposed (and also existing) definition for USQ in Section 830.3 uses the term ''equipment important to safety.'' This term is not defined in 10 CFR 830, though it is defined in DOE Guide 424.1–1B. Proper and consistent implementation would be better achieved if the definition from the guide were also included in the rule.

Finally, 10 CFR 830 does not specify what documentation a contractor is required to submit to DOE prior to obtaining approval for planned actions involving a USQ. Specifically, section 830.203(d) states, ''A contractor responsible for a Hazard Category 1, 2, or 3 DOE nuclear facility must obtain DOE approval prior to taking any action determined to involve a USQ.'' This section does not specify whether a contractor must submit planned changes to the safety basis, a description of planned changes, or if no documentation is required and a verbal explanation would suffice. Accordingly, when DOE approves contractor action, it is not clear that DOE is specifically approving any planned changes to the safety basis.

Requirements Regarding TSRs—DOE Guide 423.1–1B includes some aspect of the content of TSR documents that should be considered for elevation to the rule. In Appendix C to the Guide, DOE combines the Section 830.201 requirement for the contractor to ''perform work in accordance with the DOE-approved safety basis'' with the quality assurance requirements in Subpart A of the rule. From these two portions of the rule, DOE derives a need for the contractor to ''independently confirm the proper implementation of new or revised safety basis controls.'' This is an important concept for ensuring safe operation of the facility, and should be directly included in the rule.

One area of difficulty for contractors preparing TSRs has been in the determination of ''completion times.'' TSRs typically define actions the contractor will take when safety structures, systems, and components (SSC) do not meet their limiting conditions for operation. This scenario can occur intentionally due to a maintenance outage, or unintentionally due to degradation of a safety-related SSC. TSRs define the required times (completion times) by which the contractor must take temporary actions to compensate for the loss of safety SSCs, or by which the contractor will restore SSCs. According to the guide, when developing completion times, the contractor should consider ''the safety importance of the lost safety function'' and ''the risk of continued operations.'' In practice, some completion times appear excessively long, with no documented consideration of safety risk for DOE's review and acceptance. DOE should revise Appendix A to Subpart B to include the concept that safety risks should be considered when developing completion times.

Similarly, some contractors have prepared TSR documents that the action to be taken, when a safety SSC is inoperable or found to be unavailable, is simply to submit to DOE a ''recovery plan.'' Some of these recovery plans are open-ended, without any completion date or compensatory measures in place to achieve an equivalent level of safety as provided in the TSR. As a result, some defense nuclear facilities could be operating outside the bounds of their approved safety basis, relying on an approved ''recovery plan'' to be

[21] DOE Guide 424.1–1B, Section C.2.

[22] Board Recommendation 2019–1, Uncontrolled Hazard Scenarios and 10 CFR 830 Implementation at the Pantex Plant, February 20, 2019.

completed by some unspecified date. Such situations warrant explicit requirements in the rule to prevent nuclear facilities from operating with less than adequate levels of safety.

Fundamental Nuclear Safety Principles—10 CFR 830 provides the requirements for identification and analysis of hazards, identification of controls, and the quality assurance that must be applied to all stages of nuclear facility operations. However, it does not require implementation of the most fundamental nuclear safety principle, defense-in-depth, to ensure that no one layer of control is solely relied on for safety.

In a letter to the Deputy Secretary of Energy, dated July 8, 1999, the Board stated:

Current requirements for nuclear safety design, criticality safety, fire protection and natural hazards mitigation are set forth in DOE Order 420.1, Facility Safety. This Order (Section 4.1.1.2), when contractually invoked, requires that:

'Nuclear facilities shall be designed with the objective of providing multiple layers of protection to prevent or mitigate the unintended release of radioactive materials to the environment.'

This ''defense-in-depth'' approach is the hallmark of nuclear facility and process designs.

DOE Order 420.1C, Facility Safety, includes an expanded discussion of what the defense-in-depth concept entails. However, the requirements of Order 420.1C are not applied to the operation of existing defense nuclear facilities unless DOE's contract with the management and operating contractor has specifically identified and stipulated its application. As a result, DOE does not routinely implement the defense-in-depth concept to ensure safe operation of nuclear activities. The controls identified in DSAs for existing facilities are usually a compilation of the existing controls, and rarely have led to the identification of new controls for ensuring that multiple layers of protection exist to defend against the release of radioactive materials. This weakness is more common when contractors rely on SACs to compensate for the lack of a safety-related engineered feature to prevent or mitigate an event.

10 CFR 830, Subpart B, needs to require the defense-in-depth construct to ensure that all nuclear facilities and activities meet this fundamental nuclear safety construct, and provide adequate protection of the public and the workers such that no one failure of a layer of protection would lead to the release of radioactive materials.

Specific Administrative Controls—DOE created the concept of the SAC in response to the Board's Recommendation 2002–3, Requirements for the Design, Implementation, and Maintenance of Administrative Controls. To provide guidance on this topic, DOE created a new standard, Specific Administrative Controls, and revised several other standards and guides to ensure consistency. SACs are a higher level administrative control that have safety importance equivalent to engineered controls that would be classified as safety-class or safety-significant. For this reason, SACs are an important tool for DOE to ensure adequate protection.

Although DOE created a new standard for SACs, DOE did not revise 10 CFR 830 to reflect the concept of implementing SACs as an equivalent TSR control. As a result, the discussion in 10 CFR 830 on safety controls is incomplete and does not fully reflect current DOE terminology and practice. Accordingly, DOE should include the concept of SACs within the requirements of 10 CFR 830, Subpart B.

Correspondence With the Secretary of Energy

Department of Energy Request for Extension of Time

November 13, 2019
The Honorable Bruce Hamilton
Chairman
Defense Nuclear Facilities Safety Board
625 Indiana Avenue NW, Suite 700
Washington, DC 20004

Dear Chairman Hamilton:

The Department of Energy (DOE) received the Defense Nuclear Facilities Safety Board (DNFSB) Draft Recommendation 2020–1, Nuclear Safety Management, on October 16, 2019, and is currently coordinating its review among the relevant offices. On behalf of the Secretary, and in accordance with 42 U.S.C. 2286d(a)(2), the Department requests a 60-day extension to provide comments.

DOE is committed to a robust nuclear safety regulatory framework that ensures adequate protection of public health and safety. A 60-day extension will afford DOE sufficient time to assess the Draft Recommendation's findings, supporting data, and analyses.

If you have any questions, please contact Mr. Matthew Moury, Associate Under Secretary for Environment, Health, Safety and Security, at (202) 586–5175.

Sincerely,
Dan Brouillette

Defense Nuclear Facilities Safety Board Response to Extension Request

November 26, 2019
The Honorable James Richard Perry
Secretary of Energy
U.S. Department of Energy
1000 Independence Avenue SW
Washington, DC 20585–1000

Dear Secretary Perry:

We are in receipt of your November 13, 2019, letter requesting a 60-day extension to provide comments on the Board's Draft Recommendation 2020–1, Nuclear Safety Management.

The Board's practice has been to grant a 30-day extension to comment on a draft Recommendation if you request an extension. In accordance with 42 U.S.C. 2286d(a)(2), the Board grants an extension to December 16, 2019.

Yours truly,
Bruce Hamilton
Chairman

Department of Energy Comments on Draft Recommendation

December 17, 2019
The Honorable Bruce Hamilton,
Chairman
Defense Nuclear Facilities Safety Board
625 Indiana NW, Suite 700
Washington, DC 20004

Dear Chairman Hamilton:

The Department of Energy (DOE) appreciates the opportunity to review the Defense Nuclear Facilities Safety Board (DNFSB) Draft Recommendation 2020–1, Nuclear Safety Requirements, issued on October 16, 2019. We appreciate the Board's perspective and look forward to continued positive interactions with you and your staff on this important topic.

Continuous improvement is a core value in maintaining a robust nuclear safety regulatory framework to ensure reasonable assurance of adequate protection of public and worker health and safety. DOE's recent actions include proposing to modify and improve Title 10 Code of Federal Regulations (CFR) part 830, Nuclear Safety Management, improving the associated DOE nuclear safety Directives and Technical Standards, and conducting oversight to ensure effective implementation throughout the DOE Complex.

DOE does not agree with the DNFSB's assertion in Draft Recommendation 2020–1 that the revisions proposed in the August 8, 2018, Notice of Proposed Rulemaking (NOPR) for 10 CFR part 830 will erode our nuclear safety regulatory framework. Rather, we believe that DOE's completed and ongoing activities related to the nuclear safety regulatory framework will improve the effectiveness and efficiency of the

framework. In addition to the requirements in 10 CFR part 830, requirements or guidance within DOE's orders, standards, and guides, are an important and necessary component of the regulatory framework. We continue to believe that, taken as a whole, this regulatory framework provides a sound framework for effective implementation at our sites.

For your consideration, the enclosure provides specific comments on many elements of the draft recommendation and discusses specific ongoing efforts the Department has taken, including actions to address aging infrastructure and strengthen the oversight model.

The DNFSB draft recommendation contains elements related to the scope of the ongoing 10 CFR part 830 rulemaking. Many of these comments were previously submitted in the October 5, 2018 DNFSB letter that contained the DNFSB's public comments on DOE's 10 CFR part 830 rulemaking. These comments are being evaluated and considered as part of the Department's process in developing any final rule.

While the Department understands that there is no prohibition against appropriate sharing of information regarding the proposed rulemaking (since the DNFSB is a Federal Agency), substantive information regarding how DOE is addressing comments and topics related to the ongoing rulemaking should not be made publicly available prior to the issuance of the final rule. Discussions between DOE and DNFSB staff indicate that, if the Board issues Final Recommendation 2020–1, the DNFSB will publish the Final Recommendation and related correspondence with the DOE in the **Federal Register**. Therefore, discussion regarding recommendations related to ongoing rulemaking are not included in the Enclosure.

DOE remains committed to share information about the rulemaking with the DNFSB and offers to brief the Board and/or Board staff on the status of the final NOPR. Similarly, given the importance of ongoing efforts to address aging infrastructure and strengthen the oversight model, DOE would appreciate the opportunity to provide the Board with a detailed briefing on the improvement actions taken. In addition, the Office of Enterprise Assessments (EA) senior leadership would be pleased to meet with the Board and technical staff for dialogue regarding EA's current nuclear safety basis oversight strategy.

If you have any questions, please contact Mr. Matthew Moury, Associate Under Secretary for Environment, Health, Safety and Security, at (202)586–1285.

Sincerely,
Dan Brouillette

Enclosure

Enclosure—Comments on DNFSB Draft Recommendation 2020–1

Nuclear Safety Requirements

Title 10 Code of Federal Regulations (CFR) part 830, Nuclear Safety Management, provides requirements upon which the Department of Energy (DOE) relies to ensure adequate protection of workers, the public, and the environment. In addition to this rule, DOE has developed a robust regulatory framework including policies, orders, guides, and standards to support the 10 CFR 830 requirements by providing additional detailed requirements and implementation guidance for the safe design, construction, operation, and decommissioning of its defense nuclear facilities.

DOE issued a Notice of Proposed Rulemaking (NOPR) to amend 10 CFR part 830 in August 2018 as a first step to the regulatory reform activities designed to improve the rule. Specifically, the purpose of the proposed changes, as published in the NOPR, are as follows: ''The proposed revisions reflect the experience gained in the implementation of the regulations over the past seventeen years, with specific improvements to the process for facility hazard categorization, the unreviewed safety question process, and the review and approval of safety documentation. The proposed revisions are intended to enhance operational efficiency while maintaining robust safety performance.''

DOE does not agree with the DNFSB's assertion in Draft Recommendation 2020–1 that the revisions proposed in the NOPR will erode DOE's nuclear safety regulatory framework. DOE believes that the proposed changes in the NOPR are a first step to improving the nuclear safety framework and is open to considering further changes in a future rulemaking. DOE values the input provided and will consider any concerns as they relate not just to the addition of requirements to 10 CFR part 830, but also the opportunity to enhance the requirements and guidance in the broader regulatory framework including DOE orders, guides, and standards.

The Draft Recommendation includes specific sub-recommendations related to two of the proposed revision topics identified in the NOPR: Hazard categorization and the review and approval of safety documentation. As noted in the letter transmitting this enclosure, a number of these comments were previously submitted in the October 5, 2018, DNFSB letter that contained the DNFSB's public comments on DOE's 10 CFR part 830 rulemaking. These comments are being evaluated and considered as part of the Department's process in developing the final rule. Substantive information regarding how DOE is addressing comments and topics related to the ongoing rulemaking should not be made publicly available prior to the issuance of the final rule. Therefore, discussion regarding recommendations related to ongoing rulemaking are not included in the Enclosure.

The Draft Recommendation also provides a number of sub-recommendations not related to the proposed revisions identified in the NOPR. Additional perspectives regarding the topics discussed in these sub-recommendations are included below.

Aging Infrastructure

DOE Regulatory Framework

The Draft Recommendation asserts that DOE lacks a formal regulatory structure for identifying and performing upgrades necessary for the adequate protection of workers and the general public. In the following discussion, DOE provides perspectives regarding how its regulatory framework ensures adequate protection of workers, the public, and the environment despite aging facilities and infrastructure.

Safety requirements are found in 10 CFR part 830, and additional requirements and guidance are provided in DOE Order 433.1B, Maintenance Management Program for DOE Nuclear Facilities, and DOE G 433.1-lA Chg. 1, Nuclear Facility Maintenance Management Program Guide for Use with DOE O 433.1B.

Compliance with 10 CFR part 830, including the requirement in 830.204(b)(4) to '' . . . demonstrate the adequacy of these [hazard] controls to eliminate, limit, or mitigate identified hazards . . . '' is required for all Hazard Category (HC) 1, 2, and 3 nuclear facilities, and does not distinguish between new or aging facilities. Title 10 CFR 830.204(b)(5) identifies nine safety management programs necessary to ensure safe operations for the facility which are required to be addressed where applicable, one of them being maintenance. There is no relaxation of requirements based on the age of the facility.

DOE has expectations for the performance of safety structures,

systems, and components (SSCs) in multiple policy documents. DOE O 420.1C, Facility Safety, includes requirements for the reliability in the design of safety SSCs. Both DOE–STD–3009–94, CN 3, Preparation Guide for US Department of Energy Nonreactor Nuclear Facility Documented Safety Analyses, and DOE–STD–3009–2014, Preparation ofNonreactor Nuclear Facility Documented Safety Analysis, which together are used for the development of the Documented Safety Analyses at the vast majority of DOE nuclear facilities, include expectations and requirements to evaluate the adequacy of safety SSCs to ensure designated functional requirements can be met and for documenting this evaluation. As part of the development of Technical afety Requirements (TSRs), surveillance requirements are derived from the DSA to assure that the necessary operability and quality of safety SSCs is maintained, that facility operations are within safety limits, and that limiting control settings and limiting conditions for operation are met.

In instances where a degraded or nonconforming SSC is discovered to not conform with the safety basis design description and specifications (discrepant as-found state) and is not replaced or repaired to return it to conformance (*e.g.,* a use-as-is disposition) , the need to declare a Potential Inadequacy of the Safety Analysis (PISA) would be evaluated under the Unreviewed Safety Question (USQ) process pursuant to the requirements of 10 CFR 830.203. An SSC determined to be incapable of performing its intended safety function(s), would be declared inoperable.

DOE O 433.1B defines the safety management program required by 830.204(b)(5) for maintenance and the reliable performance of SSCs. The Order requires that Federal and contractor organizations responsible for Hazard Category (HC) 1, 2, and 3 nuclear facilities must develop and implement a nuclear maintenance management program (NMMP) addressing seventeen topics, one of which ''the process for conducting inspections to evaluate aging-related degradation and technical obsolescence to determine whether the performance of SSCs is threatened.'' An acceptable NMMP consists of processes to ensure that SSCs are capable of fulfilling their intended function as identified in the facility safety basis. The accompanying Guide 433.1–1A, Chg. 1 identifies nine topics on aging-related degradation and technical obsolescence that the NMMP should directly address. Consistent with requirements in the Order, DOE conducts assessments of NMMP implementation at least every three years to evaluate whether the contractor is appropriately implementing requirements.

Within DOE orders, standards, and guides there are clear expectations and requirements to ensure that safety SSCs are able to perform their designated safety functions. However, in an effort to improve the regulatory framework and acknowledging that the management of aging infrastructure and technical obsolescence are areas for improvement, DOE approved a Project Justification Statement in 2018 to ''develop a new DOE handbook entitled Maintenance Management Program for DOE Nuclear Facilities that would replace the current DOE Guide 433.1-lA, Nuclear Facility Maintenance Management Preparation Guide for Use with DOE O 433.1B. The new handbook will cover all the topics that are currently covered in the Guide 433.1-lA with expanded coverage of aging degradation and technical obsolescence, currently addressed in Guide section III.M.'' To support expansion of this topic, a minor change would be needed to Order 433.1B, Chg. 1, Maintenance Management Program for DOE Nuclear Facilities.

Program-Specific Aging Infrastructure Management

Within DOE's regulatory framework, the program offices have individually taken on initiatives to address aging infrastructure. The National Nuclear Security Administration (NNSA) uses a science-based infrastructure stewardship approach to evaluate the state of its aging facilities, identify their required operational life to meet mission needs, and develop an integrated plan for replacement or refurbishment of those facilities to maintain their safety posture and ensure adequate protection of the public, the workers, and the environment. Specifically, NNSA has deployed holistic, data-driven, risk-informed tools and metrics to assess infrastructure conditions and prioritize investments.

Key parts of the science-based infrastructure stewardship approach include:

- The Mission Dependency Index. A measure of each infrastructure asset's impact to the mission by combining the consequences if the asset was lost, the difficulty to replace it, and the interdependency of it to other assets;
- The BUILDER Sustainment Management System. An infrastructure condition assessment management system that provides enterprise-level tracking and analysis of the condition and probability of failure of infrastructure assets and their systems, components, and sub-components;
- Enterprise Risk Management. A combination of the condition of the infrastructure, or likelihood of loss, with the mission impact, to focus attention on key facilities and improve prioritization of investments;
- The Excess-facility Risk Index. A measure of the risk posed by the structural and safety condition of the potential impact of contaminants and the proximity of the excess asset to workers, the public, environmental receptors;
- The Master Asset Plan and Deep Dives. NNSA's long-term planning process that leverages enterprise condition and risk data to support decision making and prioritization; and
- The Project Prioritization Process. This process uses the compiled data from each of the above metrics and processes, which is analyzed by subject matter experts to prioritize infrastructure projects that provide the greatest risk reduction per dollar.

NNSA's science-based infrastructure stewardship approach ensures investments are aligned with reducing the greatest infrastructure risks and ensuring alignment to program requirements.

The Draft Recommendation points to the Y–12 National Security Complex (Y–12) as an example of a DNFSB concern that DOE continues to utilize older facilities without ensuring the reliability of their safety systems; evaluating the need for refurbishment or replacement of those systems; reconsidering the design or integrity of their structures; or conducting a back-fit analysis of equipment important to safety. This concern overlooks Y–12's Extended Life Program (ELP) Safety Strategy, which specifically addresses the aging infrastructure concerns the proposed sub-recommendation highlights. This Safety Strategy was developed in alignment with DOE–STD–1189, Integration of Safety Into the Design Process, to identify and address potential areas of concern related both to aging infrastructure as well as gaps to modern nuclear standards (*e.g.,* seismic). NNSA's approach to these facilities is well within the framework described earlier (*i.e.,* 10 CFR part 830 and associated DOE orders, guides, and standards).

In achieving its mission, the DOE Office of Environmental Management (EM) is committed to the safety and protection of workers and communities, the public, and the environment. The

overall EM goal is risk reduction through achieving agreed upon end state criteria in a safe manner. EM has an ongoing process to evaluate infrastructure stewardship site-by-site to achieve overall risk reduction.

Most of the EM portfolio includes older facilities that are not part of an enduring mission and require innovative solutions, sound business practices, and science and technology to reduce risks and cost within the regulatory framework. Unlike enduring facilities, the EM solution for aging infrastructure is a blend between infrastructure stewardship and innovative control selection to ensure reliable controls are established. Application of nuclear safety fundamentals; clear understanding of the state of structures, systems, and components; assurance that the overall control strategy ensures adequate protection; and effective implementation of controls provides the platform for safe operations and accomplishment of the EM mission.

At the DOE Office of Science's (SC) defense nuclear facility, a facility life extension project was completed during the transition from EM to SC in 2007. SC continues to maintain the current infrastructure and evaluate the existing aging infrastructure for replacement in the facility in accordance with applicable DOE Orders and Standards.

Safety Basis Process and Requirements

The Draft Recommendation identifies a number of nuclear safety topics that the Board believes are missing from 10 CFR part 830. In addition to the requirements in 10 CFR part 830, DOE emphasizes that requirements or guidance are also contained in DOE's orders, standards, and guides, which are an important and necessary component of the regulatory framework. The following discussion describes DOE's current framework regarding these topics.

Concepts identified and recommended for inclusion into IO CFR part 830, such as defense-in depth, hierarchy of controls, and specific administrative controls (SACs) are currently discussed in a number of DOE's Orders and Standards. In addition to DOE Order 420.IC, DOE–STD–1186–2016, Specific Administrative Controls, and DOE–STD–1189–2016, Integration of Safety into the Design Process, which the Draft Recommendation correctly identifies as not always applicable to existing facilities, these concepts are also discussed within DOE's primary DSA safe harbor methodology document DOE–STD–3009, both the 2014 and 1994 Change Notice 3 versions.

DOE–STD–3009–94 underwent a major revision in 2006 with the issuance of Change Notice 3. A major objective of that revision was to incorporate expectations for SACs. Since that revision, DOE–STD–3009–94 has had strong expectations regarding the concepts of defense in depth, hierarchy of controls, and SACs, all three being key topics in DSAs. Both versions of DOE–STD–3009–94, Change Notice 3, and DOE–STD–3009–2014 require that the DSA address the significant aspects of defense in depth. The hierarchy of controls, which was introduced in DOE–STD–3009–94 has evolved into a stronger requirement in DOE–STD–3009–2014, requiring that DSAs provide a technical basis that supports the controls selected when the hierarchy of controls is not used.

Regarding the topics of USQs and TSRs, requirements in are set forth in 10 CFR part 830 specifically, 830.203 Unreviewed safety question process, and 830.205 Technical safety requirements. Additionally, each has a respective Guide that provides supplemental information to the requirements contained in the rule. (DOE G 424.1–lB Chg 2, Implementation Guide for Use in Addressing Unreviewed Safety Question Requirements; and DOE G 423.1–1B, Implementation Guide for Use in Developing Technical Safety Requirements, respectively) DOE O 420.1C, Chg. 3, Facility Safety, invokes DOE–STD–1104–2016, Review and Approval of Nuclear Facility Safety Basis and Safety Design Basis Documents, and it is a requirement for DOE elements to review and approve safety basis and safety design basis documents in accordance with this Standard. DOE–STD–1104–2016 contains requirements and expectations for the review and approval of TSRs and USQ documents, such as the USQ procedure, Evaluations for the Safety of the Situation (ESSs), and Justifications for Continued Operation (JCOs). This Standard refers to the expectations provided in DOE G 424.1-lB, Implementation Guide for Use in Addressing Unreviewed Safety Question Requirements, and DOE G 423.1–1B, Implementation Guide for Use in Developing Technical Safety Requirements, and sets the expectation, and in some cases requires, that the basis of approval address the expectations from the Guides.

Quality Assurance and Document Control

DOE understands the statements made in the Draft Recommendation regarding the importance of ensuring the quality and completeness of the contractors' safety basis documents and accomplishes accountability through clear requirements and expectations and oversight. The following discussion describes DOE's current framework regarding these topics and also provides specific actions the individual program offices have undertaken.

DOE's quality assurance requirements are provided in 10 CFR 830, Subpart A and DOE 0 414.1D, Chg.I, Quality Assurance. The Order includes a Contractor Requirements Document that is a concise set of all contractor requirements and responsibilities associated with the subject area. DOE oversees Quality Assurance Program (QAP) implementation at each site and addresses Quality Assurance (QA) deficiencies where needed, In addition, DOE is required to routinely assess the contractor's QAP.

Documentation developed to support development of the safety basis is often reviewed at the time of the Safety Basis Review Team (SBRT) review of the DSA in accordance with DOE–STD–1104–2016. DOE's Safety Basis Approval Authorities (SBAA) approve safety basis documents only after a SBRT evaluates the documents per DOE–STD–1104–2016 and all issues identified by the SBRT are satisfactorily resolved. Prior to recommending the SBAA approve the safety basis documents, SBRTs typically have a series of interactions with the contractor to exchange information and have a combination of informal and formal comment exchanges to ensure QA requirements are satisfied in the development of the documents. Contractors are responsive to SBRT comments, and the process leading up to SBAA approval ensures that contractors are held accountable for the specific documents.

Outside of DSA review and approval process, DOE continuously performs line oversight using the principles of DOE O 226.1B, Implementation of Department of Energy Oversight Policy, to ensure that the Contractor Assurance Systems (CAS) are identifying and correcting issues. Oversight also includes operational awareness activities for emergent safety basis/quality assurance weaknesses to ensure the resultant safety basis documents support safe execution of work. Through oversight DOE line management evaluates contractor and DOE programs and management systems for

effectiveness of performance, and to hold both contractors and federal staff accountable for developing, and reviewing and approving safety basis documents in accordance with DOE–STD–1104–2016.

As required by the Order, DOE line management tailors oversight processes according to the effectiveness of CASs, the hazards at the site/activity, and the degree of risk. DOE oversight relies on the CAS and evaluates the CASs as one factor in setting DOE oversight priorities. DOE Order 226.1B states, that the issues management process is required to be capable of categorizing findings based on risk and priority, ensuring relative line management findings are effectively communicated to the contractors, and ensuring that problems are evaluated and corrected on a timely basis. As part of the line management, DOE Headquarters (HQ) communicates its findings/issues to the field office and its contractors. Any issues identified by HQ staff are turned over to the appropriate field organization for identification of corrective actions and to track issues to closure in an issues tracking system.

DOE relies on both federal line and independent, contractor, and partnered assessments to evaluate the contractor's performance against the requirements. DOE Order 226.1B requires each contractor to perform line management oversight according to a defined CAS covering the full scope of operations. The CAS must provide reasonable assurance to DOE and contractor management that work is being performed safely, securely, and in compliance with all requirements; risks are being identified and managed and the systems of control are effective and efficient while accomplishing assigned missions. The contractor must develop, implement, and own their system with a minimum set of key attributes, which include metrics and targets to assess performance, rigorous self-assessments and improvement processes, identification and correction of negative performance trends, and timely communication to the DOE Site Office on assurance-related information. The CAS should provide each manager with sufficient information to be aware of performance and the status of issues so that appropriate action is taken before issues become significant events.

Ultimately, accountability is attained through each program office's performance evaluation process. This is a rigorous evaluation process that includes all aspects of contract management, including quality assurance and nuclear safety, and relies on both the CAS system and continuous federal line and independent oversight as inputs into the performance of the contractor. Safety basis performance can weigh positively or negatively in the contractor's interim and final performance evaluations. Outcomes are documented and depending on the contract, determines annual incentive awards, performance fees, and the option to be granted additional years on the contract through an ''award term'' extension. As a result of these evaluations, DOE's contractors have been responsive to this feedback to initiate specific and/or broad management changes to improve safety basis performance.

Beyond the requirements described above, DOE supports continuous improvement in the execution of 10 CFR part 830, and each of the program offices continues to take steps to improve federal and contractor performance. EM's Office of Safety, Security and Quality Assurance has implemented a pilot CAS oversight approach that focuses on the prevention, detection, and correction of problems, and uses some or all of the CAS oversight attributes published in the Energy Facility Contractors Group (EFCOG) best practice, ''EFCOG Best Practice: Contractor Assurance System Effectiveness Validation.'' The EM approach utilizes contractor corporate resources as part of the review team. Corporate executives draw upon experiences from a variety of sources and provide valuable insights with respect to the overall effectiveness of the CAS and its performance within the organization. The outcome resulting from the joint participation of DOE and corporate leadership and other experts have focused on areas of concern and helped to sustain system improvements. Corporate efforts have been aligned with minimizing barriers to mission success and help to design metrics to be better leading indicators such that the contractor can manage more proactively and stay ahead of the issues.

NNSA, in seeking to improve and sustain high quality safety basis documents, has focused on a number of initiatives. The NNSA Safety Roadmap includes two key pillars:

- NNSA corporately manages select Safety Basis Review Team (SBRT) evaluations in accordance with DOE STD–1104. Benefits from this program include providing a consistent approach for review and approval of safety basis documentation, and sharing of safety basis knowledge and experience across the NNSA enterprise.
- NNSA is in the final steps of Technical Qualification Program (TQP) Accreditation NNSA-wide. Expanding upon earlier accreditation from the Sandia Field Office, Nevada Field Office and NA–50, the NNSA-wide TQP accreditation will ensure the consistent rigorous qualification of nuclear safety specialist personnel, quality assurance personnel, and other technical qualifications that support the federal review and approval of safety basis documentation.

Additionally, NNSA has supported the DOE National Training Center's adaptation of the Safety Basis Professional Program and continuous improvement of safety basis curricula for federal and Maintenance and Operating partner personnel. NNSA has initiated a safety basis Community of Practice (COP) and supports/participates in the DOE QA COP. Similar forums are in place for facility representatives and other safety professionals. These forums provide a mechanism for sharing and discussion of issues and lessons learned, as well as providing a mechanism for the leveraging of key resources for emergent events.

Independent Oversight

In accordance with DOE O 227.lA, Independent Oversight Program, the Department's Office of Enterprise Assessments (EA) is charged with performing independent assessments of nuclear safety. EA currently performs five to six assessments of nuclear facility safety basis documents a year. A standard component of these assessments is the evaluation of the Federal review and approval of safety basis documents. Specifically, EA reviews safety evaluation reports and other review documentation and observes selected aspects of the review process to determine the level of adherence to DOE–STD–1104–2016. In the last several years, EA has not identified any significant issues with the Federal review and approval of safety basis documentation.

These assessments are prioritized first to complete reviews of high hazard nuclear project safety design basis documents as mandated by Congress, and second to review a sample of safety basis documents upgraded to DOE–STD–3009–2014. These assessments are very resource intensive, typically taking four to six weeks to review documents and an additional four to six weeks to resolve comments and prepare reports.

Sub-recommendation 5.c describes a process that would require a significant shift in EA's current priorities and use of highly specialized resources and does not consider a holistic view of EA's mandate and current priorities.

Authority: 42 U.S.C. 2286d(b)(2).

Dated: March 5, 2020.

Bruce Hamilton,

Chairman.

[FR Doc. 2020–05141 Filed 3–12–20; 8:45 am]

BILLING CODE 3670–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2020–SCC–0045]

Agency Information Collection Activities; Comment Request; Health Education Assistance Loan (HEAL) Program: Lender's Application for Insurance Claim Form and Request for Collection Assistance Form

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before May 12, 2020.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2020–SCC–0045. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W–208D, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Health Education Assistance Loan (HEAL) Program: Lender's Application for Insurance Claim Form and Request for Collection Assistance Form.

OMB Control Number: 1845–0127.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 296.

Total Estimated Number of Annual Burden Hours: 76.

Abstract: The HEAL Lender's Application for Insurance Claim and the Request for Collection Assistance forms are used in the administration of the Health Education Assistant Loan (HEAL) program. The HEAL program provided federally insured loans to students in certain health professions disciplines, and these forms are used in the administration of the HEAL program. The Lender's Application for Insurance Claim is used by the lending institution to request payment of a claim by the Federal Government. The Request for Collection Assistance form is used by the lender to request pre-claims assistance from the Department. Section 525 of the Consolidated Appropriations Act, 2014, transferred the collection of the Health Education Assistance Loan (HEAL) program loans from the U.S. Department of Health and Human Services to the U.S. Department of Education.

Dated: March 10, 2020.

Kate Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer.

[FR Doc. 2020–05188 Filed 3–12–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Certification Notice—256; Notice of Filing of Self-Certification of Coal Capability Under the Powerplant and Industrial Fuel Use Act

AGENCY: Office of Electricity, Department of Energy.

ACTION: Notice of filing.

SUMMARY: On February 26, 2020, CPV Three Rivers, LLC (CPV Three Rivers), as owner and operator of a new baseload power plant, submitted a coal capability self-certification to the Department of Energy (DOE). The Powerplant and Industrial Fuel Use Act of 1978, as amended, and regulations thereunder require DOE to publish a notice of filing of self-certification in the **Federal Register**.

ADDRESSES: Copies of coal capability self-certification filings are available for public inspection, upon request, in the Office of Electricity, Mail Code OE–20, Room 8G–024, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Christopher Lawrence at (202) 586–5260 or *Christopher.lawrence@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: On February 26, 2020, CPV Three Rivers, as owner and operator of a new baseload power plant, submitted a coal capability self-certification to the Department of Energy (DOE) pursuant to section 201(d) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended (42 U.S.C. 8311(d)), and DOE regulations at 10 CFR 501.61(a). The FUA and regulations thereunder require DOE to publish a notice of filing of self-certification in the **Federal Register** within fifteen days. *See* 42 U.S.C. 8311(d)(1); 10 CFR 501.61(c). Section 201(a) of the FUA provides that ''no new electric powerplant may be constructed or operated as a base load powerplant without the capability to use coal or another alternate fuel as a primary energy source.'' *See* 42 U.S.C. 8311(a). Pursuant to section 201(d) of the FUA, in order to meet the requirement of coal capability, the owner or operator of such a facility

proposing to use natural gas or petroleum as its primary energy source must certify to the Secretary of Energy (Secretary), prior to construction or prior to operation as a baseload powerplant, that such powerplant has the capability to use coal or another alternate fuel. *See* 42 U.S.C. 8311(d)(1). Such certification establishes compliance with FUA section 201(a) as of the date it is filed with the Secretary. *Id.;* 10 CFR 501.61(b).

The following owner of a proposed new baseload electric generating powerplant has filed a self-certification of coal-capability with DOE pursuant to FUA section 201(d) and in accordance with DOE regulations at 10 CFR 501.61:

Owner: CPV Three Rivers, LLC
Design Capacity: 1,250 megawatts (MW)
Plant Location: Morris, IL 60450
In-Service Date: January 2023

Signed in Washington, DC, on March 9, 2020.

Christopher Lawrence,

Program Management Analyst, Office of Electricity.

[FR Doc. 2020–05168 Filed 3–12–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–405–A]

Application To Export Electric Energy; Del Norte Energy LLC

AGENCY: Office of Electricity, Department of Energy.

ACTION: Notice of application.

SUMMARY: Del Norte Energy LLC (Applicant or DNE) has applied to renew its authorization to transmit electric energy from the United States to Mexico pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before April 13, 2020.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed to: Office of Electricity, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585–0350. Because of delays in handling conventional mail, it is recommended that documents be transmitted by overnight mail, by electronic mail to *Electricity.Exports@hq.doe.gov,* or by facsimile to (202) 586–8008.

SUPPLEMENTARY INFORMATION: The Department of Energy (DOE) regulates exports of electricity from the United States to a foreign country, pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b) and 7172(f)). Such exports require authorization under section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)).

On April 21, 2015, DOE issued Order EA–405, which authorized DNE to transmit electric energy from the United States to Mexico as a power marketer for a five-year term using existing international transmission facilities appropriate for open access. The authorization expires on April 21, 2020. On March 3, 2020, DNE filed an application (Application or App.) with DOE for renewal of the export authorization contained in Order No. EA–405. DNE states that it ''is a Delaware limited liability company with its principal place of business in Delaware'' and is ''wholly owned by individual investors'' App. at 2. The Applicant further states that it ''will purchase the power to be exported from wholesale generators, electric utilities, and power marketing agencies.'' And that it ''will operate as a power marketer and broker and buy electric power at wholesale in the United States for sale only in Mexico.'' *Id.* DNE contends that its proposed exports ''would not impede or tend to impede the coordinated use of transmission facilities within the meaning of [section 202(e) of the Federal Power Act],'' and that its ''proposed exports will not impair or tend to impede the sufficiency of electric supplies in the United States or the regional coordination of electric utility planning or operations.'' *Id.* at 3. The existing international transmission facilities to be utilized by the Applicant have previously been authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the Application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214). Two (2) copies of such comments, protests, or motions to intervene should be sent to the address provided above on or before the date listed above.

Comments and other filings concerning DNE's application to export electric energy to Mexico should be clearly marked with OE Docket No. EA–405–A. Additional copies are to be provided directly to Jorge Astorga, Del Norte Energy LLC, 4023 Kennett Pike 50027, Wilmington, DE 19807.

A final decision will be made on this Application after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after DOE determines that the proposed action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system.

Copies of this Application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program website at *http://energy.gov/node/11845,* or by emailing Matthew Aronoff at *matthew.aronoff@hq.doe.gov.*

Signed in Washington, DC, on March 9, 2020.

Christopher Lawrence,

Management and Program Analyst, Transmission Permitting and Technical Assistance, Office of Electricity.

[FR Doc. 2020–05167 Filed 3–12–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP20–69–000]

Notice of Request Under Blanket Authorization; Northern Natural Gas Company

Take notice that on February 28, 2020, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, NE 68124, filed in the above referenced docket, a prior notice request pursuant to sections 157.205 and 157.213(b) of the Commission's regulations under the Natural Gas Act (NGA) and Northern's blanket certificate issued in Docket No. CP82–401–000, for authorization to install three new injection and withdrawal wells and related surface facilities within Northern's existing Redfield Storage Field, located in Dallas County, Iowa. Two of the three new injection and withdrawal wells will replace existing wells and the third well will be a new injection and withdrawal well. The project is referred to as the 2020 Redfield Well Project and will have no effect on the Redfield Storage Field's physical parameters, certificated storage capacity or on the storage service to any of Northern's existing customers, all as more fully set forth in the application which is on file with the Commission and open to public 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, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions regarding this prior notice request should be directed to Michael T. Loeffler, Senior Director, Certificates and External Affairs, Northern Natural Gas Company, P.O. Box 3330, Omaha, NE 68103–0330, Phone: (402) 398–7103, Email: *mike.loeffler@nngco.com.*

Any person or the Commission's staff may, within 60 days after the 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. Any person filing to intervene, or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) file 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 protest. If a protest is filed and not withdrawn within 30 days after the time allowed 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 EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list and will be notified of any meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a) (1) (iii) and the instructions on the Commission's website (*http://www.ferc.gov*) under the e-Filing link.

Dated: March 9, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–05155 Filed 3–12–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG20–90–000.
Applicants: Roundhouse Renewable Energy, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Roundhouse Renewable Energy, LLC.
Filed Date: 3/6/20.
Accession Number: 20200306–5120.
Comments Due: 5 p.m. ET 3/27/20.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER18–1667–006.
Applicants: Antelope Expansion 2, LLC.
Description: Notice of Passive Ownership Interest of Antelope Expansion 2, LLC.
Filed Date: 3/9/20.
Accession Number: 20200309–5079.
Comments Due: 5 p.m. ET 3/30/20.

Docket Numbers: ER19–1495–002.
Applicants: Virginia Electric and Power Company.
Description: Compliance filing: VEPCO Settlement Compliance Filing to be effective 2/1/2020.
Filed Date: 3/6/20.
Accession Number: 20200306–5143.
Comments Due: 5 p.m. ET 3/27/20.

Docket Numbers: ER19–2717–000.
Applicants: Madison ESS, LLC.
Description: Report Filing: Madison ESS Supplemental Refund Report Filing to be effective N/A.
Filed Date: 3/9/20.
Accession Number: 20200309–5197.
Comments Due: 5 p.m. ET 3/30/20.

Docket Numbers: ER20–954–001.
Applicants: Ohio Power Company, AEP Ohio Transmission Company, Inc., PJM Interconnection, L.L.C.
Description: Tariff Amendment: AEP submits Amendment of pending filing in Docket No. ER20–954 to be effective 4/4/2020.
Filed Date: 3/9/20.
Accession Number: 20200309–5000.
Comments Due: 5 p.m. ET 3/30/20.

Docket Numbers: ER20–1200–000.
Applicants: FPL Energy Hancock County Wind, LLC.
Description: Tariff Cancellation: FPL Energy Hancock County Wind, LLC Notice of Cancellation of MBR Tariff to be effective 3/7/2020.
Filed Date: 3/6/20.
Accession Number: 20200306–5133.
Comments Due: 5 p.m. ET 3/27/20.

Docket Numbers: ER20–1201–000.
Applicants: Wessington Wind Energy Center, LLC.
Description: Tariff Cancellation: Wessington Wind Energy Center, LLC Notice of Cancellation of MBR Tariff to be effective 3/7/2020.
Filed Date: 3/6/20.
Accession Number: 20200306–5141.
Comments Due: 5 p.m. ET 3/27/20.

Docket Numbers: ER20–1202–000.
Applicants: Wilton Wind II, LLC.
Description: Tariff Cancellation: Wilton Wind II, LLC to be effective 3/7/2020.
Filed Date: 3/6/20.
Accession Number: 20200306–5142.
Comments Due: 5 p.m. ET 3/27/20.

Docket Numbers: ER20–1203–000.
Applicants: Rock Creek Wind Project, LLC.
Description: § 205(d) Rate Filing: Rock Creek Wind Project, LLC Co-Tenancy SFA to be effective 5/4/2020.
Filed Date: 3/9/20.
Accession Number: 20200309–5001.
Comments Due: 5 p.m. ET 3/30/20.

Docket Numbers: ER20–1204–000.
Applicants: Drift Marketplace, Inc.
Description: Notice of Cancellation of Market-Based Rate Tariff of Drift Marketplace, Inc.
Filed Date: 3/6/20.
Accession Number: 20200306–5187.
Comments Due: 5 p.m. ET 3/27/20.

Docket Numbers: ER20–1205–000.
Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, SA No. 4615; Queue No. AB1–138 (amend) to be effective 1/9/2017.

Filed Date: 3/9/20.

Accession Number: 20200309–5039.

Comments Due: 5 p.m. ET 3/30/20.

Docket Numbers: ER20–1206–000.

Applicants: Wolverine Power Supply Cooperative, Inc.

Description: § 205(d) Rate Filing: Amended and Restated Wholesale Power Contracts to be effective 12/31/9998.

Filed Date: 3/9/20.

Accession Number: 20200309–5056.

Comments Due: 5 p.m. ET 3/30/20.

Docket Numbers: ER20–1207–000.

Applicants: Merlin One, LLC.

Description: Notice of Cancellation of Market-Based Rate Tariff of Merline One, LLC.

Filed Date: 3/9/20.

Accession Number: 20200309–5085.

Comments Due: 5 p.m. ET 3/30/20.

Docket Numbers: ER20–1208–000.

Applicants: David Energy Supply, LLC.

Description: Baseline eTariff Filing: Application For Market Based Rate Authority to be effective 4/1/2020.

Filed Date: 3/9/20.

Accession Number: 20200309–5090.

Comments Due: 5 p.m. ET 3/30/20.

Docket Numbers: ER20–1209–000.

Applicants: Neighborhood Sun Benefit Corp.

Description: Baseline eTariff Filing: Initial Baseline Tariff Filing—Neighborhood Sun Benefit Corp to be effective 3/9/2020.

Filed Date: 3/9/20.

Accession Number: 20200309–5093.

Comments Due: 5 p.m. ET 3/30/20.

Docket Numbers: ER20–1210–000.

Applicants: Hazleton Generation LLC.

Description: Initial rate filing: Reactive Service Tariff to be effective 4/1/2020.

Filed Date: 3/9/20.

Accession Number: 20200309–5203.

Comments Due: 5 p.m. ET 3/30/20.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 9, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–05210 Filed 3–12–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Number: PR20–38–000.

Applicants: Enable Oklahoma Intrastate Transmission, LLC.

Description: Tariff filing per 284.123(b),(e)+(g): Enable Revised Fuel Percentages April 1, 2020 through March 31, 2021 to be effective 4/1/2020.

Filed Date: 2/28/2020.

Accession Number: 202002285255.

Comments Due: 5 p.m. ET 3/20/2020

284.123(g) Protests Due: 5 p.m. ET 4/28/2020.

Docket Number: PR20–39–000.

Applicants: Louisville Gas and Electric Company.

Description: Tariff filing per 284.123(b),(e)/: Revised SOC DDC LGDS eff 2–1–20 to be effective 2/1/2020.

Filed Date: 3/2/2020.

Accession Number: 202003025064.

Comments/Protests Due: 5 p.m. ET 3/23/2020.

Docket Number: PR20–40–000.

Applicants: Bay Gas Storage Company, LLC.

Description: Tariff filing per 284.123(b),(e)/: Bay Gas Storage Co. Ltd. 2020 Annual Adjustment to Company Use Percentage to be effective 3/1/2020.

Filed Date: 3/3/2020.

Accession Number: 202003035206.

Comments/Protests Due: 5 p.m. ET 3/24/2020.

Docket Number: PR20–41–000.

Applicants: Third Coast Alabama, LLC.

Description: Tariff filing per 284.123(b)(2),(: Third Coast Alabama, LLC Baseline SOC Filing to be effective 3/4/2020.

Filed Date: 3/4/2020.

Accession Number: 202003045248.

Comments/Protests Due: 5 p.m. ET 3/25/2020.

Docket Number: PR20–42–000.

Applicants: Third Coast Mississippi, LLC.

Description: Tariff filing per 284.123(b)(2),(: Third Coast Mississippi SOC Baseline Filing to be effective 3/4/2020.

Filed Date: 3/4/2020.

Accession Number: 202003045249.

Comments/Protests Due: 5 p.m. ET 3/25/2020.

Docket Numbers: RP20–646–000.

Applicants: MarkWest Pioneer, L.L.C.

Description: § 4(d) Rate Filing: Nonconforming Negotiated Rate Service Agreement and Housekeeping Revisions to be effective 4/1/2020.

Filed Date: 3/5/20.

Accession Number: 20200305–5059.

Comments Due: 5 p.m. ET 3/17/20.

Docket Numbers: RP20–647–000.

Applicants: Enable Mississippi River Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rate Filing—City of Red Bud RP18–923 & RP20–131 Settlement to be effective 1/1/2019.

Filed Date: 3/5/20.

Accession Number: 20200305–5113.

Comments Due: 5 p.m. ET 3/17/20.

Docket Numbers: RP20–648–000.

Applicants: Enable Mississippi River Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rate Filing—City of Waterloo RP18–923 & RP20–131 Settlement to be effective 1/1/2019.

Filed Date: 3/5/20.

Accession Number: 20200305–5116.

Comments Due: 5 p.m. ET 3/17/20.

Docket Numbers: RP20–649–000.

Applicants: Trailblazer Pipeline Company LLC.

Description: § 4(d) Rate Filing: TPC Fuel Tracker 2020 to be effective 5/1/2020.

Filed Date: 3/5/20.

Accession Number: 20200305–5114.

Comments Due: 5 p.m. ET 3/17/20.

Docket Numbers: RP20–531–001.

Applicants: Northwest Pipeline LLC.

Description: Tariff Amendment: Renewable Natural Gas Filing—Amended to be effective 3/20/2020.

Filed Date: 3/6/20

Accession Number: 20200306–5071.

Comments Due: 5 p.m. ET 3/13/20.

Docket Numbers: RP20–615–001.

Applicants: Columbia Gas Transmission, LLC.

Description: Tariff Amendment: RAM 2020 Amendment to be effective 4/1/2020.

Filed Date: 3/6/20.

Accession Number: 20200306–5035.

Comments Due: 5 p.m. ET 3/18/20.

Docket Numbers: RP20–616–001.

Applicants: Central Kentucky Transmission Company.

Description: Tariff Amendment: RAM 2020 Amendment to be effective 4/1/2020.

Filed Date: 3/6/20.

Accession Number: 20200306–5037.

Comments Due: 5 p.m. ET 3/18/20.

Docket Numbers: RP20–635–001.

Applicants: KO Transmission Company.

Description: Tariff Amendment: Amendment to Annual Retainage Mechanism Filing to be effective 4/1/2020.

Filed Date: 3/6/20.

Accession Number: 20200306–5123.

Comments Due: 5 p.m. ET 3/18/20.

Docket Numbers: RP20–650–000.

Applicants: RH Energytrans, LLC.

Description: Request for Waiver of Requirement to File FL&U Percentage Adjustment for First Partial Year of Operations of RH energytrans, LLC under RP20–650.

Filed Date: 3/6/20.

Accession Number: 20200306–5083.

Comments Due: 5 p.m. ET 3/18/20.

Docket Numbers: RP20–651–000.

Applicants: Stagecoach Pipeline & Storage Company LLC.

Description: § 4(d) Rate Filing: Stagecoach Pipeline & Storage Company LLC—Filing of Negotiated Rate Agreement to be effective 4/1/2020.

Filed Date: 3/6/20.

Accession Number: 20200306–5110.

Comments Due: 5 p.m. ET 3/18/20.

Docket Numbers: RP20–652–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: § 4(d) Rate Filing: Non-Conforming Agreement Filing (XTO) to be effective 3/29/2020.

Filed Date: 3/6/20.

Accession Number: 20200306–5117.

Comments Due: 5 p.m. ET 3/18/20.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 9, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–05207 Filed 3–12–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1773–042]

Notice of Application for Surrender of License, Soliciting Comments, Motions To Intervene, and Protests; Moon Lake Electric Association, Inc.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Application for surrender of license.

b. *Project No:* 1773–042.

c. *Date Filed:* November 2, 2018, and supplemented on February 28, 2019, May 6, 2019, and February 7, 2020.

d. *Applicant:* Moon Lake Electric Association, Inc.

e. *Name of Project:* Yellowstone Hydroelectric Project.

f. *Location:* The project is located on the Yellowstone River in Duchesne County, Utah.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Patrick Corun, Engineering Manager, Moon Lake Electric Association, Inc., 800 West S. Hwy 40, Roosevelt, UT 84066; phone (435) 722–5406 ; or, David Epstein, SWCA Environmental Consultants, 257 E 200 South, Suite 200, Salt Lake City, UT 84111; phone (801) 322–4307, email *DEpstein@swca.com.*

i. *FERC Contact:* Marybeth Gay, (202) 502–6125, *Marybeth.Gay@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* April 8, 2020.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–1773–042. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* Moon Lake Electric Association, Inc. (licensee) proposes to surrender the license for the Yellowstone Project and decommission the project facilities. Decommissioning would involve removing the project dam, abutments, and penstock. The licensee would also restore the reach of the Yellowstone River affected by the dam and reservoir using sediments to rebuild the channel, and reclaim upland areas disturbed.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's website at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the

Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title COMMENTS, PROTEST, or MOTION TO INTERVENE as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: March 9, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–05153 Filed 3–12–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14799–002]

Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Terms and Conditions, Recommendations, and Prescriptions; Lock 13 Hydro Partners, LLC

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Original Major License.

b. *Project No.:* P–14799–002.

c. *Date filed:* July 1, 2019.

d. *Applicant:* Lock 13 Hydro Partners, LLC.

e. *Name of Project:* Evelyn Hydroelectric Project.

f. *Location:* On the Kentucky River, in Lee and Estill Counties, Kentucky. The project would be located at the Commonwealth of Kentucky's existing Lock and Dam No. 13. No federal land would be occupied by the project works or located within the project boundary.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* David Brown Kinloch, Lock 13 Hydro Partners, LLC, 414 S Wenzel Street, Louisville, KY 40204; (502) 589–0975; email—*kyhydropower@gmail.com.*

i. *FERC Contact:* Sarah Salazar, (202) 502–6863 or *sarah.salazar@ferc.gov.*

j. *Deadline for filing motions to intervene and protests, comments, terms and conditions, recommendations, and prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests, comments, terms and conditions, recommendations, and prescriptions using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–14799–002.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing and is now ready for environmental analysis.

l. The proposed Evelyn Project would be operated in a run-of-river mode and would consist of: (1) An existing estimated 223-acre impoundment at a pool elevation of 617.38 feet mean sea level (North American Vertical Datum of 1988); (2) an existing concrete dam with a 246-foot-long, 34-foot-wide, and 38.2-foot-high spillway and a 148-foot-long, 38.2-foot-high, and 52-foot-wide lock chamber; (3) a new 64-foot-long by 52-foot-wide reinforced concrete powerhouse that would be submerged in the existing lock chamber, with five horizontal turbine generator units each rated at 560-kilowatts (kW), for a total installed capacity of 2.8 megawatts (MW); (4) a new 110-foot-long buried cable transmitting power from the submerged powerhouse to a new two story, 30-foot-long by 20-foot-wide Control Building onshore which would house the project controls; (5) a new 600-foot-long, 12.47-kilovolt overhead transmission line that would connect to an existing Jackson Energy Cooperative line of the same voltage; and (6) appurtenant facilities. The estimated average annual generation would be 12,161 megawatt-hours.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

You may 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. Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified intervention deadline date, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified intervention deadline date. Applications for preliminary permits will not be accepted in response to this notice.

A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit a development application. A notice of intent must be served on the applicant(s) named in this public notice.

Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the

proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

All filings must (1) bear in all capital letters the title PROTEST, MOTION TO INTERVENE, NOTICE OF INTENT TO FILE COMPETING APPLICATION, COMPETING APPLICATION, COMMENTS, REPLY COMMENTS, RECOMMENDATIONS, TERMS AND CONDITIONS, or PRESCRIPTIONS; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

o. *Procedural schedule:* The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

Commission issues EA November 2020
Comments on EA December 2020

Dated: March 9, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–05154 Filed 3–12–20; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9049–8]

Environmental Impact Statements; Notice of Availability

Weekly receipt of Environmental Impact Statements filed March 2, 2020, 10 a.m. EST through March 9, 2020, 10 a.m. EST pursuant to 40 CFR 1506.9.

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or *https://www.epa.gov/nepa/*.

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search*

EIS No. 20200063, Final, USFS, OR, Bear Creek Cluster Allotment Management Plans, Review Period Ends: 04/13/2020, Contact: Beth Peer 541–416–6463

EIS No. 20200064, Second Draft Supplemental, CHSRA, CA, Merced to Fresno Section: Central Valley Wye Revised Draft Supplemental Environmental Impact Report/Second Draft Supplemental Environmental Impact Statement, Comment Period Ends: 04/27/2020, Contact: Dan McKell 916–330–5668

EIS No. 20200065, Final, TVA, TN, Allen Fossil Plant Ash Impoundment Closure, Review Period Ends: 04/13/2020, Contact: W. Douglas White 865–632–2252

EIS No. 20200066, Final, FERC, AK, Alaska LNG Project, Review Period Ends: 04/13/2020, Contact: Office of External Affairs 866–208–3372

Amended Notice

EIS No. 20200017, Draft, USFS, WY, Snow King Mountain Resort On-Mountain Improvements, Comment Period Ends: 03/31/2020, Contact: Sean McGinness, 307–739–5415, Revision to FR Notice Published 1/31/2020; Extending the Comment Period from 3/16/2020 to 3/31/2020

EIS No. 20200026, Final, USACE, TX, Houston Ship Channel Expansion Channel Improvement Project, Review Period Ends: 04/13/2020, Contact: Harmon Brown 409–766–3837, Revision to FR Notice Published 2/7/2020; Extending the Review Period from 3/9/2020 to 4/13/2020

Dated: March 9, 2020.

Cindy S. Barger,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2020–05091 Filed 3–12–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2019–0677; FRL–10006–03]

Preliminary Lists Identifying Manufacturers Subject to Fee Obligations for EPA-Initiated Risk Evaluations Under Section 6 of the Toxic Substances Control Act (TSCA); Notice of Availability and Request for Comment; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; extension of comment period.

SUMMARY: EPA is extending the comment period for a notice issued in the **Federal Register** of January 27, 2020, announcing the availability of the preliminary lists of manufacturers (including importers) of 20 chemical substances that have been designated as a High-Priority Substance for risk evaluation under the Toxic Substances Control Act (TSCA) and for which fees will be charged. This document extends the comment period and window for self-identification by an additional 60-days, from March 27, 2020 to May 27, 2020.

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

ADDRESSES: Follow the detailed instructions provided under **ADDRESSES** in the **Federal Register** document of January 27, 2020 (85 FR 4661) (FRL–10003–14).

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Benjamin Dyson, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 774–8976; email address: *dyson.benjamin@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: This document extends the public comment period established in the **Federal Register** document of January 27, 2020 (85 FR 4661) (FRL–10003–14) by an additional 60-days, from March 27, 2020 to May 27, 2020. EPA is extending the comment period in response to several requests for additional time.

In that document, EPA published preliminary lists identifying

manufacturers (including importers) that may be subject to fee obligations under 40 CFR 700.45, associated with each EPA-initiated risk evaluation of 20 High-Priority Substances under TSCA section 6. That document also announced that EPA was providing an opportunity for public comment during which manufacturers (including importers) are required to self-identify as a manufacturer (including importer) of a High-Priority Substance, irrespective of whether they are listed on the preliminary list. During the comment period, manufacturers and importers may make certain certifications under 40 CFR 700.45(b) to EPA to avoid or reduce fee obligations. The public also has the opportunity to correct errors or provide comments on the preliminary lists.

EPA's initial 60-day comment period, which is being extended by an additional 60-days, exceeds the minimum 30-day comment period established in the Fees Rule codified at 40 CFR 700.45(b)(4) to maximize public participation during the first comment period for an initial lists of manufacturers (including importers) subject to fee obligations for EPA-initiated risk evaluations under TSCA section 6. EPA expects to publish final lists of manufacturers (including importers) subject to fees no later than concurrently with the publication of the final scope document for risk evaluations of these 20 High-Priority Substances. Manufacturers (including importers) identified on the final lists will be subject to applicable fees under 40 CFR 700.45.

To submit comments, or access the docket, please follow the detailed instructions provided under **ADDRESSES** in the **Federal Register** document of January 27, 2020 (85 FR 4661) (FRL–10003–14). If you have questions, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Authority: 15 U.S.C. 2625.

Dated: March 8, 2020.

Alexandra Dapolito Dunn,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2020–05136 Filed 3–12–20; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[GN Docket No. 17–83]

Meeting of the Broadband Deployment Advisory Committee

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the FCC announces and provides an agenda for the next meeting of the Broadband Deployment Advisory Committee (BDAC), which will be held via live internet link.

DATES: March 27, 2020. The meeting will come to order at 9:30 a.m.

ADDRESSES: The Meeting will be held via conference call and available to the public via WebEx at *http://www.fcc.gov/live.*

FOR FURTHER INFORMATION CONTACT: Justin L. Faulb, Designated Federal Authority (DFO) of the BDAC, at *justin.faulb@fcc.gov* or 202–418–1589; Zachary Ross, Deputy DFO of the BDAC, at *Zachary.ross@fcc.gov* or 202–418–1033; or Belinda Nixon, Deputy DFO of the BDAC, at 202–418–1382, or *Belinda.Nixon@fcc.gov.* The TTY number is: (202) 418–0484.

SUPPLEMENTARY INFORMATION: The BDAC meeting is open to the public on the internet via live feed from the FCC's web page at *http://www.fcc.gov/live.* Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to *fcc504@fcc.gov* or by calling the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY). Such requests should include a detailed description of the accommodation needed. In addition, please include a way for the FCC to contact the requester if more information is needed to fill the request. Please allow at least five days' advance notice for accommodation requests; last minute requests will be accepted, but may not be possible to accommodate. Oral statements at the meeting by parties or entities not represented on the BDAC will be permitted to the extent time permits, at the discretion of the BDAC Chair and the DFO. Members of the public may submit comments to the BDAC in the FCC's Electronic Comment Filing System, ECFS, at *www.fcc.gov/ecfs.* Comments to the BDAC should be filed in Docket 17–83.

Proposed Agenda: At this meeting, the BDAC will review a report and recommendations from its Disaster Response and Recovery working group, and hear reports from the Increasing Broadband Investment in Low-Income Communities and Broadband Infrastructure Deployment Job Skills and Training Opportunities working groups. This agenda may be modified at the discretion of the BDAC Chair and the Designated Federal Officer (DFO).

Federal Communications Commission.

Pamela Arluk,

Chief, Competition Policy Division, Wireline Competition Bureau.

[FR Doc. 2020–05195 Filed 3–12–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

RIN 3064–ZA14

Extension of Comment Period; Request for Information on FDIC Sign and Advertising Requirements and Potential Technological Solutions

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment; extension of comment period.

SUMMARY: On February 26, 2020, the Federal Deposit Insurance Corporation (FDIC) published in the **Federal Register** a request for information (RFI) seeking input regarding potential modernization of its sign and advertising rules to reflect that deposit-taking via physical branch, digital, and mobile banking channels continues to evolve since the FDIC last significantly updated its rules in 2006. The FDIC has determined that an extension of the comment period until April 20, 2020, is appropriate.

DATES: The comment period for the notice published on February 26, 2020 (85 FR 10997), regarding the RFI on FDIC Sign and Advertising Requirements and Potential Technological Solutions, is extended from March 19, 2020, to April 20, 2020.

ADDRESSES: You may submit comments by any of the methods identified in the RFI.

FOR FURTHER INFORMATION CONTACT: David Friedman, Senior Policy Analyst, Division of Depositor and Consumer Protection, (202) 898–7168, *dfriedman@fdic.gov;* Edward Hof, Senior Consumer Affairs Specialist, Division of Depositor and Consumer Protection, (202) 898–7213, *edwhof@fdic.gov;* or Richard M. Schwartz, Counsel, Legal Division, (202) 898–7424, *rischwartz@fdic.gov.*

SUPPLEMENTARY INFORMATION: On February 26, 2020, the FDIC published

in the **Federal Register** an RFI seeking input regarding potential modernization of its sign and advertising rules to reflect that deposit-taking via physical branch, digital, and mobile banking channels continues to evolve since the FDIC last significantly updated its rules in 2006. The FDIC issued the RFI to inform FDIC efforts to align the policy objectives of its rules and keep pace with how today's banks offer deposit products and services and how consumers connect with banks, including through evolving channels. The FDIC also sought input on how to address potential misrepresentations by nonbanks about deposit insurance. In addition, the FDIC requested information about how technological or other solutions could be leveraged to help consumers better distinguish FDIC-insured banks and savings associations from entities that are not insured by the FDIC (nonbanks), particularly across web and digital channels. The RFI stated that the comment period would close on March 19, 2020. The FDIC has received requests to extend the comment period. An extension of the comment period will provide will allow interested parties additional time to analyze the issues and to prepare comments to address the questions posed by the FDIC. Therefore, the FDIC is extending the end of the comment period for the RFI from March 19, 2020, to April 20, 2020.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on March 9, 2020.

Annmarie H. Boyd,

Assistant Executive Secretary.

[FR Doc. 2020–05127 Filed 3–12–20; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

TIME AND DATE: 2:00 p.m. on Tuesday, March 17, 2020.

PLACE: The meeting is open to the public. Out of an abundance of caution related to current and potential coronavirus developments, the public's means to observe this Board meeting will be via a Webcast live on the internet and subsequently made available on-demand approximately one week after the event. Visit *http://fdic.windrosemedia.com* to view the live event. Visit *http://fdic.windrosemedia.com/index.php?category=FDIC+Board+Meetings* after the meeting. If you need any technical assistance, please visit our Video Help page at: *https://www.fdic.gov/video.html.*

Observers requiring auxiliary aids (*e.g.,* sign language interpretation) for this meeting should call 703–562–2404 (Voice) or 703–649–4354 (Video Phone) to make necessary arrangements.

STATUS: Open.

MATTERS TO BE CONSIDERED: Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session to consider the following matters:

Summary Agenda

No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of Minutes of a Board of Directors' Meeting Previously Distributed.

Summary reports, status reports, reports of actions taken pursuant to authority delegated by the Board of Directors, and report of the Office of Inspector General.

Discussion Agenda

Memorandum and resolution re: Notice of Proposed Rulemaking, Parent Companies of Industrial Banks and Industrial Loan Companies.

CONTACT PERSON FOR MORE INFORMATION: Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at 202–898–7043.

Dated at Washington, DC, on March 11, 2020.

Federal Deposit Insurance Corporation.

Annmarie H. Boyd,

Assistant Executive Secretary.

[FR Doc. 2020–05376 Filed 3–11–20; 4:15 pm]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, without revision, the Compensation and Salary Surveys (FR 29a and FR 29b; OMB No. 7100–0290).

DATES: Comments must be submitted on or before May 12, 2020.

ADDRESSES: You may submit comments, identified by FR 29a and FR 29b, by any of the following methods:

- *Agency Website: https://www.federalreserve.gov/.* Follow the instructions for submitting comments at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Email: regs.comments@federalreserve.gov.* Include the OMB number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments are available from the Board's website at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter's request. Accordingly, comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room 146, 1709 New York Avenue NW, Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the Office of Management and Budget (OMB) Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the Paperwork Reduction Act (PRA) OMB submission, including the reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, if approved. These documents will also be made available on the Board's public website at *https://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of

the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the PRA to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority To Extend for Three Years, Without Revision, the Following Information Collection

Report title: Compensation and Salary Surveys.

Agency form number: FR 29a, FR 29b.

OMB control number: 7100–0290.

Frequency: FR 29a, annually; FR 29b, on occasion.

Respondents: Employers considered competitors of the Board.

Estimated number of respondents: FR 29a, 35; FR 29b, 10.

Estimated average hours per response: FR 29a, 6 hours; FR 29b, 1 hour.

Estimated annual burden hours: FR 29a, 210 hours; FR 29b, 50 hours.

General description of report: The FR 29a and FR 29b collect information on salaries, employee compensation policies, and other employee programs from employers that are considered competitors of the Board. The data from the surveys primarily are used to determine the appropriate salary structure and salary adjustments for Board employees. The Board, along with other Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA) agencies,[1] conduct the FR 29a survey jointly. The FR 29b is collected by the Board only.

Legal authorization and confidentiality: The FR 29 is authorized by sections 10(4) and 11(1) of the Federal Reserve Act,[2] which authorizes the Board to determine employees' compensation. Survey submissions are voluntary. The FR 29a survey is conducted by an outside consultant that only submits to the Board a report of aggregate data. Because the Board does not collect or have access to the individual respondent data, no confidentiality issue arises with respect to the individual responses to the FR 29a. Individual responses to the FR 29b may be kept confidential on a case-by-case basis. The Board will consider whether information collected through these surveys may be kept confidential under exemption 4 of the Freedom of Information Act (''FOIA''), which protects privileged or confidential commercial or financial information,[3] exemption 6, which protects information ''the disclosure of which would constitute a clearly unwarranted invasion of personal privacy,''[4] or any other applicable FOIA exemption.

Consultation outside the agency: Willis Towers Watson and the Board work together to review and update the survey instrument.

Board of Governors of the Federal Reserve System, March 10, 2020.

Michele Taylor Fennell,

Assistant Secretary of the Board.

[FR Doc. 2020–05184 Filed 3–12–20; 8:45 am]

BILLING CODE 6210–01–P

[1] For purposes of this proposal, the FIRREA agencies consist of the Federal Reserve Board, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the National Credit Union Administration, the Commodity Futures Trading Commission, the Farm Credit Administration, and the Securities and Exchange Commission.

[2] 12 U.S.C. 244 and 248(l).

[3] 5 U.S.C. 552(b)(4).

[4] 5 U.S.C. 552(b)(6).

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th and Constitution Avenue NW, Washington DC 20551–0001, not later than April 14, 2020.

A. Federal Reserve Bank of Atlanta (Kathryn Haney, Assistant Vice President) 1000 Peachtree Street NE, Atlanta, Georgia 30309. Comments can also be sent electronically to *Applications.Comments@atl.frb.org:*

1. *Anchor Bankshares, Inc., Palm Beach Gardens, Florida;* to become a bank holding company by acquiring Anchor Bank, Juno Beach, Florida.

2. *South State Corporation, Columbia, South Carolina;* to merge with CenterState Bank Corporation, and thereby indirectly acquire CenterState Bank, N.A., both of Winter Haven, Florida.

B. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *PBT Bancshares, Inc., McPherson, Kansas;* to acquire Community Bank of the Midwest, Great Bend, Kansas.

C. Federal Reserve Bank of San Francisco (Sebastian Astrada, Director, Applications) 101 Market Street, San Francisco, California 94105–1579:

1. *Golden Valley Bancshares, Inc., Chico, California;* to become a bank holding company by acquiring Golden Valley Bank, Chico, California.

Board of Governors of the Federal Reserve System, March 10, 2020.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2020–05173 Filed 3–12–20; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th and Constitution Avenue NW, Washington, DC 20551–0001, not later than April 13, 2020.

A. Federal Reserve Bank of St. Louis (David L. Hubbard, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *BankFirst Capital Corporation, Macon, Mississippi;* to acquire Traders & Farmers Bancshares, Inc., and thereby indirectly acquire Traders & Farmers Bank, both of Haleyville, Alabama.

Board of Governors of the Federal Reserve System, March 9, 2020.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2020–05101 Filed 3–12–20; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 10 of the Home Owners' Loan Act (12 U.S.C. 1467a) (HOLA) and Regulation LL (12 CFR part 238) to engage de novo, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 238.53 of Regulation LL (12 CFR 238.53). Unless otherwise noted, these activities will be conducted throughout the United States.

Each application is available for inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 10(c)(4)(B) of HOLA (12 U.S.C. 1467a(c)(4)(B)).

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than March 30, 2020.

A. Federal Reserve Bank of Minneapolis (Chris P. Wangen, Assistant Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *MidCountry Acquisition Corp., Minneapolis, Minnesota;* to engage in nonbanking activities pursuant to sections 238.53(b)(2) and (b)(3) of Regulation LL through the formation of CB Shared Services, Inc., Minneapolis, Minnesota, which will provide information technology, human resources, Call Report preparation, and compliance services to MidCountry Bank, Bloomington, Minnesota, and other subsidiary banks of holding company affiliates.

Board of Governors of the Federal Reserve System, March 9, 2020.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2020–05102 Filed 3–12–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–N–0008]

Circulatory System Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) announces a forthcoming public advisory committee meeting of the Circulatory System Devices Panel of the Medical Devices Advisory Committee. The general function of the committee is to provide advice and recommendations to the Agency on FDA's regulatory issues. The meeting will be open to the public.

DATES: The meeting will be held on April 16, 2020, from 8 a.m. to 6 p.m.

ADDRESSES: Doubletree by Hilton Washington, DC North/Gaithersburg, Salons A, B, C, and D, 620 Perry Pkwy., Gaithersburg, MD 20877. The hotel's telephone number is 301–977–8900. The hotel's website is at: *https://doubletree3.hilton.com/en/hotels/maryland/doubletree-by-hilton-washington-dc-north-gaithersburg-GAIGWDT/index.html.* Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

FOR FURTHER INFORMATION CONTACT: Aden Asefa, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5214, Silver Spring, MD 20993–0002, *Aden.Asefa@fda.hhs.gov,* 301–796–0400, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: On April 16, 2020, the committee will discuss, make recommendations, and vote on information regarding the premarket approval application (PMA) for the TransMedics Organ Care System (OCS)—Heart, by TransMedics, Inc. The proposed Indication for Use for the TransMedics OCS—Heart, as stated in the PMA, is as follows:

The TransMedics Organ Care System (OCS) Heart System is a portable ex-vivo organ perfusion and monitoring system indicated for the resuscitation, preservation, and assessment of donor hearts with one or more of the following characteristics for transplantation into a potential recipient in a near-physiologic, normothermic, and beating state:

- Expected cross-clamp or ischemic time ≥4 hours due to donor or recipient characteristics (*e.g.,* donor-recipient geographical distance, expected recipient surgical time)
- Donor age ≥55 years
- Donors with history cardiac arrest and downtime ≥20 minutes
- Donor history of alcohol use
- Donor LV ejection fraction (LVEF) ≤50% but ≥40%
- Donor history of left ventricular hypertrophy (septal or posterior wall thickness of >12 ≤16 mm)

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's website after the meeting. Background material is available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before April 9, 2020. Oral presentations from the public will be scheduled on April 16, 2020, between approximately 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before April 1, 2020. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by April 2, 2020.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact AnnMarie Williams at *Annmarie.Williams@fda.hhs.gov* or 301–796–5966 at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: March 9, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–05132 Filed 3–12–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2001–D–0007 (formerly Docket No. 2001D–0221)]

Biological Product Deviation Reporting for Blood and Plasma Establishments; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing the availability of a revised final guidance entitled ''Biological Product Deviation Reporting for Blood and Plasma Establishments; Guidance for Industry.'' The final guidance document provides blood and plasma establishments with revised recommendations related to biological product deviation (BPD) reporting. The guidance is intended to assist blood and plasma establishments in determining when a report is required, who submits the report, what information to submit in the report, the timeframe for reporting, and how to submit the report. The revised guidance explains that we do not consider post donation information (PDI) events to require BPD reports. The revised guidance also contains other technical updates and editorial revisions to improve clarity and provide a more streamlined document. For the purposes of this guidance, ''blood and plasma establishment'' includes licensed manufacturers of blood and blood components, including Source Plasma, unlicensed registered blood establishments, and transfusion services. The guidance announced in this notice supersedes the document entitled ''Guidance for Industry: Biological Product Deviation Reporting for Blood and Plasma Establishments,'' dated October 2006.

DATES: The Agency is soliciting public comment, but is implementing this guidance immediately, because the Agency has determined that prior public participation is not feasible or appropriate. Submit either electronic or written comments on Agency guidances at any time. The announcement of the guidance is published in the **Federal Register** on March 13, 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–2001–D–0007 for ''Biological Product Deviation Reporting for Blood and Plasma Establishments; Guidance for Industry.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the final guidance to the Office of Communication, Outreach, and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to guidance document.

FOR FURTHER INFORMATION CONTACT: Tami Belouin, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a revised document entitled ''Biological Product Deviation Reporting for Blood and Plasma Establishments; Guidance for Industry.'' The final guidance document provides blood and plasma establishments with revised recommendations related to BPD reporting. The guidance is intended to assist blood and plasma establishments in determining when a report is required, who submits the report, what information to submit in the report, the timeframe for reporting, and how to submit the report. The revised guidance explains that we do not consider PDI events to require BPD reports. The revised guidance also contains other technical updates and editorial revisions to improve clarity and provide a more streamlined document. For the purposes of this guidance, ''blood and plasma establishment'' includes licensed manufacturers of blood and blood components, including Source Plasma, unlicensed registered blood establishments, and transfusion services. The guidance announced in this notice supersedes the document entitled ''Guidance for Industry: Biological Product Deviation Reporting for Blood and Plasma Establishments,'' dated October 2006.

FDA is also announcing the withdrawal of two obsolete memoranda to blood establishments entitled ''Responsibilities of Blood Establishments Related to Errors and Accidents in the Manufacture of Blood and Blood Components,'' issued March 20, 1991, and ''Guidance Regarding Post Donation Information Reports,'' issued December 10, 1993.

The revised guidance explains that we do not consider PDI events to require BPD reports under § 606.171 (21 CFR 606.171) because these events are no longer unexpected or unforeseeable based on 18 years of data, which show that more than 18,000 reports of PDI events have been submitted to FDA each fiscal year (FY) for the past 18 years.

Every year, the Center for Biologics Evaluation and Research (CBER) receives thousands of BPD reports of events associated with manufacturing, to include testing, processing, packing, labeling, or storage, or with the holding or distribution of both licensed and unlicensed blood or blood components, including Source Plasma. Such an event is reportable under § 606.171 if certain criteria are met, including that the event either: (1) Represents a deviation from current good manufacturing practice (CGMP), applicable regulations, applicable standards, or established specification that may affect the safety, purity, or potency of the product; or (2) represents an unexpected or unforeseeable event that may affect the safety, purity, or potency of the product. The Agency's BPD reporting program is one of the post-market surveillance tools that CBER uses to monitor blood manufacturing and to detect potential blood safety issues.

One type of BPD report received by FDA from blood establishments involves PDI events. PDI includes information that a donor, or other reliable source, provides to a blood establishment following a donation (*e.g.,* at a subsequent donation) that would have resulted in donor deferral had it been known by the establishment at the time of donation. In these situations, the relevant donor screening questions were asked at the original donation, but the donor did not provide the information at that time.

In the **Federal Register** of November 7, 2000 (65 FR 66635), FDA issued a final rule to amend the regulations for biological product deviation reporting. In the October 2006 guidance, ''Biological Product Deviation Reporting for Blood and Plasma Establishments,'' FDA explained that it considered PDI events to be ''unexpected or

unforeseeable'' events for purposes of BPD reporting (see § 606.171(b)(1)(ii)). Accordingly, establishments have been submitting BPD reports regarding PDI that may affect the safety, purity, or potency of a distributed product. PDI events continue to be reported, and the numbers have increased over time. Reports of PDI events have consistently been the highest number of reports received from blood establishments, representing a significant burden to industry and FDA. For example, from FYs 2000 through 2017, FDA has received approximately 18,000 to 40,000 PDI reports each year. The total number of PDI reports submitted by blood establishments in FY 2017 was 37,265 of 51,434 total BPD reports, representing approximately 72 percent of all BPD reports submitted by blood establishments. In reviewing the data for the past 18 years, based on the extraordinarily high number of PDI reports, FDA has concluded that PDI events are no longer ''unexpected or unforeseeable,'' and will likely continue to occur. Because PDI events are no longer ''unexpected or unforeseeable,'' and also do not represent deviations from CGMP, applicable regulations, applicable standards, or established specifications, such events are not reportable under § 606.171.

FDA is issuing this guidance for immediate implementation in accordance with § 10.115(g)(3) (21 CFR 10.115(g)(3)) without initially seeking prior comment because the Agency has determined that prior public participation is not feasible or appropriate (see § 10.115(g)(2)). Specifically, we made this determination because this guidance presents a less burdensome policy for reporting BPDs that is consistent with public health. It eliminates the reporting of PDI events as BPD reports because these reports are no longer unexpected or unforeseeable based on PDI data for the past 18 years, without compromising public health protections.

This guidance is expected to significantly reduce the BPD reporting burden on industry and the burden on FDA to review these reports. Based on the above FY 2017 PDI data, FDA expects that the elimination of PDI reports will result in a 72 percent reduction in total BPD reports received (elimination of 37,265 of 51,434 total reports in FY 2017). FDA anticipates that this will substantially and proportionally reduce the blood industry's estimated annual reporting burden under § 606.171, which FDA recently estimated to be 92,384 total annual hours (84 FR 70979 at 70981; December 26, 2019). The revised recommendations are also consistent with public health.

Given the substantial number of PDI reports FDA has received, the Agency is aware that these events occur, and the submission of additional PDI reports to FDA is unlikely to facilitate the identification of manufacturing or safety issues. PDI events are not associated with deviations from CGMP or other requirements, and blood establishments generally have no control over information provided by donors or third parties subsequent to a donation. Eliminating PDI reports will enable blood establishments and FDA to prioritize resources on BPD reports that are more likely to inform corrective actions to protect the public health. Additionally, blood establishments are required to comply with applicable regulations regarding, among other things, establishing, maintaining, and following standard operating procedures (SOPs) (see § 606.100(b) (21 CFR 606.100(b)) and maintaining records (see § 606.160 (21 CFR 606.160)). FDA will continue to assess SOPs and records associated with PDI events during routine inspections of blood establishments. Thus, this revised guidance presents a less burdensome policy for reporting PDI events that is consistent with public health.

This guidance is being issued consistent with FDA's good guidance practices regulation (§ 10.115). FDA is issuing this guidance for immediate implementation in accordance with § 10.115(g)(3) without initially seeking prior comment because the Agency has determined that prior public participation is not feasible or appropriate. The guidance represents the current thinking of FDA on biological product deviation reporting for blood and plasma establishments. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

This guidance refers to previously approved FDA collections of information. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information under §§ 600.14 and 606.171 were approved under OMB control number 0910–0458; the collections of information under §§ 606.100 and 606.160 were approved under OMB control number 0910–0116; the collections of information under 21 CFR 211.192 and 211.198 were approved under OMB control number 0910–0139; and the collections of information under 21 CFR 601.12 were approved under OMB control number 0910–0338.

III. Electronic Access

Persons with access to the internet may obtain the guidance at either *https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics* or *https://www.regulations.gov.*

Dated: March 9, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–05103 Filed 3–12–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–D–4711]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Nonbinding Feedback After Certain Food and Drug Administration Inspections of Device Establishments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (PRA).

DATES: Fax written comments on the collection of information by April 13, 2020.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–NEW and title ''Nonbinding Feedback After Certain FDA Inspections of Device Establishments.'' Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations,

Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Requests for Nonbinding Feedback After Certain FDA Inspections of Device Establishments

OMB Control Number 0910–NEW

The guidance document entitled ''Nonbinding Feedback After Certain FDA Inspections of Device Establishments'' explains how the owner, operator, or agent in charge of a device establishment may submit a request for nonbinding feedback to FDA regarding actions the firm has proposed to take to address certain kinds of inspectional observations that have been documented on an FDA Inspectional Observations Form (Form FDA 483) and issued to the firm upon completion of an inspection of the firm's establishment. The guidance also identifies a standardized method for communicating and submitting requests for nonbinding feedback and describes how FDA evaluates and responds to such requests.

In the **Federal Register** of February 19, 2019 (84 FR 4823), FDA published a 60-day notice requesting public comment on the proposed collection of information. We received comments on the following PRA related topics:

FDA received several comments regarding whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility.

(Comment 1) One commenter requested that FDA clarify the benefits of requesting nonbinding feedback (*e.g.,* whether nonbinding feedback, and a subsequent reaction to that feedback) could prevent a Warning Letter from being issued.

(Response) FDA believes that the benefits of requesting nonbinding feedback are clear. Specifically, timely nonbinding feedback could help firms determine whether proposed actions to address inspectional observations are adequate, possibly avoiding unnecessary investment in potential solutions not likely to satisfactorily address an inspectional observation. FDA's considerations and procedures for determining whether a Warning Letter should be issued are identified in other documents (*e.g.,* FDA's Regulatory Procedures Manual).

(Comment 2) Multiple commenters felt that the guidance applies narrow criteria that forecloses meaningful access to Agency feedback. For example, some commenters felt that FDA should provide feedback on any emerging safety issue, not just those that are likely to cause death or serious injury.

(Response) Section 704(h)(2) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 374(h)(2)) sets forth eligibility criteria for a request for nonbinding feedback. FDA's guidance describes situations involving significant observations that the Agency believes meet the statutory criteria. In addition, we note that firms have other options to engage with FDA.

FDA received several comments related to ways to enhance the quality, utility, and clarity of the information to be collected.

(Comment 3) Multiple commenters asked whether findings from Medical Device Single Audit Program (MDSAP) audits are eligible to receive nonbinding feedback.

(Response) The Medical Device Single Audit Program is a voluntary program that allows an MDSAP-recognized Auditing Organization to conduct a single regulatory audit of a medical device manufacturer that satisfies the relevant requirements of the regulatory authorities participating in the program. MDSAP audits do not meet the definition of an inspection set forth in section 704 of the FD&C Act; therefore, findings from MDSAP audits are not eligible to receive nonbinding feedback.

(Comment 4) One commenter stated that the guidance contradicts least burdensome principles.

(Response) FDA disagrees with the comment. As stated in FDA's guidance, ''The Least Burdensome Provisions: Concepts and Principles,'' [1] FDA defines ''least burdensome'' to be ''the minimum amount of information necessary to adequately address a relevant regulatory question or issue through the most efficient manner at the right time.'' FDA believes that the nonbinding feedback program is fundamentally ''least burdensome,'' because it strives to help firms avoid unnecessary investment in potential solutions not likely to satisfactorily address an inspectional observation. By providing a mechanism in which firms can, voluntarily, seek nonbinding feedback on proposed actions to address certain inspectional observations, the program seeks to help firms resolve regulatory issues through the most efficient manner at the right time, using the minimum amount of information necessary.

(Comment 5) One commenter asked whether outputs of the draft guidance, such as requests for nonbinding feedback or FDA's responses to requests for nonbinding feedback, will be placed in a public database.

(Response) The FD&C Act does not require requests for nonbinding feedback or FDA's responses to requests for nonbinding feedback to be placed in a public database. However, FDA may take additional actions (*e.g.,* issue Warning Letters or safety communications) in response to significant inspectional observations, some of which may be posted publicly.

(Comment 6) Multiple commenters requested that FDA extend the ''deadline'' for requesting nonbinding feedback beyond 15 days after issuance of a Form FDA 483. For example, some commenters felt that imposing a 15 day ''deadline'' for requesting nonbinding feedback would result in rushed remediations without a sufficient understanding of the root-cause of the underlying quality system deviations.

(Response) Firms are not required to submit requests for nonbinding feedback. To be eligible for nonbinding feedback, a request for nonbinding feedback must involve a public health priority, implicate systemic or major actions, or relate to emerging safety issues. FDA believes that a corrective action should be taken as expeditiously as possible in response to an observation that meets one or more of the statutory criteria. In situations where a firm is unable to submit a timely request for nonbinding feedback, the firm has other options to engage with FDA.

(Comment 7) Multiple commenters requested that FDA allow multiple chances to seek nonbinding feedback. For example, some commenters stated that a firm's initial corrective action plan may change over time and that remediation may take months; therefore, firms may need feedback more than once and more than 15 days after issuance of a Form FDA 483.

(Response) FDA believes that inspectional observations that involve a public health priority, implicate systemic or major actions, or relate to emerging safety issues should be corrected as expeditiously as possible. FDA acknowledges that in some situations, firms may desire feedback more than once. If multiple requests for nonbinding feedback are timely and

[1] The guidance is available at: *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/least-burdensome-provisions-concept-and-principles.*

meet the other statutory requirements, FDA is required to respond to each request within 45 days. If multiple requests for nonbinding feedback are not timely, then these requests will not be subject to a response from FDA within 45 days.

Finally, FDA acknowledges that when the inspectional observations involve a public health priority, implicate a systemic or major action, or relate to an emerging safety issue, continued communication between FDA and the firm may be needed after issuance of the nonbinding feedback to ensure adequate protection of public health. In such cases, FDA may continue communication with the firm and/or take any action necessary to ensure adequate protection of public health.

FDA received one comment regarding ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

(Comment 8) One commenter requested that FDA develop templates for manufacturers to submit when requesting nonbinding feedback.

(Response) At this time, FDA does not believe that providing a template would be appropriate since the content of the request for nonbinding feedback is expected to be situationally dependent and different firms may have different preferred formats for requesting nonbinding feedback. FDA believes that use of a template may be too restrictive and could result in pertinent information not being included in the request for nonbinding feedback. Nonetheless, FDA may choose to utilize a template at a later date if it determines it would be beneficial to firms to do so.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Requests for nonbinding feedback after certain FDA inspections of device establishments	220	1	220	500	110,000

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Our estimate that 220 respondents per year will request nonbinding feedback is based on recent inspectional data. Based on the recommendations in the guidance and our experience with similar information collections, we believe it will take approximately 500 hours to complete a request for nonbinding feedback. Therefore, we estimate the burden of this information collection to be 110,000 hours.

Dated: March 9, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–05131 Filed 3–12–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors, NIDA.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the NATIONAL INSTITUTE ON DRUG ABUSE, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIDA.

Date: May 7–8, 2020.

Time: 8:00 a.m. to 3:15 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Place: Intramural Research Program, Biomedical Research Center, Johns Hopkins Bayview Campus, 251 Bayview Boulevard, Room BRC 03C219, Baltimore, MD 21224.

Contact Person: Joshua Kysiak, Program Specialist, Biomedical Research Center, Intramural Research Program, National Institute on Drug Abuse, NIH, DHHS, 251 Bayview Boulevard, Baltimore, MD 21224, 443–740–2465, *kysiakjo@nida.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: March 9, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–05096 Filed 3–12–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Member Conflict SEP.

Date: April 14, 2020.

Time: 12:00 p.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Ramesh Vemuri, Ph.D., Chief, Scientific Review Branch, Scientific Review Branch, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Gateway Building, Suite 2W200, Bethesda, MD 20892, (301) 402–7700, *rv23r@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: March 9, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–05144 Filed 3–12–20; 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; Neurolinguistics and Language Learning.

Date: March 26, 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; Member Conflict: AIDS and Related Research.

Date: April 6, 2020.

Time: 2:00 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: Kenneth A Roebuck, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5106, MSC 7852, Bethesda, MD 20892, (301) 435–1166, *roebuckk@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Neuropsychiatric and Neurodegenerative Disorders and Diseases.

Date: April 6, 2020.

Time: 12:00 p.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 (Telephone Conference Call).

Contact Person: Samuel C Edwards, Ph.D., Chief, BDCN IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7846, Bethesda, MD 20892, (301) 435–1246, *edwardss@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RM18–009: NIH Transformative Research Awards (R01) Review.

Date: April 7, 2020.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Raymond Jacobson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5858, MSC 7849, Bethesda, MD 20892, (301) 996–7702, *jacobsonrh@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Biobehavioral Processes of Cognition and Stress.

Date: April 8, 2020.

Time: 2:00 p.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: Katherine Colona Morasch, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3170, Bethesda, MD 20892, *moraschkc@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Virology.

Date: April 15–16, 2020.

Time: 9:00 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: Susan Daum, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3202, Bethesda, MD 20892, (301) 827–7233, *susan.boyle-vavra@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Virology.

Date: April 15, 2020.

Time: 1:00 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 (Virtual Meeting).

Contact Person: Marci Scidmore, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3192, MSC 7808, Bethesda, MD 20892, (301) 435–1149, *marci.scidmore@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 9, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–05113 Filed 3–12–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Insitutes of Health; Notice of Meeting

Notice is hereby given of a meeting of the HEAL (Helping to End Addiction Long-term) Multi-Disciplinary Working Group

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended. The program documents and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the program documents, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: HEAL Multi-Disciplinary Working Group Meeting.

Date: March 18, 2020.

Open: March 18, 2020, 8:30 a.m. to 10:30 a.m.

Closed: March 18, 2020, 10:30 a.m. to 3:20 p.m.

Open: March 18, 2020, 3:20 p.m. to 4:00 p.m.

Agenda: Provide an update on Helping to End Addiction Long-Term (HEAL) Initiatives and obtain expertise from the MDWG relevant to the NIH HEAL Initiative and to specific HEAL projects.

Videocast: For those not able to attend in person, this meeting will be live webcast at: *https://videocast.nih.gov/*.

Place: National Institutes of Health, Building 1, Wilson Hall, 1 Center Drive, Bethesda, MD 20892.

Contact Person: Rebecca G. Baker, Ph.D., Office of the Director, National Institutes of Health, 1 Center Drive, Room 103A, Bethesda, MD 20892, (301) 402–1994, *Rebecca.baker@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the program.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Office of the Director for the NIH HEAL Initiative home page: *https://www.nih.gov/research-training/medical-research-initiatives/heal-initiative* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: March 9, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–05098 Filed 3–12–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Women's Bladder Health applications PLUS.

Date: April 16, 2020.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda (Formerly Holiday Inn Select), Conference Room Auburn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Ryan G. Morris, Ph.D., Scientific Review Officer, Review Branch, Division of Extramural Activities, NIDDK, National Institutes of Health, Room 7015, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, (301) 594–4721, *ryan.morris@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: March 9, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–05112 Filed 3–12–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Loan Repayment Program Review.

Date: April 7, 2020.

Time: 11:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate loan Repayment Program.

Place: Neuroscience Center, Neuroscience Building, 6001 Executive Blvd., Rm. 8359, Rockville, MD 20852.

Contact Person: Sheo Singh, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, 6001 Executive Blvd., Room 8351, Bethesda, MD 20892, (301) 496–8683, *singhs@nidcd.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: March 9, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–05111 Filed 3–12–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Mental Health Services.

Date: March 27, 2020.

Time: 2:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Blvd., Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Aileen Schulte, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6140, MSC 9608, Bethesda, MD 20892–9608, 301–443–1225, *aschulte@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: March 9, 2020.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–05094 Filed 3–12–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The invention listed below is owned by an agency of the U.S. Government and is available for licensing to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Peter Soukas, J.D., 301–594–8730; *peter.soukas@nih.gov.* Licensing information and copies of the patent applications listed below may be obtained by communicating with the indicated licensing contact at the Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Rockville, MD 20852; tel. 301–496–2644. A signed Confidential Disclosure Agreement will be required to receive copies of unpublished patent applications.

SUPPLEMENTARY INFORMATION: Technology description follows.

Genomic Sequence of Avian Paramyxovirus Type 2 and Uses Thereof

Description of Technology

As a first step towards characterizing the molecular genetics and pathogenesis of avian paramyxovirus type 2 (APMV–2), the biological activities and growth characteristics of APMV–2 were investigated. The present inventors found that APMV–2 is different than Newcastle Disease Virus (NDV, AMPV–1) in several characteristics: (I) APMV–2 does not require trypsin or allantoic fluid to grow in cell culture; (II) previous RNA–RNA hybridization studies showed APMV–2 is genetically different than NDV; (III) APMV–2 is the only paramyxovirus serotype which causes single-cell infection foci in cell culture, and does not induce cell fusion, which is a hallmark of paramyxovirus infection; (IV) APMV–2 does not kill chicken embryos; and (V) APMV–2 does not grow in the brain of chickens.

These results suggested that APMV–2 is significantly different biologically and genetically from NDV. These differences provide certain advantages over other viruses considered for use as a vaccine, as a virus vector, or as a therapeutic. For example, unlike the current NDV vaccine such as LaSota and Hitchner B1 that can cause disease due to reversion to virulence, since AMPV–2 is not an agricultural pathogen, it is not a concern for the poultry industry. Unlike many strains of NDV, APMV–2 is not a Select Agent.

However, in order to develop a recombinant APMV–2 virus for use as a vector, vaccine, or cancer therapy, the complete genome sequence was needed, and a reverse genetic system needed to be developed. Sequence analysis proved to be difficult since primers based on NDV were not useful because the two viruses are genetically different. Therefore, different strategies had to be used for primer design, including the design and testing of consensus primers from other paramyxoviruses, primers based on gene start and gene end sequences of other paramyxoviruses, and primer walking.

This invention covers the complete genomic sequence of avian paramyxovirus type 2, strains Yucaipa, England, Kenya and Bangor. The genomic sequence of strain Yucaipa was used to develop a reverse genetic system for AMPV–2. This produced cDNA-derived AMPV–2 with the same properties as biologically-derived AMPV–2, confirming the authenticity of the genomic sequence. The sequence and reverse genetic system are useful for production of recombinant infective virus, a virus vector, for vaccine development and for therapeutic compositions. The sequences are also useful for development of viral diagnostics. The recombinant APMV–2 was used to express a foreign antigen, the green fluorescent protein (GFP), and can be used as a vaccine vector. Recombinant APMV–2 can also be used in cancer treatment, similar to NDV.

This technology is available for licensing for commercial development in accordance with 35 U.S.C. 209 and 37 CFR part 404, as well as for further development and evaluation under a research collaboration.

Potential Commercial Applications

- Viral therapeutics
- Viral diagnostics
- Vaccine research

Competitive Advantages

- Ease of manufacture
- Low-cost vaccine
- Adjuvants unnecessary

Development Stage

- In vivo data assessment (animal)

Inventors: Siba Samal (EM), Peter Collins (NIAID).

Intellectual Property: HHS Reference No. E–019–2018–0—U.S. Provisional Application No. 61/218,851, filed June 19, 2009, HHS Reference No. E–019–2018–1—U.S. Patent Application No. 12/803165, filed June 21, 2010, now U.S. Patent No. 9,937,196.

Licensing Contact: Peter Soukas, J.D., 301–594–8730; *peter.soukas@nih.gov.*

Collaborative Research Opportunity: The National Institute of Allergy and Infectious Diseases is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize for development of a vaccine for respiratory or other infections. For collaboration opportunities, please contact Peter Soukas, J.D., 301–594–8730; *peter.soukas@nih.gov.*

Dated: March 2, 2020.

Wade W. Green,

Acting Deputy Director, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases.

[FR Doc. 2020–05146 Filed 3–12–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; Generic Clearance for NIH Citizen Science and Crowdsourcing Projects (Office of the Director)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

ADDRESSES: Written comments and/or suggestions regarding the item(s)

contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: Desk Officer for NIH.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Mikia Currie, Chief, Project Clearance Branch (PCB), Office of Policy and Extramural Research Administration (OPERA), Office of the Director (OD), Office of Extramural Research (OER), NIH, 6705 Rockledge Drive, Bethesda, Maryland 20892, MSC 7980, or call non-toll-free number (301) 435–0941 or Email your request, including your address to: *ProjectClearanceBranch@mail.nih.gov.*

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** on October 4, 2019, page 53162 (84 FR 53162) and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The Project Clearance Branch (PCB), Office of Policy and Extramural Research Administration (OPERA), Office of the Director (OD), Office of Extramural Research (OER), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

Proposed Collection: Generic Clearance for NIH Citizen Science and Crowdsourcing Projects—0925–New—XX/XX/XXXX, Project Clearance Branch (PCB), Office of Policy and Extramural Research Administration (OPERA), Office of the Director (OD), Office of Extramural Research (OER), National Institutes of Health (NIH).

Need and Use of Information Collection: Projects under this generic clearance will allow Agency researchers and program staff to test ideas more quickly, respond to the project's needs as they evolve, and incorporate feedback from participants for flexible, innovative research methods. The purpose of this information collection is to:

- Accelerate scientific research
- Increase cost-effectiveness to maximize the return on taxpayer dollars
- Address societal needs
- Provide hands-on learning in STEM education
- Connect members of the public directly to federal science missions and each other
- Identify and disseminate resources more broadly to the public, on the Institutes' and Centers' (ICs) websites, and/or
- Collect information for agency internal use to improve scientific practices and/or assist in scientific reviews

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 18,584.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of collection	Number of respondents	Number of responses per respondent	Time per response (in hours)	Total hours
Call for Nominations/Resources	1,000	1	10/60	167
Recommendations of scientific reviewers	1,000	1	5/60	83
Request for Population Characteristics	20,000	1	5/60	1,667
Repository of Tools and Best Practices	100,000	1	10/60	16,667
Total	122,000			18,584

Dated: March 5, 2020.

Lawrence A. Tabak,

Deputy Director, National Institutes of Health.

[FR Doc. 2020–05104 Filed 3–12–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; NIMH Pathway to Independence Awards (K99/R00, K22).

Date: March 24, 2020.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: David W. Miller, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6140, MSC 9608, Bethesda, MD 20892–9608, 301–443–9734, *millerda@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: March 9, 2020.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–05093 Filed 3–12–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2020–0094]

Merchant Marine Personnel Advisory Committee; April 2020 Teleconference

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Notice of Federal Advisory Committee teleconference meeting.

SUMMARY: The Merchant Marine Personnel Advisory Committee (Committee) will meet via teleconference to discuss issues related to the training and fitness of merchant marine personnel. The meetings will be open to the public.

DATES:

Meetings: The Merchant Marine Personnel Advisory Committee and its working groups are scheduled to meet on Wednesday, April 8, 2020, from 8 a.m. until 3 p.m. These meetings may adjourn early if the Committee has completed its business.

Comments and supporting documentation: To ensure your comments are received by Committee members before the teleconference, submit your written comments no later than April 1, 2020.

ADDRESSES: To join the teleconference or to request special accommodations, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section no later than 1 p.m. on April 1, 2020, to obtain the needed information. The number of individuals on a teleconference line is limited and will be available on a first-come, first served basis.

Instructions: You are free to submit comments at any time, including orally at the teleconference as time permits, but if you want Committee members to review your comments before the teleconference, please submit your comments no later than April 1, 2020. We are particularly interested in comments on the issue in the ''Agenda'' section below.

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. You must include the docket number [USCG–2020–0094]. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. For more about privacy and submissions in response to this document, see DHS's Correspondence System of Records notice (84 FR 48645, September 26, 2018). If you encounter technical difficulties with comment submission, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

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

FOR FURTHER INFORMATION CONTACT: Ms. Megan Johns Henry, Alternate Designated Federal Officer of the Merchant Marine Personnel Advisory Committee, 2703 Martin Luther King Jr. Ave. SE, Stop 7509, Washington, DC 20593–7509, telephone 202–372–1255, fax 202–372–4908 or *megan.c.johns@uscg.mil.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is in compliance with the *Federal Advisory Committee Act,* 5 U.S.C. Appendix.

The Merchant Marine Personnel Advisory Committee is established under authority of U.S. Code, title 46, section 8108. The Committee acts solely in an advisory capacity to the Secretary of the Department of Homeland Security through the Commandant of the U.S. Coast Guard on matters relating to personnel in the United States merchant marine, including training, qualifications, certification, documentation, and fitness standards and other matters as assigned by the Commandant. The Committee also reviews and comments on proposed U.S. Coast Guard regulations and policies relating to personnel in the United States merchant marine, including training, qualifications, certification, documentation, and fitness standards.

Agenda

The agenda for the April 8, 2020 full Committee meeting is as follows:

(1) Introduction.

(2) Designated Federal Officer remarks.

(3) Remarks from U.S. Coast Guard Leadership.

(4) Roll call of Committee members and determination of a quorum.

(5) The Committee will address the following task statements from the previous meeting, which are available for viewing at *https://homeport.uscg.mil/missions/ports-and-waterways/safety-advisory-committees/merpac;*

(a) Task Statement 90, Review of IMO Model Courses Being Validated by the IMO HTW Subcommittee and Addendum A to consider the creation of National Model Courses;

(b) Task Statement 101, Revision of Task 101, Communication Between External Stakeholders and the Mariner Credentialing Program (revision);

(c) Task Statement 101, Addendum B, Communication Between External Stakeholders and the Mariner Credentialing Program—Review Coast Guard Forms (new); and

(d) Task Statement X–1, Military Education, Training and Assessment for STCW and National Mariner Endorsement (new).

(6) Report on Status of Working Groups, Determination on Intercessional Meetings and Discussion of Working Group recommendations. The Committee will review the information presented on each issue, deliberate on any recommendations presented by the Working Groups, approve/formulate recommendations and close any completed tasks. Official action on these recommendations may be taken:

(a) Task Statement 89, Review of MSC Circular MSC/Circ.1014, Guidelines on fatigue mitigation and management;

(b) Task Statement 90, Review of IMO Model Courses Being Validated by the IMO HTW Subcommittee;

(c) Task Statement 94, MERPAC Recommendation Review;

(d) Task Statement 101, Communication Between External Stakeholders and the Mariner Credentialing Program;

(e) Task Statement X–1, Military Education, Training and Assessment for STCW and National Mariner Endorsements;

(7) Introduction of new tasks and discussion of intersessional meetings. A copy of all meeting documentation will be available at *https://homeport.uscg.mil/missions/ports-and-waterways/safety-advisory-committees/merpac:*

(a) Task Statement X–2, Review of STCW; and

(b) Task Statement X–3, Review of NOAA Sunsetting Program of Paper Nautical Chart Production.

(8) Public comment period.

(9) Closing remarks/plans for next meeting.

(10) Adjournment of meeting.

A copy of all meeting documentation will be available at *https://homeport.uscg.mil/missions/ports-and-waterways/safety-advisory-committees/*

merpac no later than April 1, 2020. Alternatively, you may contact Ms. Megan Johns Henry as noted in the **FOR FURTHER INFORMATION** section above.

During the April 8, 2020 teleconference, a public comment period will be held from approximately 2–2:15 p.m. Public comments will be limited to two minutes per speaker. Please note that the public comment periods will end following the last call for comments. Please contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section, to register as a speaker.

Dated: March 10, 2020.

Jeffrey G. Lantz,

Director of Commercial Regulations and Standards.

[FR Doc. 2020–05187 Filed 3–12–20; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2020–0002; Internal Agency Docket No. FEMA–B–2013]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before June 11, 2020.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2013, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Golden Valley County, Montana and Incorporated Areas Project: 15–08–1413S Preliminary Date: May 15, 2018	
Town of Lavina	Town Office, 117 Main Street, Lavina, MT 59046.
Town of Ryegate	Town Hall, 105 Kemp Street, Ryegate, MT 59074.
Unincorporated Areas of Golden Valley County	Golden Valley County Courthouse, 107 Kemp Street, Ryegate, MT 59074.
Amelia County, Virginia (All Jurisdictions) Project: 19–03–0015S Preliminary Date: August 30, 2019	
Unincorporated Areas of Amelia County	Amelia County Courthouse, 16360 Dunn Street, Amelia, VA 23002.
Orange County, Virginia and Incorporated Areas Project: 18–03–0009S Preliminary Date: May 30, 2019 and November 15, 2019	
Town of Gordonsville	Town Office, 112 South Main Street, Gordonsville, VA 22942.
Town of Orange	Town Hall, Office of Community Development and Planning, 119 Belleview Avenue, Orange, VA 22960.
Unincorporated Areas of Orange County	Orange County Planning and Zoning Department, 128 West Main Street, Orange, VA 22960.

[FR Doc. 2020–05149 Filed 3–12–20; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2020–0002; Internal Agency Docket No. FEMA–B–2014

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before June 11, 2020.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminary floodhazarddata* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2014, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been

engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Dickinson County, Iowa and Incorporated Areas Project: 16–07–2213S Preliminary Date: June 26, 2019	
City of Arnolds Park	City Hall, 156 North Highway 71, Arnolds Park, IA 51331.
City of Lake Park	City Hall, 217 North Market Street, Lake Park, IA 51347.
City of Milford	City Hall, 806 North Avenue, Suite 1, Milford, IA 51351.
City of Okoboji	City Hall, 1322 Highway 71 North, Okoboji, IA 51355.
City of Orleans	Dickinson County Courthouse, 1802 Hill Avenue, Suite 2101, Spirit Lake, IA 51360.
City of Spirit Lake	City Hall, 1803 Hill Avenue, Spirit Lake, IA 51360.
City of Wahpeton	Wahpeton City Hall, 1201 Dakota Drive, Milford, IA 51351.
City of West Okoboji	West Okoboji City Hall, 501 Terrace Park Boulevard, Milford, IA 51351.
Unincorporated Areas of Dickinson County	Dickinson County Courthouse, 1802 Hill Avenue, Suite 2101, Spirit Lake, IA 51360.
Ellsworth County, Kansas and Incorporated Areas Project: 17–07–0009S Preliminary Date: August 14, 2019	
City of Holyrood	City Hall, 110 South Main Street, Holyrood, KS 67450.
City of Lorraine	City Hall, 334 North Main Street, Lorraine, KS 67459.
Unincorporated Areas of Ellsworth County	Ellsworth County Courthouse, 210 North Kansas Avenue, Ellsworth, KS 67439.
Rice County, Kansas and Incorporated Areas Project: 12–07–0333S Preliminary Date: September 12, 2019	
City of Bushton	City Hall, 217 South Main Street, Bushton, KS 67427.
City of Chase	City Hall, 507 Main Street, Chase, KS 67524.
City of Frederick	Rice County Planning and Zoning, 460 North Logan Avenue, Lyons, KS 67554.
City of Geneseo	City Hall, 802 Silver Avenue, Geneseo, KS 67444.
City of Little River	City Hall, 125 Main Street, Little River, KS 67457.
City of Lyons	City Hall, 217 East Avenue South, Lyons, KS 67554.
City of Raymond	City Hall, 105 West 4th Street, Raymond, KS 67573.
City of Sterling	City Hall, 114 North Broadway, Sterling, KS 67579.
Unincorporated Areas of Rice County	Rice County Planning and Zoning, 460 North Logan Avenue, Lyons, KS 67554.

[FR Doc. 2020–05150 Filed 3–12–20; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2020–0002; Internal Agency Docket No. FEMA–B–2016]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Colorado:						
Broomfield	City and County of Broomfield (19–08–0385P).	The Honorable Patrick Quinn, Mayor, City and County of Broomfield, 1 DesCombes Drive, Broomfield, CO 80020.	Engineering Department, 1 DesCombes Drive, Broomfield, CO 80020.	*https://msc.fema.gov/portal/advanceSearch.*	May 29, 2020	085073
Broomfield	City and County of Broomfield (19–08–0494P).	The Honorable Patrick Quinn, Mayor, City and County of Broomfield, 1 DesCombes Drive, Broomfield, CO 80020.	Engineering Department, 1 DesCombes Drive, Broomfield, CO 80020.	*https://msc.fema.gov/portal/advanceSearch.*	May 22, 2020	085073
El Paso	City of Colorado Springs (19–08–0605P).	The Honorable John Suthers, Mayor, City of Colorado Springs, 30 South Nevada Avenue, Suite 601, Colorado Springs, CO 80903.	Pikes Peak Regional Development, 2880 International Circle, Colorado Springs, CO 80910.	*https://msc.fema.gov/portal/advanceSearch.*	May 4, 2020	080060
El Paso	Unincorporated areas of El Paso County (19–08–0605P).	The Honorable Mark Waller, President, El Paso County Board of Commissioners, 200 South Cascade Avenue, Suite 100, Colorado Springs, CO 80903.	Pikes Peak Regional Development, 2880 International Circle, Colorado Springs, CO 80910.	*https://msc.fema.gov/portal/advanceSearch.*	May 4, 2020	080059
Jefferson	City of Westminster (19–08–0494P).	The Honorable Herb Atchison, Mayor, City of Westminster, 4800 West 92nd Avenue, Westminster, CO 80031.	City Hall, 4800 West 92nd Avenue, Westminster, CO 80031.	*https://msc.fema.gov/portal/advanceSearch.*	May 22, 2020	080008
Connecticut:						
Fairfield	Town of Darien (19–01–1081P).	The Honorable Jayme J. Stevenson, First Selectman, Town of Darien Board of Selectmen, 2 Renshaw Road, Room 202, Darien, CT 06820.	Planning and Zoning Department, 2 Renshaw Road, Darien, CT 06820.	*https://msc.fema.gov/portal/advanceSearch.*	May 1, 2020	090005

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
New Haven	Town of Cheshire (20–01–0003P).	The Honorable Rob Oris, Jr., Chairman, Town of Cheshire Council, 84 South Main Street, Cheshire, CT 06410.	Town Hall, 84 South Main Street, Cheshire, CT 06410.	*https://msc.fema.gov/portal/advanceSearch.*	May 15, 2020	090074
Florida: Wakulla	Unincorporated areas of Wakulla County (19–04–3034P).	The Honorable Mike Stewart, Chairman, Wakulla County Board of Commissioners, 3093 Crawfordville Highway, Crawfordville, FL 32327.	Wakulla County Planning and Community Development Department, 3093 Crawfordville Highway, Crawfordville, FL 32327.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 5, 2020	120315
Georgia: Cherokee	Unincorporated areas of Cherokee County (19–04–4793P).	The Honorable Harry Johnston, Chairman, Cherokee County Board of Commissioners, 1130 Bluffs Parkway, Canton, GA 30114.	Cherokee County Engineering Department, 1130 Bluffs Parkway, Canton, GA 30114.	*https://msc.fema.gov/portal/advanceSearch.*	May 15, 2020	130424
Kentucky:						
Fayette	Lexington-Fayette Urban County, Government (19–04–4057P).	The Honorable Linda Gorton, Mayor, Lexington-Fayette Urban County, Government, 200 East Main Street, Lexington, KY 40507.	Lexington-Fayette Urban County Government Center, 101 East Vine Street, Lexington, KY 40507.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 16, 2020	210067
Pulaski	Unincorporated areas of Pulaski County (19–04–3595P).	The Honorable Steve Kelley, Pulaski County Judge, 100 North Main Street, Suite 202, Somerset, KY 42501.	Pulaski County Courthouse, 100 North Main Street, Somerset, KY 42501.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 17, 2020	210197
Massachusetts: Essex.	Town of Nahant (19–01–1429P).	The Honorable Richard Lombard, Chairman, Town of Nahant Board of Selectmen, 334 Nahant Road, Nahant, MA 01908.	Public Works Department, 334 Nahant Road, Nahant, MA 01908.	*https://msc.fema.gov/portal/advanceSearch.*	May 12, 2020	250095
Michigan: Washtenaw.	City of Ann Arbor (19–05–2230P).	The Honorable Christopher Taylor, Mayor, City of Ann Arbor, 301 East Huron Street, Ann Arbor, MI 48107.	City Hall, 301 East Huron Street, Ann Arbor, MI 48107.	*https://msc.fema.gov/portal/advanceSearch.*	May 22, 2020	260213
New Mexico: Santa Fe.	City of Santa Fe (19–06–2643P).	The Honorable Alan Webber, Mayor, City of Santa Fe, 200 Lincoln Avenue, Santa Fe, NM 87504.	Building Permits Department, 200 Lincoln Avenue, Santa Fe, NM 87504.	*https://msc.fema.gov/portal/advanceSearch.*	May 20, 2020	350070
North Carolina:						
Cumberland	City of Fayetteville (19–04–2019P).	The Honorable Mitch Colvin, Mayor, City of Fayetteville, 433 Hay Street, Fayetteville, NC 28301.	Planning and Zoning Division, 433 Hay Street, Fayetteville, NC 28301.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 25, 2020	370077
Martin	Town of Williamston (19–04–2709P).	The Honorable Joyce Whichard-Brown, Mayor, Town of Williamston, P.O. Box 506, Williamston, NC 27892.	Planning and Zoning Department, 102 East Main Street, Williamston, NC 27892.	*https://msc.fema.gov/portal/advanceSearch.*	May 14, 2020	370157
Oklahoma: Canadian.	City of El Reno (19–06–2199P).	The Honorable Matt White, Mayor, City of El Reno, P.O. Drawer 700, El Reno, OK 73036.	City Hall, 101 North Choctaw Avenue, El Reno, OK 73036.	*https://msc.fema.gov/portal/advanceSearch.*	May 14, 2020	405377
Pennsylvania: Chester.	Township of West Goshen (19–03–1653P).	Mr. Casey LaLonde, Township of West Goshen Manager, 1025 Paoli Pike, West Chester, PA 19380.	Township Hall, 1025 Paoli Pike, West Chester, PA 19380.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 8, 2020	420293
South Carolina: Georgetown.	Unincorporated areas of Georgetown County (19–04–6326P).	Mr. Sel Hemingway, Georgetown County Administrator, 716 Prince Street, Georgetown, SC 29440.	Georgetown County, Building Department, 129 Screven Street, Georgetown, SC 29440.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 4, 2020	450085
Tennessee:						
Shelby	Town of Collierville (19–04–7494P).	The Honorable Stan Joyner, Jr., Mayor, Town of Collierville, 500 Poplar View Parkway, Collierville, TN 38017.	Department of Public Services, 500 Keough Road, Collierville, TN 38017.	*https://msc.fema.gov/portal/advanceSearch.*	May 8, 2020	470263

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Shelby	Unincorporated areas of Shelby County (18–04–7494P).	The Honorable Lee Harris, Mayor, Shelby County, 160 North Main Street, Memphis, TN 38103.	Shelby County Department of Engineering, 6463 Haley Road, Memphis, TN 38134.	*https://msc.fema.gov/portal/advanceSearch.*	May 8, 2020	470214
Texas:						
Bexar	City of San Antonio (19–06–1775P).	The Honorable Ron Nirenberg, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capitol Improvements Department, Storm Water Division, 114 West Commerce Street, 7th Floor, San Antonio, TX 78205.	*https://msc.fema.gov/portal/advanceSearch.*	May 11, 2020	480045
Bexar	City of San Antonio (19–06–3807P).	The Honorable Ron Nirenberg, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capitol Improvements Department, Storm Water Division, 114 West Commerce Street, 7th Floor, San Antonio, TX 78205.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 13, 2020	480045
Bexar	Unincorporated areas of Bexar County (19–06–3807P).	The Honorable Nelson W. Wolff, Bexar County Judge, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Public Works Department, 1948 Probandt Street, San Antonio, TX 78214.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 13, 2020	480035
McLennan	City of McGregor (19–06–1286P).	The Honorable James S. Hering, Mayor, City of McGregor, 302 South Madison Avenue, McGregor, TX 76657.	City Hall, 302 South Madison Avenue, McGregor, TX 76657.	*https://msc.fema.gov/portal/advanceSearch.*	May 19, 2020	480459
McLennan	Unincorporated areas of McLennan County (19–06–1286P).	The Honorable Scott M. Felton, McLennan County Judge, 501 Washington Avenue, Suite 214, Waco, TX 76701.	McLennan County Engineering and Mapping Department, 215 North 5th Street, Suite 130, Waco, TX 76701.	*https://msc.fema.gov/portal/advanceSearch.*	May 19, 2020	480456
Tarrant	City of Fort Worth (19–06–2910P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Transportation and Public Works Department, 200 Texas Street, Fort Worth, TX 76102.	*https://msc.fema.gov/portal/advanceSearch.*	May 18, 2020	480596
Travis	City of Manor (19–06–2660P).	The Honorable Larry Wallace, Jr., Mayor, City of Manor, P.O. Box 387, Manor, TX 78653.	City Hall, 105 East Eggleston Street, Manor, TX 78653.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 1, 2020	481027
Travis	Unincorporated areas of Travis County (19–06–2660P).	The Honorable Sarah Eckhardt, Travis County Judge, P.O. Box 1748, Austin, TX 78767.	Travis County Transportation and Natural Resources Department, 700 Lavaca Street, 5th Floor, Austin, TX 78701.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 1, 2020	481026
Utah:						
Wasatch	Town of Wallsburg (19–08–0779P).	The Honorable Celeni Richins, Mayor, Town of Wallsburg, 70 West Main Street, Wallsburg, UT 84082.	Town Hall, 70 West Main Street, Wallsburg, UT 84082.	*https://msc.fema.gov/portal/advanceSearch.*	May 28, 2020	490168
Wasatch	Unincorporated areas of Wasatch County (19–08–0779P).	Mr. Mike Davis, Wasatch County Manager, 25 North Main Street, Heber City, UT 84032.	Wasatch County Community Services Department, 55 South 500 East, Heber City, UT 84032.	*https://msc.fema.gov/portal/advanceSearch.*	May 28, 2020	490164

[FR Doc. 2020–05148 Filed 3–12–20; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R3–ES–2020–N035; FXES11130300000–201–FF03E00000]

Endangered and Threatened Species; Receipt of Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, have received applications for permits to conduct activities intended to enhance the propagation or survival of endangered or threatened species under the Endangered Species Act. We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into

consideration any information that we receive during the public comment period.

DATES: We must receive your written comments on or before April 13, 2020.

ADDRESSES: *Document availability and comment submission:* Submit requests for copies of the applications and related documents, as well as any comments, by one of the following methods. All requests and comments should specify the applicant name(s) and application number(s) (*e.g.,* TEXXXXXX):

- *Email: permitsR3ES@fws.gov.* Please refer to the respective application number (*e.g.,* Application No. TEXXXXXX) in the subject line of your email message.
- *U.S. Mail:* Regional Director, Attn: Nathan Rathbun, U.S. Fish and Wildlife Service, Ecological Services, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458.

FOR FURTHER INFORMATION CONTACT: Nathan Rathbun, 612–713–5343 (phone); *permitsR3ES@fws.gov* (email). Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION:

Background

The Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), prohibits certain activities with endangered and threatened species unless authorized by a Federal permit. The ESA and our implementing regulations in part 17 of title 50 of the Code of Federal Regulations (CFR) provide for the issuance of such permits and require that we invite public comment before issuing permits for activities involving endangered species.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered species for scientific purposes that promote recovery or for enhancement of propagation or survival of the species. Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Applications Available for Review and Comment

We invite local, State, and Federal agencies; Tribes; and the public to comment on the following applications.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE54397C	Keifer L. Titus, Clemson, SC	Add: gray bat (*Myotis grisescens*), Virginia big-eared bat *(Plecotus townsendii virginianus)* to existing permitted species: Indiana bat (*M. sodalis*), northern long-eared bat (*M. septentrionalis*).	Add: new locations—AL, AR, CT, DE, DC, FL, GA, IL, IA, KS, KY, LA, MA, ME, MD, MI, MN, MS, MO, MT, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, VT, VA, WV, WI, WY—to existing authorized locations: IN.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, mist-net, band, radio-tag, release.	Amend, renew.
TE89558A	Shannon Romeling, Taos, NM.	Gray bat (*Myotis grisescens*), Indiana bat (*M. sodalis*), northern long-eared bat (*M. septentrionalis*), Ozark big-eared bat (*Corynorhinus towsendii ingens*), Virginia big-eared bat (*C.t. virginianus*).	AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, WY.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, mist-net, harp trap, band, radio-tag, release.	Renew.
TE06801A	Pittsburgh Wildlife & Environment, Inc., McDonald, PA.	Gray bat (*Myotis grisescens*), Indiana bat (*M. sodalis*), northern long-eared bat (*M. septentrionalis*).	Add new locations—LA, NE, ND, SD—to existing authorized locations: AL, AR, FL, GA, IL, IN, IA, KS, KY, MI, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, VA, WV, WI.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, mist-net, harp trap, band, radio-tag, enter hibernacula or maternity roost caves, release.	Amend.
TE70020D	NextEra Energy Bluff Point, LLC, Juno Beach, FL.	Indiana bat (*Myotis sodalis*), northern long-eared bat (*M. septentrionalis*).	Jay and Randolph Counties, IN.	Conduct scientific research on the impacts of wind turbine rolling-average cut-in speed, population management and monitoring.	Harass, kill, salvage	New.
TE13580D	Julia Wilson, Bloomington, IN.	Add Gray bat (*Myotis grisescens*) to existing permitted species: Indiana bat (*M. sodalis*), northern long-eared bat (*M. septentrionalis*).	Add new locations—AL, AR, FL, GA, KS, KY, MS, NC, OK, TN, VA—to existing authorized locations: CT, DE, DC, IL, IN, IA, LA, ME, MD, MA, MI, MN, MO, MT, NE, NH, NJ, NY, ND, OH, PA, RI, SC, SD, VT, WV, WI, WY.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts; conduct scientific research—assess seasonal behavior, hibernation locations, evaluate white-nose syndrome exposure, population structure and movement.	Add new activities—harp trap, enter hibernacula or maternity roost caves, collect hair, guano, wing biopsy, wing swab samples—to existing authorized activities: Capture, handle, mist-net, band, radio-tag, release.	Amend.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE72093B	Rebecca Winterringer, Euclid, OH.	Add Dwarf wedgemussel (*Alasmidonta heterodon*), James spinymussel (*Pleurobema collina*), Appalachian monkeyface (*Quadrula sparsa*), birdwing pearlymussel (*Lexiox rimosus*), cracking pearlymussel (*Hemistena lata*), Cumberland bean (*Villosa trabalis*), Cumberland monkeyface (*Quadrula intemedia*), Dromedary pearlymussel (*Dromus dromas*), finerayed pigtoe (*Fusconaia cuneolus*), fluted kidneyshell (*Ptychobranchus subtentum*), green blossom (*Epioblasma torulosa gubernaculum*), littewing pearlymussel (*Pegias fabula*), oyster mussel (*Epioblasma capsaeformis*), purple bean (*Villosa perpurpurea*), rough pigtoe (*Pleurobema plenum*), shiny pigtoe (*Fusconaia cor*), slabside pearlymussel (*Lexingtonia dolabelloides*), tan riffleshell (*Epioblasma florentina walker*), and yellow lance (*Ellipto lanceolata*), to existing permitted species: 17 freshwater mussel species.	AL, AR, IL, IN, KY, MI, MO, OH, OK, TN.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, temporary hold, release.	Amend.
TE02373A	Environmental Solutions & Innovations, Inc., Cincinnati, OH.	Rusty patched bumble bee (*Bombus affinis*), eastern massasauga rattlesnake (*Sistruus catenatus*), and multiple plant, insect, crustacean, mussel, bat species.	AL, AR, CT, DE, D.C., GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, VT, VA, WV, WI, WY.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Add new rusty patched bumble bee activities—non-lethal external mite, tarsal clipping, serum sample, and pollen load collection, mark, tag, gel sampling, hold males for sperm collection—to existing authorized activities: Capture, release, salvage.	Amend.
TE53616C	Illinois Natural History Survey, Champaign, IL.	Rusty patched bumble bee (*Bombus affinis*).	IL	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Add new activities—DNA, fecal, pollen sampling—to existing authorized activities: Capture, handle, release.	Amend.
TE70019D	Little Traverse Bay Bands of Odawa Indians, Harbor Springs, MI.	Hungerford's crawling water beetle (*Brychius hungerfordi*).	MI	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Collect, transport, relocate, release.	New.
TE69825D	Michigan State University, Hickory Corners, MI.	Poweshiek skipperling (*Oarisma poweshiek*).	MI	Conduct presence/absence surveys, document habitat use, captive rearing, conduct population monitoring, evaluate impacts.	Capture, handle, long-term hold, captive rear, release.	New.
TE70018D	St. Louis River Alliance, Duluth, MN.	Piping plover (*Charadrius melodus*).	WI	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, band, temporary hold, captive rear abandoned eggs and chicks, erect active nest enclosure, release, salvage.	New.

Public Availability of Comments

Written comments we receive become part of the administrative record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Moreover, 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.

Next Steps

If we decide to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**.

Authority: We publish this notice under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Lori Nordstrom,

Assistant Regional Director, Ecological Services.

[FR Doc. 2020–05110 Filed 3–12–20; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[LLWO210000.L1610000]

National Environmental Policy Act Implementing Procedures for the Bureau of Land Management (516 DM 11)

AGENCY: Office of the Secretary, Interior.

ACTION: Notice.

SUMMARY: This notice announces the Department of the Interior's (Department) proposal to revise the National Environmental Policy Act (NEPA) implementing procedures for the Bureau of Land Management (BLM) at Chapter 11 of Part 516 of the Departmental Manual (DM) with a proposed new categorical exclusion (CX).

DATES: Comments must be postmarked (for mailed comments), delivered (for personal or messenger delivery comments), or filed (for electronic comments) no later than April 13, 2020.

ADDRESSES: The public can review the proposed changes to the DM and the new proposed CX Verification Report online at: *https://tinyurl.com/w8t4jx2.* Comments can be submitted using:

- *BLM National NEPA Register: https://tinyurl.com/w8t4jx2.* Follow the instruction at this website.
- *Mail:* U.S. Department of the Interior, Bureau of Land Management, Attention: WO–210–PJCX, 20 M Street SE, Room 2134LM, Washington, DC 20003.
- *Personal or messenger delivery:* U.S. Department of the Interior, Bureau of Land Management, Attention: W0–210–PJCX, 20 M Street SE, Room 2134LM, Washington, DC 20003.

FOR FURTHER INFORMATION CONTACT: Heather Bernier, Acting Division Chief, Decision Support, Planning, and NEPA, at (202) 912–7282, or *hbernier@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:

Background

The National Environmental Policy Act (NEPA) requires Federal agencies to consider the potential environmental consequences of their decisions before deciding whether and how to proceed. The Council on Environmental Quality (CEQ) encourages Federal agencies to use categorical exclusions (CXs) to protect the environment more efficiently by reducing the resources spent analyzing proposals which generally do not have potentially significant environmental impacts, thereby allowing those resources to be focused on proposals that may have significant environmental impacts. The appropriate use of CXs allow NEPA compliance, in the absence of extraordinary circumstances that merit further consideration, to be concluded without preparing either an environmental assessment (EA) or an environmental impact statement (EIS) (40 CFR 1500.4(p) and 40 CFR 1508.4).

The Department's revised NEPA procedures were published in the **Federal Register** on October 15, 2008 (73 FR 61292), and are codified at 43 CFR part 46. Additional Department-wide NEPA policy may be found in the DM, in chapters 1 through 4 of part 516. The procedures for the Department's bureaus are published as chapters 7 through 15 of this DM part 516. Chapter 11 of 516 DM covers the BLM's procedures. The BLM's current procedures can be found at: *https://elips.doi.gov/ELIPS/DocView.aspx?id=1721.* These procedures address policy as well as procedure in order to assure compliance with the spirit and intent of NEPA.

Rationale

The BLM has been managing sagebrush ecosystems for greater sage-grouse, mule deer, and other species for over a decade, implementing pinyon pine and juniper tree removal treatments to restore habitat mosaics within the landscape and address the various habitat needs of mule deer and sage-grouse. Pinyon pine and juniper tree encroachment poses a serious threat to the health of millions of acres under BLM management. Following years of experience removing these trees without significant effects, the BLM has identified that establishing a CX for the actions is necessary for expediting maintenance of sagebrush habitats essential to mule deer and sage-grouse. The BLM has completed review of scientific literature and previously analyzed and implemented actions in the *Report on the results of a Bureau of Land Management analysis of NEPA records and field verification in support of establishment of a categorical exclusion for pinyon pine and juniper management projects* (Pinyon-Juniper CX Verification Report), which is incorporated by reference here, and is summarized in Justification for Change below, and has found that the establishment of a CX is appropriate because of the evidence of no significant effects from the removal of these trees. Establishing the new proposed CX would streamline the process for pinyon pine and juniper tree removal projects that normally do not require analysis in order to determine significance through an EA or EIS.

Description of Change

The Department proposes to add one CX to the BLM chapter of the Departmental Manual 516 DM 11 at a proposed new Section, J. Habitat Restoration. The language of the proposed new CX citation at 516 DM 11.9 J. (1) Habitat Restoration is:

(1) Covered actions on up to 10,000 acres within sagebrush and sagebrush-steppe plant communities to manage pinyon pine and juniper trees for the benefit of mule deer or sage-grouse habitats. Covered actions include: Manual or mechanical cutting (including lop-and-scatter); mastication and mulching; yarding and piling of cut trees; pile burning; seeding or manual planting of seedlings of native species; and removal of cut trees for commercial products, such as sawlogs, specialty products, or fuelwood, or non-commercial uses. Such activities:

(a) Shall not include: Cutting of old-growth trees; seeding or planting of non-native species; chaining; pesticide or herbicide application; broadcast burning; jackpot burning; construction of new temporary or permanent roads; or construction of other new permanent infrastructure.

(b) Shall disclose the land use plan decisions providing for protections of the following resources and resource uses in the documentation of the categorical exclusion:

(1) Specifications for management of mule deer habitat;

(2) Specifications for management of sage-grouse habitat;

(3) Specifications for erosion control measures;

(4) Criteria for minimizing or remedying soil compaction;

(5) Types and extents of logging system constraints (*e.g.,* seasonal, location, extent);

(6) Extent and purpose of seasonal operating constraints or restrictions;

(7) Criteria to limit spread of weeds;

(8) Size of riparian buffers or riparian zone operating restrictions; and

(9) Operating constraints and restrictions for pile burning.

The intent of this CX is to improve the efficiency of routine environmental review processes in for the management of pinyon pine and juniper trees for the benefit of mule deer and sage-grouse habitat. Each proposed action must be

reviewed for extraordinary circumstances that would preclude the use of this CX. The Department list of extraordinary circumstances under which a normally excluded action would require further analysis and documentation in an EA or EIS is found at 43 CFR 46.215. If a proposed pinyon pine and juniper tree management project is within the activity described in this CX, then these ''extraordinary circumstances'' will be considered in the context of the proposed project to determine if they indicate the potential for effects that merit additional consideration in an EA or EIS. If any of the extraordinary circumstances indicate such potential, the CX would not be used, and an EA or EIS would be prepared.

The public is asked to review and comment on the newly proposed CX. To be considered, any comments on this proposed addition to the list of CXs in the DM must be received by the date listed in the **DATES** section of this notice at the location listed in the **ADDRESSES** section. Comments received after that date will be considered only to the extent practicable. Comments, including names and addresses of respondents, will be part of the public record and available for public review at the BLM address shown in the **ADDRESSES** section, during business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Before including your address, telephone 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.

Justification for Change

Proposed CX number J (1) covers management and control of juniper and pinyon pine on treatment areas of up to 10,000 acres to benefit mule deer and sage-grouse habitat. This CX would allow the BLM to more quickly implement sagebrush-steppe restoration projects that would reduce pinyon pine and juniper density and cover in areas of their expansion, while improving and increasing native plant communities. The BLM proposes CX J (1) after reviewing existing NEPA analysis and available scientific research on the effects of these types of routine actions over time and over different geographic areas. The BLM has documented in detail the justification for establishing this new CX in the Verification Report, which is incorporated by reference here and available to review in full at the websites shown in **ADDRESSES**.

Pinyon and juniper woodlands were estimated to occupy less than 3 million hectares (7 million acres) prior to Euro-American settlement (1870s), but now occupy over 30 million hectares (74 million acres), a 10-fold increase attributed to many factors including fire suppression, grazing, land clearing, and climate change (Miller and Tausch 2001). Pinyon-juniper species can be aggressive invaders into more productive shrub-steppe communities that historically occupied deeper soils than the pinyon pine and juniper tree woodlands. As of 2016, sagebrush ecosystems in the U.S. occupied only about one-half of their historical distribution (Pyke et al. 2017).

The BLM's review of the available literature demonstrates that the activities proposed for this new CX would not cause significant environmental effects, whether the activities were to be implemented individually or in combination. As discussed in detail in the Verification Report Methods section, the research overwhelmingly shows that pinyon pine and juniper tree removal restores ecosystem values associated with the rebound of native shrubs (including sagebrush), perennial grasses, and forbs, even when there may be a component of non-native forbs and annual grasses. Despite the expectation that annual grasses (*e.g.,* exotics like cheatgrass) often increase after pinyon pine and juniper tree treatment, the current literature shows that the native plant communities reestablish after mechanical pinyon pine and juniper tree removal treatments, becoming dominant (over nonnative species) either immediately after treatment or within a few years. The Jones (2019) literature review reported no studies showing that pinyon-juniper removal had negative effects on sage-grouse habitat, and 60 percent of the relevant studies found that pinyon pine and juniper tree removal in sagebrush communities increased sage-grouse use of the treated areas. A review of pinyon pine and juniper tree treatment effects on deer and elk habitat by Bombaci and Pejchar (2016), cited by Jones (2019), found that mechanical treatments have variable effects on deer and elk use of sage-steppe ecosystems, both seasonally and annually, ranging from decreased use to increased use.

As discussed in the Methods section of the Verification Report, the BLM has analyzed the effects of many pinyon pine and juniper tree removal projects in EAs, and has monitored post-implementation results. All associated NEPA documents were reviewed to determine the scope of environmental consequences anticipated to result from the proposed actions. There were no instances where any of the evaluated projects would have resulted in a need to complete an EIS had these measures not been applied as a feature of the proposed action or alternatives. Often, through application of design features, environmental effects are minimized to the degree that resource issues were eliminated from further analysis due to application of these project elements. While long-term benefits of reducing fuel loading and improving sagebrush-steppe habitats are primarily beneficial, neutral, or result in no effect findings, there are documented instances of adverse, residual environmental consequences associated with implementation of these treatments. These environmental consequences are not considered individually or cumulatively significant based on the conclusions from the EA analyses, which are summarized by resources in the Methods section of the Verification Report for soils, invasive plants, wildlife, pinyon pine and juniper tree obligate species, visuals, big game species, wilderness characteristics, cultural artifacts, tribal resources, air quality, and biomass (pp. 16–20). The BLM's post-implementation observations align with the literature review summarized in the Methods of the Verification Report.

The BLM specifically notes that with the current level of understanding, the advance of invasive species, whether pre-existing or new, may be an outcome of pinyon pine and juniper tree management. However, as described in the Verification Report, native sagebrush and sage-steppe vegetative composition and forage production improve despite the presence of invasive plant species. The BLM addresses actions for managing invasive plant species in their land use plans, and any implementation of this CX would be required to be in conformance with any protection measures required through the applicable plan. In addition, the BLM has not included activities with unknown or potentially high risks of introducing invasive plants in the proposed CX, namely broadcast burning, jackpot burning, and road construction.

The BLM's experience with implementing and monitoring these types of project mirrors the scientific literature; taken together, they support establishment of this proposed CX, providing the evidence that this type

and scope of action can be categorically excluded from further detailed analysis. As described in detail in the Verification Report, establishment of this proposed new CX would not individually or cumulatively have significant impacts on the human environment, and its use, like that of other administratively established CXs, would be subject to extraordinary circumstances review.

Authorities: NEPA, the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*); E.O. 11514, March 5, 1970, as amended by E.O. 11991, May 24, 1977; and CEQ regulations (40 CFR 1507.3).

Michaela E. Noble,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 2020–05095 Filed 3–12–20; 8:45 am]

BILLING CODE 4331–84–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–29726; PPWOCRAD10, PUC00RP14.R50000]

Cold War Advisory Committee Notice of Public Meeting

AGENCY: National Park Service, Interior.

ACTION: Meeting notice.

SUMMARY: The National Park Service (NPS) is hereby giving notice that the Cold War Advisory Committee (Committee) will hold a meeting via teleconference. The meeting is open to the public.

DATES: The Committee will meet via teleconference on Tuesday, March 31, 2020, from 1:00 p.m. until approximately 4:00 p.m. (Eastern).

FOR FURTHER INFORMATION CONTACT: Robie Lange, National Historic Landmarks Program Historian, National Park Service, telephone at (202) 354–2257, or email *robie_lange@nps.gov.* Teleconference participants must call the NPS office in Washington, DC at (202) 354–2257, between Thursday, March 26, 2020, and Monday, March 30, 2020, to receive teleconference information.

SUPPLEMENTARY INFORMATION: The Committee was established by Title VII, Subtitle C, Section 7210(c) of Public Law 111–11, the Omnibus Public Land Management Act of 2009, March 30, 2009 (16 U.S.C. 1a–5 note).

The Committee teleconference will be open to the public and will have time allocated for public comment. Please contact **FOR FURTHER INFORMATION CONTACT** for teleconference information.

Purpose of the Meeting: The Committee assists the Secretary of the Interior in the preparation of a national historic landmark theme study to identify sites and resources significant to the Cold War. The order of the agenda may be changed, if necessary. The meeting agenda includes:

1. Call to Order
2. Introductions
3. Deputy Associate Director, Preservation Assistance Programs' Welcome
4. Election of Committee Chair
5. Committee Discussion of Revised ''Registration Requirements'' Chapter of Draft National Historic Landmarks (NHL) Theme Study
6. Committee Discussion of Draft NHL Nomination for the former Strategic Air Command Ground Alert Facility at Mountain Home Air Force Base
7. NHL Program's Update on Cold War History Interpretive Handbook
8. Additional Committee Comments
9. Public Comments
10. Adjourn Meeting

Public Disclosure of Comments: 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.

Authority: 5 U.S.C. Appendix 2.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2020–05108 Filed 3–12–20; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–639–642 and 731–TA–1475–1492 (Preliminary)]

Common Alloy Aluminum Sheet From Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey; Institution of Anti-Dumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701–TA–639–642 and 731–TA–1475–1492 (Preliminary) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of common alloy aluminum sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey, provided for in subheading 7606.11.30, 7606.11.60, 7606.12.30, 7606.12.60, 7606.91.30, 7606.91.60, 7606.92.30, and 7606.92.60 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value and alleged to be subsidized by the Governments of Bahrain, Brazil, India, and Turkey. Unless the Department of Commerce (''Commerce'') extends the time for initiation, the Commission must reach a preliminary determination in antidumping and countervailing duty investigations in 45 days, or in this case by April 23, 2020. The Commission's views must be transmitted to Commerce within five business days thereafter, or by April 30, 2020.

DATES: March 9, 2020.

FOR FURTHER INFORMATION CONTACT: Stamen Borisson ((202)-205–3125), 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 investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to a petition filed on March 9, 2020, by The Aluminum Association Common Alloy Aluminum Sheet Working Group and its Individual Members, Aleris Rolled Products, Inc.,

Beachwood, Ohio; Arconic, Inc., Bettendorf, Iowa; Constellium Rolled Products Ravenswood, LLC, Ravenswood, West Virginia; JW Aluminum Company, Daniel Island, South Carolina; Novelis Corporation, Atlanta, Georgia; and Texarkana Aluminum, Inc., Texarkana, Texas.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Investigations has scheduled a conference in connection with these investigations for 9:30 a.m. on Monday, March 30, 2020, at the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC. Requests to appear at the conference should be emailed to *preliminaryconferences@usitc.gov* (DO NOT FILE ON EDIS) on or before March 26, 2020. Parties in support of the imposition of countervailing and antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before April 2, 2020, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these investigations must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of these or related investigations or reviews, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: March 10, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–05169 Filed 3–12–20; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1472 (Preliminary)]

Difluoromethane (R–32) From China

Determinations

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of difluoromethane (R–32) from China, provided for in subheadings 2903.39.20 and 3824.78.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (''LTFV'').[2]

Commencement of Final Phase Investigation

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigation. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the U.S. Department of Commerce (''Commerce'') of an affirmative preliminary determination in the investigation under sections 703(b) or 733(b) of the Act, or, if the preliminary determination is negative, upon notice of an affirmative final determination in this investigation under sections 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigation need not enter a separate appearance for the final phase of the investigation. Industrial users, and, if the merchandise under investigation is sold at the retail level,

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] *Difluoromethane (R–32) from China: Initiation of Less-Than-Fair-Value Investigation (85 FR 10406, February 24, 2020).*

representative consumer organizations have the right to appear as parties in Commission antidumping duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation.

Background

On January 23, 2020, Arkema Inc., King of Prussia, Pennsylvania filed a petition with the Commission and Commerce, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of R–32 from China. Accordingly, effective January 23, 2020, the Commission, pursuant to section 733(a) of the Act (19 U.S.C. 1673b(a)), instituted antidumping duty investigation No. 731–TA–1472 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of January 29, 2020 (85 FR 5239). The conference was held in Washington, DC, on February 13, 2020, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made this determination pursuant to section733(a) of the Act (19 U.S.C. 1673b(a)). It completed and filed its determination in this investigation on March 9, 2020. The views of the Commission are contained in USITC Publication 5036 (March 2020), entitled *Difluoromethane (R–32) from China: Investigation No. 731–TA–1472 (Preliminary).*

By order of the Commission.

Issued: March 9, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–05125 Filed 3–12–20; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701–TA–501 (Review)]

Chlorinated Isocyanurates From China; Scheduling of an Expedited Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the countervailing duty order on chlorinated isocyanurates from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: January 6, 2020.

FOR FURTHER INFORMATION CONTACT: (Julie Duffy (202) 708–2579)), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On January 6, 2020, the Commission determined that the domestic interested party group response to its notice of institution (84 FR 52132, October 1, 2019) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.[1] Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)).[2]

For further information concerning the conduct of this review 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).

Staff report.—A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on March 17, 2020, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,[3] and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before March 24, 2020 and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by March 24, 2020. However, should the Department of Commerce (''Commerce'') extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules with respect to filing were revised effective July 25, 2014. *See* 79 FR 35920 (June 25, 2014). The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the 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.

Determination.—The Commission has determined this review is 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: This review is 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.

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's website.

[2] Commissioner Jason E. Kearns did not participate in this determination.

[3] The Commission has found the joint response submitted by Bio-Lab, Inc., Clearon Corp., and Occidental Chemical Corporation to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

By order of the Commission.

Issued: March 10, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–05172 Filed 3–12–20; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0240]

Agency Information Collection Activities; Proposed Collection Comments Requested; Reinstatement, With Change, of a Previously Approved Collection for Which Approval Has Expired: 2020 Law Enforcement Administrative and Management Statistics (LEMAS) Survey

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until May 12, 2020.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Elizabeth Davis, Statistician, Bureau of Justice Statistics, 810 Seventh Street NW, Washington, DC 20531 (email: *Elizabeth.Davis@usdoj.gov;* telephone: 202–305–2667).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, 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;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Reinstatement of the Law Enforcement Management and Administrative Statistics (LEMAS) Survey, with changes, a previously approved collection for which approval has expired.

(2) *The Title of the Form/Collection:* 2020 Law Enforcement Management and Administrative Statistics Survey

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number for the questionnaire is CJ–44. The applicable component within the Department of Justice is the Bureau of Justice Statistics, in the Office of Justice Programs.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Respondents will be general purpose state, county and local law enforcement agencies (LEAs), including local and county police departments, sheriff's offices, and primary state law enforcement agencies. Since 1987, BJS has collected information about the personnel, policies, and practices of law enforcement agencies via the Law Enforcement Management and Administrative Statistics (LEMAS) survey. This core survey, which has been administered every 4 to 6 years, has been used to produce nationally representative estimates on the demographic characteristics of sworn personnel, hiring practices, operations, equipment, technology, and agency policies and procedures. BJS plans to publish this information in reports and reference it when responding to queries from the U.S. Congress, Executive Office of the President, the U.S. Supreme Court, state officials, international organizations, researchers, students, the media, and others interested in criminal justice statistics.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An agency-level survey will be sent to approximately 3,500 LEA respondents. The expected burden placed on these respondents is about 2.33 hours per respondent.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There is an estimated 8,155 total burden hours associated with this collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: March 10, 2020.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020–05151 Filed 3–12–20; 8:45 am]

BILLING CODE 4410–13–P

DEPARTMENT OF JUSTICE

[Docket No. OLP 169]

Announcement of Department of Justice Portal for Guidance Documents

AGENCY: Department of Justice.

ACTION: Notice.

SUMMARY: The Department of Justice is providing public notice of the launch of its portal for guidance documents as directed by Executive Order 13891 ''Promoting the Rule of Law Through Improved Agency Guidance Documents.''

DATES: The guidance portal is accessible by the public on the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Robert Hinchman, Senior Counsel, Office of Legal Policy, U.S. Department of Justice, 950 Pennsylvania Avenue NW, Room 4252, Washington, DC 20530, phone (202) 514–8059.

SUPPLEMENTARY INFORMATION: Executive Order 13891 ''Promoting the Rule of Law Through Improved Agency Guidance Documents'' requires each agency to establish or maintain on its website a single, searchable, indexed database that contains or links to all guidance documents in effect from that agency or its components.

On October 31, 2019, the Office of Management and Budget (OMB) issued Memorandum M–20–02, titled: ''Guidance Implementing Executive Order 13891, Titled 'Promoting the Rule of Law Through Improved Agency Guidance Documents.' '' The memorandum requires Federal agencies to establish the database mandated by the Executive Order no later than

February 28, 2020. In addition, the memorandum asks agencies to publish in the **Federal Register** an announcement of the existence of that guidance portal.

Accordingly, this notice announces that the Department of Justice has established its guidance portal at: *https://www.justice.gov/guidance.*

Guidance documents are not binding and lack the force and effect of law, unless expressly authorized by statute or expressly incorporated into a contract, grant, or cooperative agreement. Consistent with Executive Order 13891 and the Office of Management and Budget implementing memoranda, the Department will not cite, use, or rely on any guidance document that is not accessible through this guidance portal, or similar guidance portals for other Executive Branch departments and agencies, except to establish historical facts. To the extent any guidance document sets out voluntary standards (*e.g.,* recommended practices), compliance with those standards is voluntary, and noncompliance will not result in enforcement action. Guidance documents may be rescinded or modified in the Department's complete discretion, consistent with applicable laws.

Dated: March 10, 2020.

Beth A. Williams,

Assistant Attorney General, Office of Legal Policy.

[FR Doc. 2020–05204 Filed 3–12–20; 8:45 am]

BILLING CODE 4410–BB–P

DEPARTMENT OF LABOR

Withdrawal of Notice of Intent To Issue a Declaratory Order

AGENCY: Office of the Secretary.

ACTION: Notice of withdrawal.

SUMMARY: For legal, programmatic, and prudential reasons, the Department of Labor, through the Office of the Secretary of Labor, is withdrawing its December 17, 2014 Notice of Intent to Issue a Declaratory Order.

DATES: This Withdrawal Notice is effective March 9, 2020.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Department of Labor (the Department or DOL), through the Office of the Secretary of Labor and pursuant to 5 U.S.C. 554(e), is withdrawing its December 17, 2014 Notice of Intent to Issue a Declaratory Order, 79 FR 75,179 (Dec. 17, 2014) (Notice of Intent). The Notice of Intent proposed to overrule the Board of Alien Labor Certification Appeals' (BALCA) decision in *Island Holdings,* 2013–PWD–00002 (BALCA Dec. 3, 2013) (*en banc*), through an adjudicatory proceeding that would result in a declaratory order issued under 5 U.S.C. 554(e). *Island Holdings* is among the roughly 1,050 administrative appeals that have been pending before DOL's National Prevailing Wage Center (NPWC) since 2013, and that challenge DOL's issuance of supplemental prevailing wage determinations (SPWDs) to certain H–2B employers (the 2013 SPWDs).

Although the Notice of Intent was published over five years ago, and concerned the wages of temporary workers from more than a year before that, the Department never issued the proposed declaratory order. The Notice of Intent has left interested parties under a cloud of uncertainty, and the passage of time has reduced the feasibility of compliance with and enforcement of the 2013 SPWDs. The Department is now withdrawing the Notice of Intent to provide certainty and finality, and to implement the resolution that best accords with the regulatory framework and relevant policy and programmatic considerations.

The Department's decision follows careful consideration of the applicable law and the impact of the various options on both U.S. and H–2B workers, employers, and administration of the H–2B labor certification program itself. The Department concludes that (1) issuance of the proposed Section 554(e) declaratory order would not be appropriate under the circumstances and the relevant regulations; (2) on the merits, *Island Holdings* is well-reasoned and reflects the better view of the law; and (3) prudential and programmatic considerations weigh in favor of withdrawing the Notice of Intent and accepting the *en banc Island Holdings* ruling.

II. Regulatory And Procedural Background [1]

A. Regulatory Background [2]

A prospective H–2B employer must obtain a temporary labor certification (TLC) from the Employment and Training Administration's (ETA) Office of Foreign Labor Certification (OFLC). 8 CFR 214.2(h)(6)(iii)(A). Through the TLC, DOL advises the Department of Homeland Security (DHS) that U.S. workers capable of performing the temporary services or labor sought by the employer are not available and that H–2B workers' employment will not adversely affect the wages and working conditions of similarly employed U.S. workers. *Id.; see also* 8 U.S.C. 1182(a)(5)(A)(i)(I)–(II). To that end, a TLC may issue only if U.S. workers are not available to fill the given position at what OFLC determines to be the ''prevailing wage.'' *See* 20 CFR 655.10 (2012).[3]

Prevailing wages are designed to ensure that jobs are advertised and offered to U.S. workers at a wage reflective of the local economy and to prevent employers from undercutting U.S. workers' wages. A would-be H–2B employer initiates the process by requesting and obtaining a prevailing wage determination (PWD) from OFLC. *Id.* § 655.10(a).[4] The employer must then recruit U.S. workers for the job opportunity by advertising and offering the position at that prevailing wage or higher. *Id.* §§ 655.10(a)(3), 655.15. The wage used in this recruitment is known as the ''offered wage.''

If, after these domestic recruitment efforts, an employer still has unmet labor needs, it applies for a TLC. *Id.* §§ 655.15(a), 655.20(a). The employer agrees to abide by certain conditions, including to pay workers the offered wage, which cannot be lower than the PWD rate, ''during the entire period of the approved H–2B labor certification.'' *Id.* § 655.22(e); *see also id.* § 655.10(d) (the PWD applies ''for the duration of'' a given certified H–2B employment). The employer also attests that it will not offer H–2B workers more favorable wages than those it offered to U.S. workers. *Id.* § 655.22(a). After obtaining a TLC, an employer petitions DHS to

[1] The relevant background has been summarized on multiple occasions. *See, e.g.,* Notice of Intent, 79 FR at 75,180–83; *Island Holdings* at 2–7; *Comité de Apoyo a los Trabajadores Agrícolas (CATA)* v. *Perez,* 46 F. Supp. 3d 550, 556–59 (E.D. Pa. 2014) (*CATA III*); *CATA* v. *Solis,* 933 F. Supp. 2d 700, 703–09 (E.D. Pa. 2013) (*CATA II*); *La. Forestry Ass'n, Inc.* v. *Sec'y of Labor,* 889 F. Supp. 2d 711, 715–19 (E.D. Pa. 2012).

[2] This section summarizes and cites the statutory and regulatory provisions as they existed at the time relevant to the SPWD administrative appeals. This is not intended to serve as a summary of the current law or its interpretation.

[3] Citations to Title 20 of the 2012 edition of the *Code of Federal Regulations* are to those provisions in effect when that edition was published, and such citations reference provisions promulgated in 2008, *see* 73 FR 78,020 (Dec. 19, 2008). The 2012 edition separately included, for convenience, provisions associated with a rulemaking that had not yet gone into effect and, as discussed *infra,* never did.

[4] OFLC sets a validity period for each PWD, which is at minimum three months and at maximum twelve months. *Id.* § 655.10(d). The validity period dictates when an employer may begin the recruitment process or file its TLC application, *id.* § 655.10(a)(2), but does not govern the time period in which the employer is required to offer and pay the prevailing wage.

employ H–2B workers for the duration and conditions specified in the TLC. 8 CFR 214.2(h)(6)(iii)(A). DOL's Wage and Hour Division (WHD), as necessary, investigates and brings enforcement actions for violations of the employer's obligations.

An employer who disputes a PWD may seek review by NPWC. 20 CFR 655.10(g) (2012). If still dissatisfied, the employer may seek review by the NPWC Center Director. *Id.; see also id.* § 655.11(a)–(d). As a final avenue of administrative review, the employer may appeal the Center Director's decision to BALCA, and the resulting decision represents ''the final administrative decision of the Secretary.'' [5] *Id.* § 655.11(e); 29 CFR 18.58 (2012).[6] If an employer declines to pursue review at any of these stages, it is deemed to have acquiesced to the PWD or to the most recent administrative decision.

B. Procedural Background

1. CATA I And The 2011 Rule

In 2008, DOL set forth a methodology via rulemaking for calculating prevailing wages in the H–2B program (the 2008 Methodology) that became the subject of a multi-year litigation. In a 2010 court decision in that case, the 2008 Methodology was invalidated on procedural grounds. *CATA* v. *Solis,* Civ. No. 09–240, 2010 WL 3431761, at *19 (E.D. Pa. Aug. 30, 2010) (*CATA I*). Citing the disruption that would result if DOL could not use the methodology, the court allowed it 120 days to ''promulgate new, valid regulations for determining the prevailing wage rate.'' *Id.* DOL lawfully continued to use the invalidated 2008 Methodology as it worked to issue a new rule.

Plaintiffs next sought to prohibit DOL from issuing any TLC unless the employer agreed to comply with an SPWD resulting from any changes in the methodology in the forthcoming rule. *CATA* v. *Solis,* Civ. No. 09–240, 2010 WL 4823236, at *1 (E.D. Pa. Nov. 24, 2010). The Department responded that such relief would force it to violate its own regulations, under which the PWD was in effect ''for the duration of employment.'' *Id.* at *1–2 (quoting 20 CFR 655.10(d)). The court held that it lacked the authority to grant plaintiffs' request. It explained that ''[u]nder plaintiffs' proposed relief, every H–2B employer who received a conditional labor certification would have to obtain [an SPWD] after DOL issued revised wage regulations'' and that the court's equitable authority did not extend to requiring DOL to undergo such ''extensive administration and management.'' *Id.* at *3. Nevertheless, the court stated in dicta that DOL's interpretation of the regulations was erroneous and that nothing precluded DOL from issuing such conditional labor certifications as an ''interim measure[ ].'' *Id.* at *1–2.

On January 19, 2011, DOL promulgated a rule containing a new prevailing wage methodology (the 2011 Rule). 76 FR 3,452 (Jan. 19, 2011). In conjunction with this new rule and in anticipation of it going into effect, DOL conditioned TLCs on an employer's agreement to later receive and comply with an SPWD calculated under the 2011 Rule's methodology. 76 FR 21,036 (Apr. 14, 2011). To implement this change, DOL amended ETA's Form 9142 to contain an attestation in which the employer agreed to pay at least the prevailing wage rate that ''is or will be issued by'' DOL. *Id.;* Form 9142, Appendix B.1 § B(5).

The 2011 Rule never went into effect due to litigation and to congressional appropriations riders blocking the use of funds for its implementation, administration, or enforcement. *See* 78 FR 24,047, 24,052 (Apr. 24, 2013). Despite its connection to the blocked 2011 Rule, the 2011 attestation remained on the Form 9142.

2. CATA II, The Interim Final Rule, And The 2013 SPWDs

Since the 2011 Rule never went into effect, DOL continued to use the 2008 Methodology. The *CATA* plaintiffs again sought invalidation of the methodology and a permanent injunction barring its use. *CATA II,* 933 F. Supp. 2d at 709. On March 21, 2013, the court held that not only did the *procedures* by which the 2008 Methodology was adopted violate the APA, as ruled in *CATA I,* but also that the *substance* of the Methodology conflicted with the APA's requirement of reasoned decision-making. *Id.* at 710–13. Specifically, the court said that the 2008 Methodology resulted in TLCs that did not comply with the statutory and regulatory mandate that DOL ensure H–2B workers' employment will not adversely affect similarly employed U.S. workers' wages. *Id.* at 711–13. In reaching this conclusion, the court relied on DOL's statement in the preamble to the 2011 Rule (a rule that never took effect) that the 2008 Methodology set artificially low wage rates that harmed U.S. workers. *Id.* The court vacated the 2008 Methodology and allowed the Department thirty days to ''come into compliance.'' *Id.* at 716.

After *CATA II,* OFLC immediately ceased issuing PWDs in the H–2B program based on the 2008 Methodology. 78 FR 19,098, 19,099 (Mar. 29, 2013). On April 24, 2013, DHS and DOL issued an interim final rule (IFR) revising the methodology. 78 FR 24,047 (Apr. 24, 2013). The IFR's methodology generally resulted in higher prevailing wages than under the 2008 Methodology, *id.* at 24,058 (estimating as much as a $2.12 increase in the weighted average hourly rate), and was effective immediately, *id.* at 24,055. OFLC resumed processing pending H–2B requests for PWDs using the new methodology.

The IFR's preamble also suggested something more: it stated that H–2B employers who had already received PWDs would be issued SPWDs, calculated under the new methodology—including employers who had already received TLCs and were currently employing H–2B workers. *Id.* at 24,055–56. The preamble explained that the employers' obligation to pay wages consistent with these SPWDs derived from *CATA II* and the Form 9142 attestation to offer and pay the most recent prevailing wage issued by DOL. *Id.* at 24,055. The IFR itself, however, modified only the regulatory text setting forth the prevailing wage methodology. It did not alter the text under which PWDs and offered wages apply throughout the certified employment.

On April 25, 2013, DOL clarified in a ''frequently asked questions'' document that employers would be ''required to offer and pay'' at a minimum the SPWD wage rate ''for any work performed on and after the date the employer receives the supplemental determination'' (SPWD Notice).[7] Thus, the SPWD rates would apply to the remaining work performed in conjunction with the employers' TLCs for the 2013 season. Notably, the SPWD Notices did not require employers to reopen or conduct additional recruitment of U.S. workers at the SPWD rate.

DOL completed issuance of SPWD Notices on August 12, 2013.[8] *See* 79 FR

[5] The BALCA consists of administrative law judges (ALJs) within DOL assigned to review certain decisions pertaining to DOL's foreign labor certification programs. *See, e.g.,* 52 FR 11,217, 11,218 (Apr. 8, 1987).

[6] This provision has since been slightly modified to provide that BALCA's decision in this context constitutes the ''Secretary's final administrative decision.'' 29 CFR 18.95 (2019).

[7] Frequently Asked Questions, Interim Final Rule, Wage Methodology for the Temporary Non-Agricultural Employment H–2B Program, Part 2, at 2 (ETA, OFLC Apr. 25, 2013), *https://www.foreignlaborcert.doleta.gov/pdf/faq_final_rule_april_2013.pdf.*

[8] This included issuance of SPWDs to employers, who (i) had already received a TLC and were

Continued

at 75,181. In each Notice, DOL informed the employer that it could seek redetermination of the SPWD.

Employers filed more than 1,400 requests for NPWC redetermination. *See* Protective Order Mot. at 5. Because an SPWD is not a final agency action until the employer has exhausted all administrative review and appeal processes, an appealing employer does not have an obligation to comply with the SPWD unless or until the SPWD is affirmed at the conclusion of this review and appeal.

3. The Island Holdings Administrative Appeal and CATA III

Before *CATA II* and publication of the IFR, OFLC had granted Island Holdings, LLC (Island Holdings) three TLCs for the 2013 season. *Island Holdings* at 6. The TLCs were premised on PWDs calculated under the 2008 Methodology and certified employment dates going into November 2013. *Id.;* 79 FR at 75,181. On May 6, 2013, Island Holdings received SPWD Notices for each of its TLCs setting forth prevailing wages higher than those in its PWDs. *Island Holdings* at 6–7. On May 23, 2013, Island Holdings filed an administrative appeal to BALCA arguing, *inter alia,* that DOL lacked authority to issue SPWDs in the manner contemplated in the IFR's preamble. *See* 79 FR at 75,181.

At this time, the number of requests for NPWC and Center Director review of the 2013 SPWDs was rapidly rising and had resulted in an extraordinarily high case volume. It was apparent that a global resolution of the legal issues presented by these administrative appeals would be instrumental to the appeals' fair and expeditious resolution. Thus, on June 6, 2013, DOL requested that BALCA hear Island Holdings' three combined appeals *en banc,* explaining that the argument that DOL lacked authority to issue the 2013 SPWDs presented ''a matter of exceptional importance which could impact a significant number of additional cases . . . .'' Certifying Officer's Request for *En Banc* Consideration, at 1–2, *Island Holdings,* 2013–PED–00002. BALCA's *en banc* review was expected and intended to (i) address the question of DOL's authority to issue the SPWDs and (ii) serve as a bellwether decision that would impact DOL's adjudication of the other SPWD administrative appeals presenting this question. After a brief remand to the NPWC, which relied on the IFR's preamble to affirm the SPWDs, the case became ripe for BALCA's consideration. 79 FR at 75,181.

On December 3, 2013, the *en banc* BALCA unanimously ruled to vacate Island Holdings' SPWDs. *Island Holdings* at 15. BALCA held that DOL lacked the authority to issue SPWDs where it had already approved and issued a TLC based on the 2008 Methodology. BALCA concluded that nothing in DOL's regulations contemplated the issuance of the 2013 SPWDs, *id.* at 11–12, and it rejected DOL's argument that *CATA II* required DOL to issue them, *id.* at 14. Moreover, BALCA held that the relevant attestation on the Form 9142 could not serve as the authority to issue the 2013 SPWDs, since it lacked a foundation in the regulatory text. *Id.* at 12–14. Pursuant to DOL's regulations, this decision constituted ''the final administrative decision of the Secretary.'' 29 CFR 18.58 (2012).[9]

On December 20, 2013, after the *CATA* plaintiffs filed a new lawsuit, OFLC stayed further action on all pending SPWD administrative appeals. *See CATA III,* 46 F. Supp. 3d at 557. Plaintiffs asked the district court to set *Island Holdings* aside, arguing that BALCA, which is composed of ALJs, exceeded its authority by overruling the Secretary on issues of law and policy. *Id.* at 555. In tension with its prior representation when requesting *en banc* BALCA review, DOL stated that *Island Holdings* merely ''represents a resolution of that individual case''; ''BALCA's decision does not represent the legal position of the Secretary of Labor,'' DOL said. *Id.* (citation omitted). On July 23, 2014, the court dismissed plaintiffs' complaint on standing and ripeness grounds. *Id.* at 560–64. Despite this holding, OFLC continued to stay the SPWD administrative appeals.

4. Notice of Intent To Issue a Declaratory Order

Nearly a year after OFLC stayed the SPWD administrative appeals, on December 17, 2014, the Office of the Secretary published the Notice of Intent proposing to overrule *Island Holdings* through a declaratory order issued under 5 U.S.C. 554(e), which would ''reaffirm the Secretary's interpretation of the regulations, as stated in the preamble to the IFR.'' 79 FR at 75,183. Section 554(e) of the APA provides that an ''agency, with like effect as in the case of other orders, and in its sound discretion, may issue a declaratory order to terminate a controversy or remove uncertainty.'' 5 U.S.C. 554(e). While Section 554(e) declaratory orders have issued infrequently in the APA's history, agencies have used them in the past to, for example, interpret the agency's governing statute or its own regulations, define terms of art, clarify whether a matter falls within federal regulatory authority, or address questions of preemption.[10] The Department of Labor does not appear to have ever issued a Section 554(e) order, nor to have used such an order to reverse an agency action that—under Departmental regulations—constituted ''the final . . . decision of the Secretary,'' 29 CFR 18.58 (2012).

During his more than two remaining years in office, Secretary Thomas E. Perez never issued the declaratory order he had proposed. The roughly 1,050 remaining requests for NPWC review or Center Director review (collectively the SPWD administrative appeals) have remained stayed.[11] On June 24, 2019, five former H–2B workers filed a complaint alleging that DOL's failure to give effect to the 2013 SPWDs or resolve their former employers' SPWD administrative appeals constitutes an unreasonable delay and is arbitrary and capricious under the APA. *Calixto* v. *Scalia,* Civ. No. 19–1853 (D.D.C.).

Roughly five years after the issuance of the Notice of Intent, six years after the appeals were stayed, and almost seven years since the year of temporary employment at issue, it is time for the Department to bring a resolution to this matter.

III. The Department Will Not Issue a Declaratory Order

The Department has determined not to engage in an APA Section 554(e) adjudication or to issue the proposed declaratory order. Existing DOL regulations, unlike the regulations of some agencies, do not contemplate such orders or provide procedures for their

currently employing H–2B workers; (ii) had received a TLC and had an H–2B petition pending at DHS; and (iii) had completed recruitment of U.S. workers and had a TLC application pending at OFLC. *See* Defs.' Mem. ISO Mot. for a Protective Order at 5, *CATA* v. *Perez,* Civ. No. 09–240 (E.D. Pa.), ECF No. 189–1 (Protective Order Mot.) (detailing the categories). Because of the manner in which H–2B case files are maintained by DOL, it would be exceptionally difficult and time-consuming—and potentially impossible—to determine, seven years after the fact, which employers fell into each of these three groups and the scope of worker positions impacted.

[9] Despite BALCA's remand to the NPWC with instructions to vacate the SPWDs issued to Island Holdings, NPWC has yet to do so. *See CATA III,* 46 F. Supp. 3d at 562.

[10] Emily S. Bremer, *The Agency Declaratory Judgment,* 78 Ohio St. L.J. 1169, 1203–04 (2017).

[11] Employers filed over 1,400 SPWD administrative appeals. Of these, roughly 1,050 were still pending when *Island Holdings* issued and were stayed by OFLC. The other approximately 350 appeals were either rejected for late submission or had already been resolved at the NPWC review level and the employers had acquiesced by declining to seek Center Director review.

issuance. Indeed, DOL's regulations provide no mechanism at all for a Department official to review BALCA decisions regarding H–2B prevailing wage determinations, stating instead that the ''decision of [BALCA] shall become the final administrative decision of the Secretary.'' 29 CFR 18.58 (2012); *see also* 29 CFR 18.95 (2019). There appears to be no precedent, at any federal agency, for using a Section 554(e) order in circumstances like these.

This is not to say that it is appropriate for BALCA to have the unreviewable final say on questions of law and policy presented to the Department. Indeed, in order to establish a defined procedural mechanism for review of decisions of ALJs, the Department recently proposed changes to its regulations to provide for discretionary Secretarial review of BALCA decisions in the H–2A, CW–1, and PERM programs. *See* 85 FR 13,024 (Mar. 6, 2020). DOL and DHS also intend to jointly issue a separate proposed rule regarding the Secretary's review authority over BALCA decisions in the H–2B program.[12] *See id.* at 13,026.

IV. For Legal, Prudential, and Programmatic Reasons, the Department Will Accept the Decision in Island Holdings

Even if there were an appropriate procedural mechanism to do so, the Department will not overrule *Island Holdings.* BALCA's decision—and not the Notice of Intent—sets forth the better view of law as to the 2013 SPWDs. Permitting *Island Holdings* to remain ''the final administrative decision of the Secretary,'' 29 CFR 18.58 (2012), is also more consistent with programmatic, policy, and prudential considerations.

A. Island Holdings Represents the Better View of the Law

1. The 2013 SPWDs Were Inconsistent With DOL's Regulations

DOL's regulations did not contain any express provisions regarding calculating, issuing, or complying with SPWDs. To the contrary, the regulations provided that the original PWD ''shall apply and shall be paid . . . at a minimum, for the duration of employment,'' 20 CFR 655.10(d) (2012), *id.* § 655.20(f), and that employers agree to pay the wage offered to U.S. workers in recruitment (which could not be lower than the prevailing wage) ''during the entire period of the approved H–2B labor certification,'' *id.* § 655.22(e); *Island Holdings* at 8–10. As BALCA noted, the requirement to continue paying the offered wage throughout the employment is part of an employer's obligation to offer to U.S. workers wages ''not less favorable than those offered to the H–2B workers.'' *Island Holdings* at 11 (citing 20 CFR 655.22(a)). An employer could not agree to, or comply with, this obligation if DOL could raise PWDs during the certified employment.[13]

This is consistent with DOL's longstanding interpretation of the regulations and with its historical practice.[14] Before 2013, DOL had never imposed new prevailing wage rates on employers during the course of the employment. DOL only departed from this interpretation to issue and justify the 2013 SPWDs, relying on dicta from the *CATA* court.[15] *See, e.g.,* Notice of Intent, 79 FR at 75,182. DOL now returns to the best reading of its own regulations.

Under these circumstances, neither the IFR's preamble nor the Form 9142 attestation could have served as authority to issue the 2013 SPWDs. *Island Holdings* at 11–14. The IFR's preamble described DOL's intent to issue the SPWDs, but a preamble cannot impose legal obligations that contradict the regulatory text. *Id.* at 12 (citing *Nat'l Wildlife Fed'n* v. *EPA,* 286 F.3d 554, 569–70 (DC Cir. 2002)). Likewise, the regulations do not support adjusting the prevailing wage rate on the basis of an employer's attestation that it will pay the prevailing wage rate that ''is or will'' be issued.[16] Doing so is also inconsistent with principles requiring proper notice to regulated parties of their legal obligations. Finally, the weight to be given to the attestation's language in this context is diminished further by the fact that the language was adopted in conjunction with the 2011 Rule, which was barred from taking effect.

2. The 2013 SPWDs Were Inconsistent With the H–2B Labor Certification Program's Structure and Primary Purposes

The H–2B program balances the need for temporary, seasonal foreign workers in certain industries against the need to protect U.S. workers' jobs, wages, and working conditions. As evidenced by their role in the labor certification process, H–2B prevailing wages are primarily intended to bolster the protection side of the equation. The 2013 SPWDs must be assessed in light of this structure and purpose.

Ordinarily, PWDs safeguard U.S. workers in at least two important ways. First, they serve to require employers to recruit U.S. workers at a wage rate that is not artificially depressed by the importation of temporary foreign labor. The 2013 SPWDs never fulfilled this purpose because H–2B employers were not required to conduct additional recruitment of U.S. workers at the SPWD rate. Ordering employers to pay foreign H–2B workers a higher wage than they offered to U.S. workers in recruitment is inconsistent with the central purpose of the mandatory recruitment process. *See Island Holdings* at 14.

Second, the employer's obligation to pay, at minimum, the PWD wage rate for the duration of the H–2B employment protects all similarly employed U.S. workers from wage depression. The delay resulting from the stay of more than 1,050 administrative appeals means that the SPWDs at issue in those actions will never have this impact on the wages of similarly employed workers. Had those SPWD wages been paid at the time the work was performed, these H–2B employers' competitors might have been pressured to raise wages in order to attract and retain workers. But now, seven years after their issuance, these SPWDs cannot serve this purpose.[17]

By and large, then, U.S workers whose wages may have been depressed in 2013 would not benefit from now

[12] The Department would not attempt to exercise this new discretionary review authority to reverse BALCA decisions applying *Island Holdings* to the 2013 SPWDs, in light of the passage of time and the factors addressed below, among other considerations.

[13] This does not mean that DOL could have never issued an SPWD under the regulations as they existed at the time. There may have been instances where doing so would have been appropriate, such as to correct an inadvertent error in a PWD, rather than for purposes of programmatic administration of the H–2B program.

[14] *See, e.g.,* Defs.' Response in Opp. to Mot. for Additional Relief, *CATA* v. *Solis,* Civ. No. 09–240, 2010 WL 4823236 (Nov. 24, 2010) (E.D. Pa.), ECF No. 89.

[15] *See CATA* v. *Solis,* Civ. No. 09–240, 2010 WL 4823236, at *2–3 (E.D. Pa. Nov. 24, 2010). The *CATA* plaintiffs had not challenged these portions of the regulations. They were only at issue because, as DOL interpreted them, they precluded the additional relief the plaintiffs requested—relief the court held it was powerless to grant. *Id.* at *3.

[16] This analysis is distinguished from instances in which (i) a preamble merely explains or clarifies language in the existing regulations in a manner consistent with—as opposed to in contradiction with—the regulatory text or (ii) an employer's attestation forms the basis of an enforcement action where the underlying attestation is supported—not contradicted—by the regulatory text.

[17] Ordinarily, the protective purpose of PWDs is also furthered by WHD's investigations and enforcement actions, including for back wages for both U.S. and H–2B workers. Such investigations and actions ensure H–2B employers comply with their obligations, including those obligations designed to protect U.S. workers. However, for the reasons set forth *infra,* enforcement of the 2013 SPWDs would be neither feasible nor prudent.

affirming the 2013 SPWDs. By definition, H–2B employers' efforts to recruit U.S. workers were at best only partially successful, meaning that executing the Notice of Intent's plan would result in ordering back wages predominantly to H–2B workers.[18] Creating an obligation to pay such back wages arguably protects those H–2B workers from substandard wages, but that is not the primary purpose of prevailing wages. The large disparity between the back wages that would be owed to H–2B and U.S. workers places the 2013 SPWDs in tension with the temporary labor certification program's predominant concerns of protecting the domestic workforce from wage depression and from preferential treatment of H–2B workers.

3. CATA II Did Not Compel DOL To Issue the 2013 SPWDs

Despite earlier suggestions by the Department to the contrary, *CATA II* did not require issuance of the 2013 SPWDs. *Island Holdings* at 14; *see, e.g.,* 79 FR at 75,182 (speculating that ''the *CATA* court expected'' DOL to issue the SPWDs while acknowledging that *CATA II* might not have ''required'' it to do so). Far from ordering adjustment of PWDs already issued under the 2008 Methodology, the court spoke only to the likelihood of its order disrupting determinations to be made in the future. *CATA II,* 933 F. Supp. 2d at 715. Nor may such a directive in *CATA II* properly be inferred.[19] *CATA II* did not revisit the court's previous rulings that (i) the court lacked power to order DOL to issue SPWDs and (ii) use of the 2008 Methodology had been permissible following *CATA I.*

B. Prudential and Programmatic Considerations Favor Accepting Island Holdings

DOL has considered the effect that withdrawing the Notice of Intent, and allowing *Island Holdings* to remain the ''the final administrative decision of the Secretary,'' 29 CFR 18.58 (2012), will have on workers, both H–2B and U.S. DOL has also considered reliance interests and the impact that individually adjudicating the stayed SPWD administrative appeals would have on time-sensitive programs, likely for little practical benefit. These prudential and programmatic concerns weigh in favor of withdrawing the Notice of Intent.

1. Individually Adjudicating the Employer Appeals Would Disrupt Administration of Labor Certification Programs for Little Practical Benefit

Overruling *Island Holdings* and leaving OFLC to individually adjudicate each of the roughly 1,050 pending SPWD administrative appeals relating to the 2013 employment season would drain significant DOL resources.[20] This would substantially detract from the pursuit of other priorities and, in the end, would likely prove futile given that the passage of time has diminished employers' ability to comply with the 2013 SPWDs and WHD's preparedness to enforce them.

ETA estimates that notifying the employers, reviewing the case files, issuing Center Director opinions, processing BALCA requests, and taking BALCA-directed action could collectively take over two-and-a-half years to complete.[21] This work would impact OFLC's usual case-processing tasks, including in time-sensitive programs. ETA's normal business lines would see an increase in processing times and backlogs, including during high-filing periods. For example, it currently takes on average 110 days to process prevailing wage determinations in the CW–1 and PERM programs, but that could increase to approximately 150 days if, without acquiring new resources, ETA were tasked with individually adjudicating the SPWD administrative appeals.[22]

Even if the Department were to expend these considerable resources on the 2013 case files, there would likely be little practical benefit to doing so, given the significant obstacles that now exist to compliance and enforcement. There would be several hurdles to an employer's ability to now comply with the 2013 SPWDs by issuing back wages: The passage of time since the work at issue was performed; the fact that the regulations in place in 2013 had no requirement that employers retain the relevant employment records and therefore records are likely to have been lost or destroyed; and the difficulty of locating the relevant workers—most of whom, by definition, reside outside the United States and came here to work here temporarily. Were DOL, at this late date, to finalize the SPWDs at issue in the stayed administrative appeals, these and other factors would also present substantial barriers to enforcement. To be actionable, H–2B violations must be willful. 8 U.S.C. 1184(c)(14)(D) (prohibiting a ''willful failure to comply with the requirements of [the H–2B provisions] that constitutes a significant deviation from the terms and conditions of a petition''). It is questionable whether an employer's decision to adhere to an initial PWD, rather than to an SPWD judged unlawful in a ''final'' decision of the Department, could properly be deemed ''willful.'' Regardless, the practical obstacles to compliance described above would also pose serious challenges to proving the willfulness of any subsequent non-compliance. Indeed, the challenges presented by lost records, faded memories, and hard-to-locate workers are precisely the type of staleness concerns that underlie WHD's general policy of limiting its investigations to violations alleged to have taken place within the last two years. WHD Field Operations Handbook 76c03(a).

In short, the Department has strong programmatic reasons to accept the ''final'' decision in *Island Holdings,* rather than expending thousands of work hours, in derogation of other responsibilities, to issue decisions that would be difficult ever to obey or enforce.

[18] If employers did recruit any U.S. workers in conjunction with their H–2B applications, the SPWD Notices required them to pay those U.S. workers as well as the H–2B workers at least the SPWD wage rate for the remainder of the certified employment.

[19] DOL was not required to give *CATA II* retroactive effect by issuing the 2013 SPWDs. The applicable case law does not set a default requirement that agencies nullify actions undertaken pursuant to a rule before that rule is vacated. *Council Tree Communc'ns, Inc.* v. *FCC,* 619 F.3d 235, 257 (3d Cir. 2010) (declining to nullify certain auction results). Further, *CATA II* did not reinstate the *status quo ante* and instead necessitated promulgation of a new rule. Using a new rule to adjust actions taken before the rule issued is arguably in tension with the prohibition against retroactive rulemaking absent congressional authorization. *See Bowen* v. *Georgetown Univ. Hosp.,* 488 U.S. 204, 208 (1988).

[20] Even if the Secretary issued a declaratory order overruling *Island Holdings* and setting the policy for OFLC to apply to various arguments raised by employers challenging the 2013 SPWDs, OFLC would have to review each case file to determine which arguments a given employer raised and then draft an individualized opinion accordingly. Moreover, OFLC would have to address any arguments that, even if the 2013 SPWDs were valid, particular SPWDs were improperly calculated under the IFR's methodology. Application of *Island Holdings* avoids such individualized review and adjudication because its conclusion that the 2013 SPWDs were invalid may be uniformly applied to all the remaining requests for review of 2013 SPWDs.

[21] Specifically, ETA estimates that this work could occupy 706 workdays and would require the use of four senior analysts, roughly half-time each. Such analysts have experience in, and are typically tasked with, making prevailing wage determinations for the H–2B, CW–1, PERM, and H–1B programs.

[22] Processing times for H–2B prevailing wage requests, which are currently 30 days on average, would not be impacted due to regulatory requirements.

2. Prudential Considerations Do Not Warrant Issuing the Proposed Declaratory Order or Continuing To Contest *Island Holdings*

The H–2B workers and U.S. workers recruited in connection with the appealing employers' H–2B applications understood their work would be temporary, and they accepted and performed the work at the offered wage. Although the 2013 SPWDs may have given them an initial expectancy of increased wages or back pay, those SPWDs subject to administrative appeals were properly challenged and never became final because the stay of the appeals prevented completion of administrative review. *Island Holdings*—a ''final decision'' of the Secretary—held the SPWDs were *ultra vires,* and no court has ever invalidated that holding. The Notice of Intent proposed overruling *Island Holdings,* but the Notice never progressed beyond a mere proposal. Five years have passed, and DOL never issued a final declaratory order overturning *Island Holdings.* In these circumstances, reliance on those SPWDs would not have been reasonable.

On the other hand, many parties relied on the original PWDs before recruitment and hiring. Prior to 2013, DOL had never issued SPWDs, at least not on a large scale to all H–2B employers with then-extant TLCs. Nor did the text of DOL's regulations provide notice of the potential for SPWDs, much less specify the potential increase to wages. Further, the 2013 SPWDs were issued not only to employers who had yet to hire H–2B workers, but also to employers already employing H–2B workers. Such employers had already paid the costs of recruiting workers, and would have had limited options for responding to the SPWDs' increased costs: H–2B workers, once employed, must be employed full-time; the employer must pay return transportation for H–2B workers dismissed earlier than scheduled; and the employer cannot lay off similarly employed U.S. workers. 20 CFR 655.22(h), (i), (m) (2012). And, while employers might have inferred from their Form 9142s that it was *possible* DOL would issue SPWDs, there was no notice that this would in fact occur, let alone notice of the amount or timing of the SPWD, or the methodology that DOL would use.

V. Conclusion

For all the foregoing reasons, the Notice of Intent is withdrawn.

Signed: at Washington, DC this 9th of March 2020.

Eugene Scalia,

Secretary of Labor.

[FR Doc. 2020–05205 Filed 3–12–20; 8:45 am]

BILLING CODE 4510–HL–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2018–0005]

Whistleblower Stakeholder Meeting

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of public meeting.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is announcing a public meeting to solicit comments and suggestions from stakeholders on issues facing the agency in the administration of the whistleblower laws it enforces.

DATES: The public meeting will be held on May 12, 2020, from 1:00 p.m. to 3:00 p.m., ET. Persons interested in attending the meeting must register by April 28, 2020. In addition, comments relating to the ''Scope of Meeting'' section of this document must be submitted in written or electronic form by May 5, 2020.

ADDRESSES: The public meeting will be held in Room C5525, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210.

Written Comments: Submit written comments to the OSHA Docket Office, Docket No. OSHA–2018–0005, Room N–3653, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210; telephone (202) 693–2350. You may submit materials, including attachments, electronically at *http://www.regulations.gov,* which is the Federal eRulemaking portal. Follow the on-line instructions for submissions. All comments should be identified with Docket No. OSHA–2018–0005.

Registration to Attend and/or to Participate in the Meeting: If you wish to attend the public meeting, make an oral presentation at the meeting, or participate in the meeting via telephone, you must register using this link *https://www.eventbrite.com/e/whistleblower-stakeholder-meeting-tickets-92898902117* by close of business on April 28, 2020. Participants may speak and hand out written materials, but there will not be an opportunity to give an electronic presentation. Actual times provided for presentation will depend on the number of requests, but no more than 10 minutes per participant. There is no fee to register for the public meeting. Registration on the day of the public meeting will be permitted on a space-available basis beginning at 12:00 p.m., ET. After reviewing the requests to present, each participant will be contacted prior to the meeting with the approximate time that the participant's presentation is scheduled to begin.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

For general information: Mr. Anthony Rosa, Acting Director, OSHA Directorate of Whistleblower Protection Programs, U.S. Department of Labor; telephone: (202) 693–2199; email: *osha.dwpp@dol.gov.*

SUPPLEMENTARY INFORMATION:

Scope of Meeting

OSHA is interested in obtaining information from the public on key issues facing the agency's whistleblower program. This meeting is the fifth in a series of meetings requesting public input on this program. The agency is seeking suggestions on how it can improve its program. Please note that the agency does not have the authority to change the regulatory language and requirements of the laws it enforces. In particular, the agency invites input on the following:

1. How can OSHA deliver better whistleblower customer service?
2. What kind of assistance can OSHA provide to help explain the agency's whistleblower laws to employees and employers?
3. Where should OSHA target whistleblower outreach efforts?

Request for Comments

Regardless of attendance at the public meeting, interested persons may submit written or electronic comments (see **ADDRESSES**). Submit a single copy of electronic comments or two paper copies of any mailed comments. To permit time for interested persons to submit data, information, or views on the issues in the ''Scope of Meeting'' section of this notice, submit comments by May 5, 2020, please include Docket No. OSHA–2018–0005. Comments received may be seen in the OSHA Docket Office, (see **ADDRESSES**), between 10:00 a.m. and 3:00 p.m., ET, Monday through Friday.

Access to the Public Record

Electronic copies of this **Federal Register** notice are available at *http://www.regulations.gov.* This notice, as well as news releases and other relevant

information, also are available on the Directorate of Whistleblower Protection Programs' web page at: *http://www.whistleblowers.gov.*

Authority and Signature

Loren Sweatt, Principal Deputy Assistant Secretary for Occupational Safety and Health, authorized the preparation of this notice under the authority granted by Secretary's Order 01–2012 (Jan. 18, 2012), 77 FR 3912 (Jan. 25, 2012).

Signed at Washington, DC, on March 9, 2020.

Loren Sweatt,

Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2020–05128 Filed 3–12–20; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (20–024)]

Notice of Intent To Grant a Partially Exclusive License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant partially exclusive patent license.

SUMMARY: NASA hereby gives notice of its intent to grant a partially exclusive patent license in the United States to practice the inventions described and claimed in U.S. Patent Number 8,987,632 B2 titled ''Modification of Surface Energy via Direct Laser Ablative Surface Patterning,'' NASA Case Number LAR–17769–1; and U.S. Patent Number 10,259,077 B2 titled ''Modification of Surface Energy via Direct Laser Ablative Surface Patterning,'' NASA Case Number LAR–17769–2, to Genetoo, Inc., having its principal place of business in Gaithersburg, MD. The fields of use may be limited to for performing laser ablation, on the surface of surgical implants, to enhance specific patterns and to avoid bacteria growth, and/or similar field(s) of use thereto. NASA has not yet made a determination to grant the requested license and may deny the requested license even if no objections are submitted within the comment period.

DATES: The prospective partially exclusive license may be granted unless NASA receives written objections including evidence and argument, no later than March 30, 2020 that establish that the grant of the license would not be consistent with the requirements regarding the licensing of federally owned inventions as set forth in the Bayh-Dohl Act and implementing regulations. Competing applications completed and received by NASA no later than March 30, 2020 will also be treated as objections to the grant of the contemplated partially exclusive license. Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act.

ADDRESSES: Objections relating to the prospective license may be submitted to Patent Counsel, Office of Chief Counsel, NASA Langley Research Center, MS 30, Hampton, Virginia 23681. Phone (757) 864–3221. Facsimile (757) 864–9190.

FOR FURTHER INFORMATION CONTACT: Robin W. Edwards, Patent Counsel, Office of Chief Counsel, NASA Langley Research Center, MS 30, Hampton, Virginia 23681. Phone (757) 864–3221. Facsimile (757) 864–9190.

SUPPLEMENTARY INFORMATION: This notice of intent to grant a partially exclusive patent license is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). The patent rights in these inventions have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective partially exclusive license will comply with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Information about other NASA inventions available for licensing can be found online at *http://technology.nasa.gov.*

Helen M. Galus,

Agency Counsel for Intellectual Property.

[FR Doc. 2020–05156 Filed 3–12–20; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (20–023)]

Notice of Intent To Grant Co-Exclusive License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant co-exclusive patent license.

SUMMARY: NASA hereby gives notice of its intent to grant a co-exclusive patent license in the United States to practice the invention described and claimed in U.S. Patent Application entitled, ''Method for Simulation of Flow in Fluid Flow Network Having One-Dimensional and Multi-Dimensional Flow Components'', MFS–33798–1, to Concepts NREC, LLC, having its principal place of business in White River Junction, VT. The fields of use may be limited. The patent rights in these inventions have been assigned to the United States of American as represented by the Administrator of the National Aeronautics and Space Administration. NASA has not yet made a determination to grant the requested license and may deny the requested license even if no objections are submitted within the comment period.

DATES: The prospective co-exclusive license may be granted unless NASA receives written objections, including evidence and argument no later than March 30, 2020 that establish that the grant of the license would not be consistent with the requirements regarding the licensing of federally owned inventions as set forth in the Bayh-Dole Act and implementing regulations. Competing applications completed and received by NASA no later than March 30, 2020 will also be treated as objections to the grant of the contemplated co-exclusive license. Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act.

ADDRESSES: Objections relating to the prospective license may be submitted to James J. McGroary, Chief Patent counsel/LS01, NASA Marshall Space Flight Center, Huntsville, AL 35812, (256) 544–0013. Email *james.j.mcgroary@nasa.gov.*

FOR FURTHER INFORMATION CONTACT: Cory S. Efird, Technology Transfer Branch/ST22, NASA Marshall Space Flight Center, Huntsville, AL 35812, (256) 617–0237. Email *cory.efird@nasa.gov.*

SUPPLEMENTARY INFORMATION: This notice of intent to grant a co-exclusive patent license is issued in accordance with 35 U.S.C. 209(e)) and 37 CFR 404.7(a)(1)(i). The patent rights in these inventions have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective co-exclusive license will comply with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Information about other NASA inventions available for licensing can be found online at *http://technology.nasa.gov.*

Helen M. Galus,

Agency Counsel for Intellectual Property.

[FR Doc. 2020–05152 Filed 3–12–20; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL SCIENCE FOUNDATION

Request for Recommendations for Membership on Directorate and Office Advisory Committees

ACTION: Notice.

SUMMARY: The National Science Foundation (NSF) requests recommendations for membership on its scientific and technical Federal advisory committees. Recommendations should consist of the name of the submitting individual, the organization or the affiliation providing the member nomination, the name of the recommended individual, the recommended individual's curriculum vita, an expression of the individual's interest in serving, and the following recommended individual's contact information: Employment address, telephone number, fax number, and email address. Self-recommendations are accepted. If you would like to make a membership recommendation for any of the NSF scientific and technical Federal advisory committees, please send your recommendation to the appropriate committee contact person listed in the chart below.

ADDRESSES: The mailing address for the National Science Foundation is 2415 Eisenhower Avenue, Alexandria, VA 22314.

Web links to individual committee information may be found on the NSF website: NSF Advisory Committees.

SUPPLEMENTARY INFORMATION: Each Directorate and Office has an external advisory committee that typically meets twice a year to review and provide advice on program management; discuss current issues; and review and provide advice on the impact of policies, programs, and activities in the disciplines and fields encompassed by the Directorate or Office. In addition to Directorate and Office advisory committees, NSF has several committees that provide advice and recommendations on specific topics including: Astronomy and astrophysics; environmental research and education; equal opportunities in science and engineering; cyberinfrastructure; international science and engineering; and business and operations.

A primary consideration when formulating committee membership is recognized knowledge, expertise, or demonstrated ability.[1] Other factors that may be considered are balance among diverse institutions, regions, and groups underrepresented in science, technology, engineering, and mathematics. Committee members serve for varying term lengths, depending on the nature of the individual committee. Although we welcome the recommendations we receive, we regret that NSF will not be able to acknowledge or respond positively to each person who contacts NSF or has been recommended. NSF intends to publish a similar notice to this on an annual basis. NSF will keep recommendations active for 12 months from the date of receipt.

The chart below is a listing of the committees seeking recommendations for membership. Recommendations should be sent to the contact person identified below. The chart contains web addresses where additional information about individual committees is available.

Advisory committee	Contact person
Advisory Committee for Biological Sciences, https://www.nsf.gov/bio/advisory.jsp.	Brent Miller, Directorate for Biological Sciences; phone: (703) 292–8400; e-mail: *bmiller@nsf.gov*; fax: (703) 292–2988.
Advisory Committee for Computer and Information Science and Engineering, https://www.nsf.gov/cise/advisory.jsp.	Brenda Williams, Directorate for Computer and Information Science and Engineering; phone: (703) 292–4554; e-mail: *bwilliam@nsf.gov*; fax: (703) 292–9454.
Advisory Committee for Cyberinfrastructure, https://www.nsf.gov/cise/aci/advisory.jsp.	Carl Anderson, Division of Advanced Cyberinfrastructure; phone: (703) 292–4545; e-mail: *cnanders@nsf.gov*; fax: (703) 292–9060.
Advisory Committee for Education and Human Resources, https://www.nsf.gov/ehr/advisory.jsp.	Nafeesa Owens, Directorate for Education and Human Resources; phone: (703) 292–8600; e-mail: *nowens@nsf.gov*; fax: (703) 292–9179.
Advisory Committee for Engineering, https://www.nsf.gov/eng/advisory.jsp.	Cecile Gonzalez, Directorate for Engineering; phone: (703) 292–8300; e-mail: *cjgonzal@nsf.gov*; fax: (703) 292–9467.
Advisory Committee for Geosciences, https://www.nsf.gov/geo/advisory.jsp.	Melissa Lane, Directorate for Geosciences: phone: (703) 292–8500; e-mail: *mlane@nsf.gov*; fax: (703) 292–9042.
Advisory Committee for International Science and Engineering, https://www.nsf.gov/od/oise/advisory.jsp.	Christopher Street, Office of International Science and Engineering, phone: (703) 292–8568; e-mail: *ac-ise@nsf.gov* fax: (703) 292–9481.
Advisory Committee for Mathematical and Physical Sciences, https://www.nsf.gov/mps/advisory.jsp.	Angela Harris, Directorate for Mathematical and Physical Sciences; phone: (703) 292–8800; e-mail: *amharris@nsf.gov*; fax: (703) 292–9151.
Advisory Committee for Social, Behavioral & Economic Sciences, https://www.nsf.gov/sbe/advisory.jsp.	Deborah Olster, Directorate for Social, Behavioral & Economic Sciences; phone: (703) 292–8700; E-Mail: *dholster@nsf.gov*; fax: (703) 292–9083.
Advisory Committee for Polar Programs, https://www.nsf.gov/geo/opp/advisory.jsp.	Andrew Backe, Office of Polar Programs; phone: (703) 292–2454; e-mail: *abacke@nsf.gov*; fax: (703) 292–9081.
Committee on Equal Opportunities in Science and Engineering, https://www.nsf.gov/od/oia/activities/ceose/.	Bernice Anderson, Office of Integrative Activities; phone: (703) 292–8040; e-mail: *banderso@nsf.gov*; fax: (703) 292–9040.
Advisory Committee for Business and Operations, https://www.nsf.gov/oirm/bocomm/.	Jeffrey Rich, Office of Information and Resource Management; phone: (703) 292–8100; e-mail: *jrich@nsf.gov*; fax: (703) 292–9369.
Advisory Committee for Environmental Research and Education, https://www.nsf.gov/ere/ereweb/advisory.jsp.	Leah Nichols, Office of Integrative Activities; phone: (703) 292–8040; e-mail: *lenichol@nsf.gov*; fax: (703) 292–9040.
Astronomy and Astrophysics Advisory Committee, https://www.nsf.gov/mps/ast/aaac.jsp.	Elizabeth Pentecost, Division of Astronomical Sciences; phone: (703) 292–4907; e-mail: *epenteco@nsf.gov*; fax: (703) 292–9452.
STEM Education Advisory Panel, https://nsf.gov/ehr/STEMEdAdvisory.jsp.	Nafeesa Owens, Directorate for Education and Human Resources; *Please visit website to submit recommendations*.

[1] Federally registered lobbyists are not eligible for appointment to these Federal advisory committees.

Dated: March 10, 2020.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2020–05129 Filed 3–12–20; 8:45 am]

BILLING CODE 7555–01–P

PENSION BENEFIT GUARANTY CORPORATION

Submission of Information Collection for OMB Review; Comment Request; Payment of Premiums; Termination Premium

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for extension of OMB approval of collection of information.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) is requesting that the Office of Management and Budget (OMB) extend approval with modification, under the Paperwork Reduction Act, of a collection of information for the termination premium under its regulation on Payment of Premiums (OMB control number 1212–0064; expires May 31, 2020). This notice informs the public of PBGC's request and solicits public comment on the collection of information.

DATES: Comments must be submitted by April 13, 2020.

ADDRESSES: Comments should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, via electronic mail at *OIRA_submission@omb.eop.gov* or by fax to (202) 395–6974.

A copy of the request will be posted on PBGC's website at *https://www.pbgc.gov/prac/laws-and-regulation/federal-register-notices-open-for-comment.* It may also be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel of PBGC, 1200 K Street NW, Washington, DC 20005–4026; faxing a request to 202–326–4042; or, calling 202–326–4040 during normal business hours (TTY users may call the Federal Relay Service toll-free at 800–877–8339 and ask to be connected to 202–326–4040). The Disclosure Division will email, fax, or mail the information to you, as you request.

FOR FURTHER INFORMATION CONTACT: Melissa Rifkin (*rifkin.melissa@pbgc.gov*), Attorney, Regulatory Affairs Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington DC 20005–4026; 202–229–6563. (TTY users may call the Federal Relay Service toll-free at 800–877–8339 and ask to be connected to 202–229–6563.)

SUPPLEMENTARY INFORMATION: The Pension Benefit Guaranty Corporation (PBGC) administers the pension plan termination insurance program under title IV of the Employee Retirement Income Security Act of 1974 (ERISA). Section 4006(a)(7) of ERISA provides for a ''termination premium'' (in addition to the flat-rate and variable-rate premiums under sections 4006(a)(3) and (8) of ERISA) that is payable for three years following certain distress and involuntary plan terminations. PBGC's regulations on Premium Rates (29 CFR part 4006) and Payment of Premiums (29 CFR part 4007) implement the termination premium. Sections 4007.3 and 4007.13(b) of the premium payment regulation require the filing of termination premium information and payments with PBGC. PBGC has promulgated Form T and instructions for paying the termination premium.

In general, the termination premium applies where a single employer plan terminates in a distress termination under section 4041(c) of ERISA (unless contributing sponsors and controlled group members meet the bankruptcy liquidation requirements of section 4041(c)(2)(B)(i) of ERISA) or in an involuntary termination under section 4042 of ERISA, and the termination date under section 4048 of ERISA is after 2005. The termination premium does not apply in certain cases where termination occurs during a bankruptcy proceeding filed before October 18, 2005.

The termination premium is payable for three years. The same amount is payable each year. The amount of each payment is based on the number of participants in the plan as of the day before the termination date. In general, the amount of each payment is equal to $1,250 times the number of participants. However, the rate is increased from $1,250 to $2,500 in certain cases involving commercial airline or airline catering service plans. The termination premium is due on the 30th day of each of three consecutive 12-month periods. The first 12-month period generally begins shortly after the termination date or after the conclusion of bankruptcy proceedings in certain cases.

The termination premium and related information must be filed by a person liable for the termination premium. The persons liable for the termination premium are contributing sponsors and members of their controlled groups, determined on the day before the plan termination date. Interest on late termination premiums is charged at the rate imposed under section 6601(a) of the Internal Revenue Code, compounded daily, from the due date to the payment date. Penalties based on facts and circumstances may be assessed both for failure to timely pay the termination premium and for failure to timely file required related information and may be waived in appropriate circumstances. A penalty for late payment will not exceed the amount of termination premium paid late. Section 4007.10 of the premium payment regulation requires the retention of records supporting or validating the computation of premiums paid and requires that the records be made available to PBGC.

On December 16, 2019, PBGC published in the **Federal Register** (at 84 FR 68494) a notice informing the public of its intent to request an extension of this collection of information. No comments were received.

OMB has approved the termination premium collection of information (Form T and instructions) under control number 1212–0064 through May 31, 2020. PBGC is requesting that OMB extend approval of this collection of information for three years, with minor changes to contact information. 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.

PBGC estimates that it will each year receive an average of about one filing for the first year a termination premium is due, one filing for the second year a termination premium is due, and one filing for the third year a termination premium is due, from a total of about three respondents. PBGC estimates that the total annual burden of the collection of information will be about 15 minutes and $200.

Issued in Washington, DC.

Stephanie Cibinic,

Deputy Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation.

[FR Doc. 2020–05092 Filed 3–12–20; 8:45 am]

BILLING CODE 7709–02–P

POSTAL REGULATORY COMMISSION

[Docket No. IM2020–1; Order No. 5450]

Section 407 Proceeding

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is establishing a docket to solicit comments for the purpose of developing its views on whether certain proposals for the upcoming UPU Congress are consistent with the standards and criteria for modern rate regulation established by the Commission under applicable sections of the United States Code. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* June 12, 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:

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I. Introduction

The 27th Universal Postal Union (UPU) Congress will take place August 10–28, 2020, in Côte d'Ivoire. Before the United States concludes any treaty, convention, or amendment that establishes a Market Dominant rate or classification, the Secretary of State must request that the Commission provide views on whether such treaties, conventions, or amendments are consistent with the standards and criteria for modern rate regulation established by the Commission under 39 U.S.C. 3622. 39 U.S.C. 407(c). On March 6, 2020, the Department of State requested the Commission's views on relevant proposals that will be presented at the 27th UPU Congress.[1]

Pursuant to section 407(c)(1) and 39 CFR part 3017, the Commission establishes Docket No. IM2020–1 for the purpose of developing its views on whether certain proposals for the upcoming UPU Congress are consistent with the standards and criteria for modern rate regulation established by the Commission under 39 U.S.C. 3622.

[1] Letter from Nerissa J. Cook, Deputy Assistant Secretary, U.S. Department of State, Bureau of International Organization Affairs, March 6, 2020 (State's Request).

II. Initial Commission Action

Establishment of docket. Part 3017 of title 39 of the Code of Federal Regulations codifies procedures related to the development of the Commission's section 407 views.[2] Pursuant to rule 3017.3(a), the Commission establishes this docket to ''solicit comments on the general principles that should guide the Commission's development of views on relevant proposals, in a general way, and on specific relevant proposals[.]'' 39 CFR 3017.3(a).

Comments. Rule 3017.4(a) provides that the Commission ''shall establish a deadline for comments upon establishment of the docket that is consistent with timely submission of the Commission's views to the Secretary of State.'' 39 CFR 3017.4(a). The 27th Universal Postal Union Congress will take place August 10–28, 2020, in Côte d'Ivoire. The Department of State requests that the Commission submit its views by July 10, 2020. State's Request at 1. To ensure timely submission of the Commission's views to the Department of State, the Commission establishes June 12, 2020, as the deadline for submission of comments on the principles that should guide development of its views, as well as those on the consistency of proposals subject to subchapter I of chapter 36 with the standards and criteria of 39 U.S.C. 3622. Comments are to be submitted in the above captioned docket via the Commission's website at *http://www.prc.gov* unless a request for waiver is approved. For assistance with filing, contact the Commission's docket section at 202–789–6846 or *dockets@prc.gov.*

Public Representative. Section 505 of title 39 requires the designation of an officer of the Commission (Public Representative) to represent the interests of the general public in all public proceedings. The Commission designates Kenneth E. Richardson as Public Representative in this proceeding.

Availability of documents. Pursuant to rule 3017.3(b), the Commission will post relevant proposals and other materials related to the development of Commission views in this docket.

Federal Register publication. Rule 3017.3(c) requires publication in the **Federal Register** of the notice establishing a docket authorized under part 3017. 39 CFR 3017.3(c). Pursuant to this rule, the Commission directs the Secretary of the Commission to arrange for prompt publication of this Order in the **Federal Register**.

[2] *See* Docket No. RM2015–14, Order Adopting Final Rules on Procedures Related to Commission Views, December 30, 2015 (Order No. 2960). *See also* 81 FR 869 (January 8, 2016). The rules in part 3017 took effect on February 8, 2016. The Commission recently revised these rules to enhance transparency and accountability within the Commission view process and improve public accessibility to related documents. Docket No. RM2020–3, Order Adopting Final Rules Related to Commission Views, February 24, 2020, at 1–2 (Order No. 5439). These revised rules go into effect on April 21, 2020. Order No. 5439 at 5. In addition, the Commission recently issued a final rulemaking in a separate proceeding that, among other things, renumbered several parts in title 39. Docket No. RM2019–13, Order Reorganizing Commission Regulations and Amending Rules of Practice, January 16, 2020 (Order No. 5407). As a result of Order No. 5407, part 3017 will be redesignated as part 3025 and the rules will be renumbered on April 20, 2020. *Id.;* Order No. 5439 at 4–5.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. IM2020–1 for purposes related to the development of section 407(c)(1) views and invites public comments related to this effort, as described in the body of this Order.
2. Comments are due no later than June 12, 2020.
3. Pursuant to 39 U.S.C. 505, Kenneth E. Richardson is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.
4. The Secretary is directed to post documents in this docket when the Commission determines such documents are relevant.
5. The Secretary shall arrange for publication of this Order in the **Federal Register**.

By the Commission.

Erica A. Barker,

Secretary.

[FR Doc. 2020–05114 Filed 3–12–20; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Board of Governors; Sunshine Act Meeting

TIME AND DATE: Monday, March 9, 2020, at 1:15 p.m.

PLACE: Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Monday, March 9, 2020, at 1:15 p.m.

1. Strategic Issues.
2. Administrative Items.

On March 9, 2020, a majority of the members of the Board of Governors of the United States Postal Service voted unanimously to hold and to close to public observation a special meeting in Washington, DC. The Board determined that no earlier public notice was practicable.

General Counsel Certification: The General Counsel of the United States Postal Service has certified that the meeting may be closed under the Government in the Sunshine Act.

CONTACT PERSON FOR MORE INFORMATION: Michael J. Elston, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260–1000. Telephone: (202) 268–4800.

Michael J. Elston,

Secretary.

[FR Doc. 2020–05279 Filed 3–11–20; 11:15 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88345; File No. SR–NYSEArca–2020–18]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify the NYSE Arca Options Fee Schedule

March 9, 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 2, 2020, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify the NYSE Arca Options Fee Schedule (''Fee Schedule''). The Exchange proposes to implement the fee change effective March 2, 2020. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend the Fee Schedule to modify the Limit of Fees on Options Strategy Executions (''Strategy Cap''), as set forth below.

Currently, the Fee Schedule provides that transaction fees for OTP Holders and OTP Firms (collectively, ''OTP Holders'') are limited or capped at $700 for certain options strategy executions ''on the same trading day in the same option class'' and such fees are further capped at $25,000 per month per initiating firm.[3] Strategy executions that qualify for the Strategy Cap are (a) reversals and conversions, (b) box spreads, (c) short stock interest spreads, (d) merger spreads, and (e) jelly rolls, which are described in detail in the Fee Schedule (the ''Strategy Executions'').[4]

The Exchange proposes to increase the daily Strategy Cap from $700 to $1,000 and to include in the Cap all Strategy Executions traded in the same day (*i.e.,* to eliminate the Cap requirement that strategies be in the same option class). In connection with this change, the Exchange proposes to eliminate the $25,000 monthly Strategy Cap. The Exchange believes that the proposed Strategy Cap would encourage OTP Holders to execute more Strategy Executions, particularly those that would not individually qualify for inclusion in the Cap because of the current per-symbol limitation, as such strategies would become more economically feasible (and thus more attractive), when combined under the proposed Cap with all of an OTP Holder's Strategy Executions on the same trading day.

The Exchange also proposes to exclude from the cap any qualifying Strategy Execution executed as a QCC order, as QCC transactions for Non-Customers are eligible for other Fee Cap programs, and eligible for credits for a Floor Broker executing a QCC (*see infra* note 10).

The Exchange proposes to implement the rule change on March 2, 2020.

Background

The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [5]

There are currently 16 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.[6] Therefore, no exchange possesses significant pricing power in the execution of multiply-listed equity & ETF options order flow. More specifically, in the fourth quarter of 2019, the Exchange had less than 10% market share of executed volume of multiply-listed equity & ETF options trades.[7]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue or reduce use of certain categories of products, in response to fee changes. Accordingly, competitive forces constrain options exchange transaction fees.

In response to this competitive environment, the Exchange has established incentives, such as the Strategy Cap, to encourage OTP Holders to participate in certain large volume options strategies that capture potentially small profits by capping the fees paid for such transactions.

As noted above, the current Strategy Cap limits or caps at $700 transaction fees for options Strategy Executions ''on

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Fee Schedule, NYSE Arca OPTIONS: TRADE–RELATED CHARGES FOR STANDARD OPTIONS, LIMIT OF FEES ON OPTIONS STRATEGY EXECUTIONS, *available here: https://www.nyse.com/publicdocs/nyse/markets/arca-options/NYSE_Arca_Options_Fee_Schedule.pdf.*

[4] *See id.,* at Endnote 10 (describing the Strategy Executions).

[5] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (S7–10–04) (''Reg NMS Adopting Release'').

[6] The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, *available here: https://www.theocc.com/market-data/volume/default.jsp.*

[7] Based on OCC data, *see id.,* the Exchange's market share in equity-based options was 9.57% for the month of January 2019 and 9.59% for the month of January 2020.

the same trading day in the same option class'' and further caps such fees at $25,000 per month.[8]

Proposed Rule Change

The Exchange proposes to modify the Strategy Cap by eliminating the requirement that Strategy Executions on the same trading day all be in the same symbol for inclusion in the Cap. Specifically, as proposed, the daily Strategy Cap on transaction fees for options Strategy Executions would be changed from $700 to $1,000 and would apply to all Strategy Executions by an OTP Holder on the same trading day (regardless of option class/symbol). In addition, given the proposal to cap an OTP Holder's fee for all Strategy Executions in a given trading day at $1,000, the Exchange proposed to eliminate the $25,000 per month Strategy Cap as unnecessary.

For example, per the current Fee Schedule, an OTP Holder that executes the following Strategy Executions on the same trading day would be charged as follows:

- A Jelly Roll in ABC for $800 in fees, capped at $700;
- A Reversal Conversion in DEF for $500 in fees; and
- A Merger Spread in XYZ for $600.

The total fees for these Strategy Executions under the current Fee Schedule would be $1,800. Under the proposed Strategy Cap, the same trades would be billed as follows:

- A Jelly Roll in ABC for $800 in fees;
- A Reversal Conversion in DEF for $500 in fees; and
- A Merger Spread in XYZ for $600.

The total fees for these Strategy Executions under the proposed Fee Schedule would be $1,000. Thus, although the amount of the Cap would be increased, the number of eligible Strategy Executions would also be increased, making it easier to meet the Strategy Cap.

The Exchange also proposes to clarify that, consistent with other options exchanges that offer similar caps, a qualifying Strategy Execution executed as a QCC order will not be eligible for this fee cap.[9] The Exchange notes that QCC transactions for Non-Customers are eligible for other Fee Cap programs, and eligible for credits for a Floor Broker executing a QCC.[10]

The Exchange's fees are constrained by intermarket competition, as OTP Holders may direct their order flow to any of the 16 options exchanges, including those with similar Strategy Fee Caps.[11] Thus, OTP Holders have a choice of where they direct their order flow. This proposed change is designed to incent OTP Holders to increase their Strategy Execution volumes by executing (often smaller) strategies that are not necessarily economically viable on a per symbol basis, but which may be profitable when fees on Strategy Executions—regardless of symbol—are capped for the trading day. The Exchange notes that all market participants stand to benefit from increased volume, which promotes market depth, facilitates tighter spreads and enhances price discovery, and may lead to a corresponding increase in order flow from other market participants.

The Exchange cannot predict with certainty whether any OTP Holders would avail themselves of this proposed fee change. At present, whether or when an OTP Holder qualifies for the current daily Strategy Cap (of $700) varies day-to-day in a given month. Thus, the Exchange cannot predict with any certainty the number of OTP Holders that may qualify for the modified Strategy Cap, but believes that OTP Holders would be encouraged to take advantage of the modified Cap. The Exchange believes the proposed Strategy Cap, which applies to all qualifying strategies executed on the same trading day, regardless of symbol, would provide an incentive for OTP Holders to submit these types of strategy orders to the Exchange Trading Floor, which brings increased liquidity and order flow for the benefit of all market participants.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[13] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Proposed Rule Change Is Reasonable

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [14]

There are currently 16 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.[15] Therefore, no exchange possesses significant pricing power in the execution of multiply-listed equity & ETF options order flow. More specifically, in the fourth quarter of 2019, the Exchange had less than 10% market share of executed volume of multiply-listed equity & ETF options trades.[16]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow, or discontinue or reduce use of certain categories of products, in response to fee changes. Accordingly, competitive forces constrain options exchange transaction fees. Stated otherwise, changes to exchange transaction fees can have a direct effect on the ability of an exchange to compete for order flow.

The Exchange believes that the proposed modification to the Strategy

[8] *See* Fee Schedule, *supra* note 4.

[9] *See e.g.,* NYSE American Options fee schedule, Section I.J., Strategy Execution Fee Cap (providing that ''Any qualifying Strategy Execution executed as a QCC order will not be eligible for this fee cap'').

[10] *See e.g.,* Fee Schedule, NYSE Arca OPTIONS: TRADE–RELATED CHARGES FOR STANDARD OPTIONS, FIRM AND BROKER DEALER MONTHLY FEE CAP (including in monthly cap any ''QCC transactions executed by a Floor Broker from the Floor of the Exchange'') and QUALIFIED CONTINGENT CROSS (''QCC'') TRANSACTION FEES AND CREDITS (providing a per contract credit for QCCs executed by Floor Brokers).

[11] The proposed change is substantially identical to a change made by NYSE American Options in September 2019 wherein that exchange increased its Strategy Execution Cap from $750 (not $700, as here) to $1,000 and applied cap to all Strategy Executions by a given ATP Holder on the same trading day and to eliminate the $25,000 monthly Strategy Cap. *See* Securities Exchange Act Release No. 86917 (September 10, 2019), 84 FR 48672 (September 16, 2019) (SR–NYSEAMER–2019–36); NYSE American Options fee schedule, Section I.J., Strategy Execution Fee Cap (excluding QCC transactions from the cap). *See also* BOX Options Market LLC (''BOX'') fee schedule, Section II.D (Strategy QOO Order Fee Cap and Rebate).

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(4) and (5).

[14] *See* Reg NMS Adopting Release, *supra* note 6, at 37499.

[15] *See supra* note 7.

[16] Based on OCC data, *see supra* note 8, in 2019, the Exchange's market share in equity-based options was 9.57% for the month of January 2019 and 9.59% for the month of January 2020.

Cap is designed to incent OTP Holders to increase the number and type of Strategy Executions sent to the Exchange. In addition, the proposal caps fees on all similar transactions, regardless of size and similarly-situated OTP Holders can opt to try to achieve the modified Strategy Cap. The proposal is designed to encourage OTP Holders to send all Strategy Executions to the Exchange regardless of size or type. To the extent that the proposed change attracts more Strategy Executions to the Exchange Trading Floor, this increased order flow would continue to make the Exchange a more competitive venue for, among other things, order execution, which, in turn, promotes just and equitable principles of trade and removes impediments to and perfects the mechanism of a free and open market and a national market system.

Finally, to the extent the proposed change continues to attract greater volume and liquidity (to the Floor or otherwise), the Exchange believes the proposed change would improve the Exchange's overall competitiveness and strengthen its market quality for all market participants. In the backdrop of the competitive environment in which the Exchange operates, the proposed rule change is a reasonable attempt by the Exchange to increase the depth of its market and improve its market share relative to its competitors. The Exchange's fees are constrained by intermarket competition, as OTP Holders may direct their order flow to any of the 16 options exchanges, including those with similar Strategy Fee Caps.[17] Thus, OTP Holders have a choice of where they direct their order flow—including their Strategy Executions. The proposed rule change is designed to incent OTP Holders to direct liquidity to the Exchange—in particular Strategy Executions, thereby promoting market depth, price discovery and improvement and enhancing order execution opportunities for market participants.

The Exchange cannot predict with certainty whether any OTP Holders would avail themselves of this proposed fee change. At present, whether or when an OTP Holder qualifies for the current daily Strategy Cap (of $700) varies day-to-day in a given month. Thus, the Exchange cannot predict with any certainty the number of OTP Holders that may qualify for the modified Strategy Cap, but believes that OTP Holders would be encouraged to take advantage of the modified Cap. The Exchange believes the proposed Strategy Cap, which applies to all qualifying strategies executed on the same trading day, regardless of symbol, would provide an incentive for OTP Holders to submit these types of strategy orders to the Exchange Trading Floor, which brings increased liquidity and order flow for the benefit of all market participants.

The Proposed Rule Change Is an Equitable Allocation of Credits and Fees

The Exchange believes the proposed rule change is an equitable allocation of its fees and credits. The proposal is based on the amount and type of business transacted on the Exchange and OTP Holders can opt to avail themselves of the Strategy Cap or not. Moreover, the proposal is designed to encourage OTP Holders to aggregate all Strategy Executions at the Exchange as a primary execution venue. To the extent that the proposed change attracts more Strategy Executions to the Exchange, this increased order flow would continue to make the Exchange a more competitive venue for, among other things, order execution. Thus, the Exchange believes the proposed rule change would improve market quality for all market participants on the Exchange and, as a consequence, attract more order flow to the Exchange thereby improving market-wide quality and price discovery.

The Proposed Rule Change Is Not Unfairly Discriminatory

The Exchange believes it is not unfairly discriminatory to modify the Strategy Cap because the proposed modification would be available to all similarly-situated market participants on an equal and non-discriminatory basis.

The proposal is based on the amount and type of business transacted on the Exchange and OTP Holders are not obligated to try to achieve the Strategy Cap. Rather, the proposal is designed encourage OTP Holders to utilize the Exchange as a primary trading venue for Strategy Executions (if they have not done so previously) or increase volume sent to the Exchange. To the extent that the proposed change attracts more Strategy Executions to the Exchange, this increased order flow would continue to make the Exchange a more competitive venue for, among other things, order execution. Thus, the Exchange believes the proposed rule change would improve market quality for all market participants on the Exchange and, as a consequence, attract more order flow to the Exchange thereby improving market-wide quality and price discovery. The resulting increased volume and liquidity would provide more trading opportunities and tighter spreads to all market participants and thus would promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act, the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed changes would encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for all market participants. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [18]

Intramarket Competition. The proposed change is designed to attract additional order flow (particularly Strategy Executions) to the Exchange. The Exchange believes that the proposed Strategy Cap would incent market participants to direct their Strategy Execution volume to the Exchange. Greater liquidity benefits all market participants on the Exchange and increased Strategy Executions would increase opportunities for execution of other trading interest. The proposed Strategy Cap would be available to all similarly-situated market participants that incur transaction fees on Strategy Executions, and, as such, the proposed change would not impose a disparate burden on competition among market participants on the Exchange.

Intermarket Competition. The Exchange operates in a highly competitive market in which market

[17] *See supra* note 12 (regarding the substantially identical change to the NYSE American Fee Schedule, which also excludes QCC transactions from the cap, and the $1,000 cap on strategy executions in place on and BOX).

[18] *See* Reg NMS Adopting Release, *supra* note 6, at 37499.

participants can readily favor one of the 16 competing option exchanges if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow to the Exchange. Based on publicly-available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.[19] Therefore, no exchange possesses significant pricing power in the execution of multiply-listed equity & ETF options order flow. More specifically, in the fourth quarter of 2019, the Exchange had less than 10% market share of executed volume of multiply-listed equity & ETF options trades.[20]

The Exchange believes that the proposed rule change reflects this competitive environment because it modifies the Exchange's fees in a manner designed to encourage OTP Holders to direct trading interest (particularly Strategy Executions) to the Exchange, to provide liquidity and to attract order flow. To the extent that this purpose is achieved, all the Exchange's market participants should benefit from the improved market quality and increased opportunities for price improvement.

The Exchange believes that the proposed change could promote competition between the Exchange and other execution venues, including those that currently offer similar Strategy Caps, by encouraging additional orders to be sent to the Exchange for execution. The Exchange also believes that the proposed change is designed to provide the public and investors with a Fee Schedule that is clear and consistent, thereby reducing burdens on the marketplace and facilitating investor protection.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[21] of the Act and subparagraph (f)(2) of Rule 19b–4[22] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[23] of the Act 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–NYSEArca–2020–18 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2020–18. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2020–18, and should be submitted on or before April 3, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–05105 Filed 3–12–20; 8:45 am]

BILLING CODE 8011–01–P

[19] *See supra* note 7.

[20] Based on OCC data, *supra* note 8, the Exchange's market share in equity-based options was 9.57% for the month of January 2019 and 9.59% for the month of January, 2020.

[21] 15 U.S.C. 78s(b)(3)(A).

[22] 17 CFR 240.19b–4(f)(2).

[23] 15 U.S.C. 78s(b)(2)(B).

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting; Cancellation

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 85 FR 13193, March 6, 2020.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Wednesday, March 11, 2020 at 2:00 p.m.

CHANGES IN THE MEETING: The Closed Meeting scheduled for Wednesday, March 11, 2020 at 2:00 p.m., has been cancelled.

CONTACT PERSON FOR MORE INFORMATION: For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Dated: March 10, 2020.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2020–05267 Filed 3–11–20; 11:15 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60 Day notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request

approval on a new and/or currently approved information collection.

DATES: Submit comments on or before May 12, 2020.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Veronica Dymond, Public Affairs Specialist, Office of Communications, Small Business Administration, 409 3rd Street SW, 7th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Veronica Dymond, Public Affairs Specialist, 202–205–6746, *veronica.dymond@sba.gov.* Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION:

Title: ''Small Business Administration Award Nomination.''

Abstract: Small Business owners or advocates who have been nominated for an SBA recognition award submit this information for use in evaluating nominee's eligibility for an award: Verifying accuracy of information submitted, and determining whether there are any actual or potential conflicts of interest. Awards are presented to winners during the Presidentially declared Small Business Week.

Description of Respondents: Nominated Small Business Owners or Advocates.

Form Number: 3300–3315.

Annual Responses: 600.

Annual Burden: 1,200.

Curtis Rich,

Management Analyst.

[FR Doc. 2020–05135 Filed 3–12–20; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 11069]

Determination and Certification Under Section 490(b)(1)(A) of the Foreign Assistance Act Relating to the Largest Exporting and Importing Countries of Certain Precursor Chemicals

Pursuant to Section 490(b)(l)(A) of the Foreign Assistance Act of 1961, as amended, I hereby determine and certify that the top five exporting and top five importing countries and economies of pseudoephedrine and ephedrine (France, Germany, India, Indonesia, Iran, China (PRC), Republic of Korea, Singapore, Switzerland, Taiwan, Turkey, and the United Kingdom) have cooperated fully with the United States, or have taken adequate steps on their own, to achieve full compliance with the goals and objectives established by the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

This determination and certification shall be published in the **Federal Register** and copies shall be provided to the Congress together with the accompanying Memorandum of Justification.

Dated: February 15, 2020.

Stephen E. Biegun,

Deputy Secretary of State.

[FR Doc. 2020–05189 Filed 3–12–20; 8:45 am]

BILLING CODE 4710–17–P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 1252 (Sub-No. 1X)]

Eastern Idaho Railroad, L.L.C.—Abandonment Exemption—in Bonneville County, Idaho

Eastern Idaho Railroad, L.L.C. (EIRR), has filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments* to abandon an approximately 0.76-mile portion of a railroad line known generally as the Old Butte Main Line, extending between milepost 184.14 (immediately southeast of the grade crossing with Yellowstone Highway) and milepost 184.90 (north of the grade crossing with W Broadway Street), in Idaho Falls, Bonneville County, Idaho (the Line). The line traverses U.S. Postal Service Zip Code 83402.

EIRR has certified that: (1) No local traffic has moved over the Line for at least two years; (2) any overhead traffic can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7 and 1105.8 (environmental and historic report), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

Any employee of EIRR adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received,[1] the exemption will be effective on April 12, 2020, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2), and interim trail use/rail banking requests under 49 CFR 1152.29 must be filed by March 23, 2020.[3] Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 2, 2020, with the Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to EIRR's representative, Robert A. Wimbish, Fletcher & Sippel LLC, 29 N Wacker Drive, Suite 800, Chicago, IL 60606–2832.

If the verified notice contains false or misleading information, the exemption is void ab initio.

EIRR has filed a combined environmental and historic report that addresses the potential effects, if any, of the abandonment on the environment and historic resources. OEA will issue a Draft Environmental Assessment (EA) by March 20, 2020. The Draft EA will be available to interested persons on the Board's website, by writing to OEA, or by calling OEA at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339. Comments on environmental and historic preservation matters must be filed within 15 days after the Draft EA becomes available to the public.

Environmental, historic preservation, public use, or interim trail use/rail banking conditions will be imposed,

[1] Persons interested in submitting an OFA must first file a formal expression of intent to file an offer, indicating the type of financial assistance they wish to provide (*i.e.,* subsidy or purchase) and demonstrating that they are preliminarily financially responsible. *See* 49 CFR 1152.27(c)(2)(i).

[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Serv. Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[3] Filing fees for OFAs and trail use requests can be found at 49 CFR 1002.2(f)(25) and (27), respectively.

where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), EIRR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by EIRR's filing of a notice of consummation by March 13, 2021, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available at *www.stb.gov.*

Decided: March 9, 2020.

By the Board, Allison C. Davis, Director, Office of Proceedings.

Brendetta Jones,

Clearance Clerk.

[FR Doc. 2020–05107 Filed 3–12–20; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Opportunity for Public Comment on a Proposed Change of Airport Property Land Use From Aeronautical to Non-Aeronautical Use at Ardmore Municipal Airport, Ardmore, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The FAA is considering a request from Ardmore Development Authority to change approximately 5 acres, located at 615 Grumman Street, in the Southwest quadrant of the airport from aeronautical use to non-aeronautical use and to authorize the conversion of the airport property.

DATES: Comments must be received on or before April 13, 2020.

ADDRESSES: Send comments on this document to Mr. Glenn Boles, Federal Aviation Administration, Arkansas/Oklahoma Airports District Office Manager, 10101 Hillwood Parkway, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Ms. Mita Bates, President of Ardmore Development Authority, 410 W Main Street, Ardmore, OK 73401, telephone 580–223–7765; or Mr. Glenn Boles, Federal Aviation Administration, Arkansas/Oklahoma Airports District Office Manager, 10101 Hillwood Parkway, Fort Worth, TX 76177, telephone (817) 222–5630. Documents reflecting this FAA action may be reviewed at the above locations.

SUPPLEMENTARY INFORMATION: The proposal consists of a parcel of land which is part of over 2,000 acres of land constituting the Ardmore Municipal Airport. The citizens of Ardmore approved a $100,000 bond issued in 1942 to purchase 1,416 acres of land and the United States Government contributed 650 acres to develop the 2,066 acres for the Ardmore Army Airfield. The base was operated as a training base during World War II and closed October 31, 1945. In 1946, the United States Government declared the base surplus property. The War Assets Administration issued a quit claim deed in 1948 which included the land, 2085.28 acres and all thereon. As a result of the Korean War, the base was reactivated on September 1, 1953 and renamed Ardmore Air Force Base. It was operated until January 1959, and officially closed again on March 31, 1959, and transferred back to Ardmore under a quit claim deed. The land comprising this parcel is outside the forecasted need for aviation development and is no longer needed for indirect or direct aeronautical use. The Airport wishes to develop this land for compatible commercial, non-aeronautical use. The Airport will retain ownership of this land and ensure the protection of Part 77 surfaces and compatible land use. Income from the conversion of these parcels will benefit the aviation community by reinvestment in the airport.

Approval does not constitute a commitment by the FAA to financially assist in the conversion of the subject airport property nor a determination of eligibility for grant-in-aid funding from the FAA. The disposition of proceeds from the conversion of the airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999. In accordance with section 47107(h) of Title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

Issued in Fort Worth, TX.

Ignacio Flores,

Director, Airports Division, FAA, Southwest Region.

[FR Doc. 2020–05122 Filed 3–12–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2020–0263]

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Collection Approval of Information Collection: Safe Disposition of Life Limited Aircraft Parts

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew this information collection. The collection involves maintaining and recording ''the current status of life-limited parts of each airframe, engine, propeller, rotor, and appliance. The information to be collected is necessary for maintaining and recording that the part is airworthy.

DATES: Written comments should be submitted by May 12, 2020.

ADDRESSES: Please send written comments:

By Electronic Docket: www.regulations.gov (Enter docket number into search field).

By mail: David A. Hoyng, FAA Headquarters, 950 L'Enfant Plaza North, SW 5th Floor, Washington, DC 20024.

By fax: FAX: 202–267–1812.

FOR FURTHER INFORMATION CONTACT: David A. Hoyng by email at: *david.a.hoyng@faa.gov* or *9-AWA-AFS-300-Maintenance@faa.gov;* phone: (325)260–6858 or (202)267–1675

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0665.

Title: Safe Disposition of Life Limited Aircraft Parts.

Form Numbers: None.

Type of Review: Renewal of an information collection.

Background: The FAA has found life-limited parts that exceeded their life-limits installed on type-certificated products during accident investigations and in routine surveillance. Although such installation of life-limited parts violates existing FAA regulations, concerns have arisen regarding the disposition of these life-limited parts when they have reached their life limits. Concerns over the use of life-limited aircraft parts led Congress to pass a law requiring the safe disposition of these parts. The Wendell H. Ford Investment and Reform Act for the 21st Century (Pub. L. 106–181), added section 44725 to Title 49, United States Code.

Current Requirements

The type design of an aircraft, aircraft engine, or propeller includes the Instructions for Continued Airworthiness (ICA), which includes the Airworthiness Limitations that describe life limits for parts installed on the product. See, for instance, 14 CFR 21.3(c) and 21.50.

In order for an aviation product to comply with its type design, the life-limited parts installed on it must fall within the acceptable ranges described in the Airworthiness Limitations section of the Instructions for Continued Airworthiness. For this reason, installation of a life-limited part after the mandatory replacement time has been reached would be a violation of the maintenance regulations. Section 43.13(b) requires that maintenance work be completed so that the product worked on ''will be at least equal to its original or properly altered condition.* * *'' The product is not at least equal to its original or properly altered condition if a life-limited part has reached or exceeded its life limit. Existing regulations require that specific markings be placed on all life-limited parts at the time of manufacture. This includes permanently marking the part with a part number (or equivalent) and a serial number (or equivalent). See 14 CFR 45.14. Persons who install parts must have adequate information to determine a part's current life status. In particular, documentation problems may mislead an installer concerning the life remaining for a life-limited part. This rule further provides for the data needs of subsequent installers to ensure they know the life remaining on a part and prevent the part being used beyond its life limit. Existing regulations provide for records on life-limited parts that are installed on aircraft. The regulations require that each owner or operator under § 91.417(a)(2)(ii) and each certificate holder under § 121.380(a)(2)(iii) or § 135.439(a)(2)(ii), maintain records showing ''the current status of life-limited parts of each airframe, engine, propeller, rotor, and appliance.'' These regulations do not govern the disposition of the part when it is removed from the aircraft. If the part is intended to be reinstalled, however, a record of the life status of the part will be needed at the time of reinstallation to show that the part is within its life limit and to create the required record under §§ 91.417(a)(2)(ii), 121.380(a)(2)(iii), or 135.439(a)(2)(ii), as applicable. Therefore, when a life-limited part is removed from an aircraft and that part is intended to be reinstalled in an aircraft, industry practice is to make a record of the part's current status at the time of removal. Repair stations, air carriers, and fixed base operators (FBO's) have systems in place to keep accurate records of such parts to ensure that they can reinstall the parts and have the required records to show that the part is airworthy. If the part is not intended to be reinstalled, however, under existing regulations and practice there is no record required or routinely made when a part is removed from an aircraft. The part may be at the end of its life limit and not eligible for installation. Or, the part may not have reached the end of its life limit, but is so close that reinstallation would not be practicable. In these cases industry practices vary. For instance, the part might be put in a bin and later sold as scrap metal, it might be used as a training aid, or it might be mutilated. This renewal of the OMB control action requires the continued information collection.

Respondents: Industry associations, air carriers, manufacturers, repair stations, representatives of employees, a foreign civil air authority, and individuals.

Frequency: As identified in previous rulemaking proposals for an annual frequency of information collection requirements is 625,000 procedures.

Estimated Average Burden per Response: 5 minutes per procedure.

Estimated Total Annual Burden: As identified in previous rule making estimates for this information collection the FAA refined its NPRM estimate of annual burden, and has determined that there is no more than a minimal paperwork burden on any respondent. Both the previous proposal and the final rule estimates are based on 625,000 annual removals subject to the rule. In the NPRM each removal was estimated to require record keeping and reporting requirements of five minutes duration, at $50 per hour. Thus for the NPRM, the total annual estimated burden of Public Law 106–181 was about $2,600,000, borne by a total of 5,000 respondents. In the final rule this estimate is decreased by an indeterminate amount because the rule is satisfied by the—

(a) Control for safe-disposition of life limited parts through the appropriate use of record keeping systems that are known in wide use; and

(b) Physical segregation of life-limited parts that have little or no remaining capacity as airworthy parts. Many certificated operators and air agencies are known to make use of this method of control.

While a respondent may find it useful to satisfy the rule by one or more of the remaining options, the FAA believes that neither case above is likely to result in an additional Paperwork Reduction Act burden.

Further, the option of mutilation is likely to reduce the NPRM estimate. This option may include the sale of the mutilated part as scrap metal. Such a sale would offset some of all of any additional cost of this option. Because FAA has not attempted to determine the preference ranking by respondents of the options permitted under this rule, it has no basis by which to estimate the amount the choice of these options will decrease the NPRM estimate. Thus, the NPRM estimate should be considered to be a ceiling cost.

Issued in Washington DC on March 5, 2020.

David A. Hoyng,

Aviation Safety Inspector—LLP SME, Air Carrier Branch/Aircraft Maintenance Division/Safety Standards/Flight Standards Service.

[FR Doc. 2020–05179 Filed 3–12–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Safety Oversight and Certification Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Safety Oversight and Certification Advisory Committee (SOCAC) meeting.

SUMMARY: This notice announces a meeting of the SOCAC.

DATES: The meeting will be held on April 16, 2020, from 10 a.m. to 3 p.m. Eastern Daylight Time.

Requests to attend the meeting must be received by March 30, 2020.

Requests for accommodations to a disability must be received by March 30, 2020.

Requests to speak during the meeting must submit a written copy of their remarks to the Designated Federal Officer (DFO) by March 30, 2020.

Requests to submit written materials to be reviewed during the meeting must be received no later than March 30, 2020.

ADDRESSES: The meeting will be held at the Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591. Information on the committee and copies of the meeting minutes will be available on the FAA Committee website at *https://www.faa.gov/regulations_policies/rulemaking/committees/documents/.*

FOR FURTHER INFORMATION CONTACT: Thuy H. Cooper, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, telephone (202) 267–4191; fax (202) 267–5075; email *9-awa-arm-socac@faa.gov.* Any committee related request should be sent to the person listed in this section.

SUPPLEMENTARY INFORMATION:

I. Background

The SOCAC was created under the Federal Advisory Committee Act (FACA), in accordance with the FAA Reauthorization Act of 2018, Public Law 115–254, to provide advice to the Secretary on policy-level issues facing the aviation community that are related to FAA safety oversight and certification programs and activities.

II. Agenda

At the meeting, the agenda will cover the following topics:

- Review and Acceptance of November 2019 Minutes
- Governance
- Aviation Rulemaking Committee Activities
- Certification Process

Additional information will be posted on the committee's website listed in the **ADDRESSES** section at least one week in advance of the meeting.

III. Public Participation

The meeting will be open to the public on a first-come, first served basis, as space is limited. Please confirm your attendance with the person listed in the **FOR FURTHER INFORMATION CONTACT** section no later than March 30, 2020. Please provide the following information: Full legal name, country of citizenship, and name of your industry association, or applicable affiliation. If you are attending as a public citizen, please indicate so.

For persons participating by telephone, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section by email or phone for the teleconference call-in number and passcode. Callers are responsible for paying long-distance charges.

The U.S. Department of Transportation is committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, such as sign language, interpretation, or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section by March 30, 2020.

There will be 15 minutes allotted for oral comments from members of the public joining the meeting. To accommodate as many speakers as possible, the time for each commenter may be limited. Individuals wishing to reserve speaking time during the meeting must submit a request at the time of registration, as well as the name, address, and organizational affiliation of the proposed speaker. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, the FAA Office of Rulemaking may conduct a lottery to determine the speakers. Speakers are requested to submit a written copy of their prepared remarks for inclusion in the meeting records and for circulation to SOCAC members. All prepared remarks submitted on time will be accepted and considered as part of the record. Any member of the public may present a written statement to the committee at any time.

The public may present written statements to the SOCAC by providing 25 copies to the Designated Federal Officer, by sending the person listed in the **FOR FURTHER INFORMATION CONTACT** section, or by bringing the copies to the meeting.

Issued in Washington, DC, on March 9, 2020.

James M. Crotty,

Acting Deputy Executive Director, Office of Rulemaking.

[FR Doc. 2020–05206 Filed 3–12–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2020–0257]

Agency Information Collection Activities: Requests for Comments; Clearance of a New Approval of Information Collection: Limited Recreational Unmanned Aircraft Operation Applications

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request Office of Management and Budget (OMB) approval for a new information collection. The collection involves information related to recreational flying under the Exception for Limited Recreational Operations of Unmanned Aircraft. The information collected will be used to recognize Community Based Organizations (CBOs), administer an aeronautical knowledge and safety test, establish fixed flying sites, approve standards and limitations for Unmanned Aircraft Systems (UAS) weighing more than 55 pounds, and designate FAA Recognized Identification Areas (FRIAs).

DATES: Written comments should be submitted by May 12, 2020.

ADDRESSES: Please send written comments:

By Electronic Docket: www.regulations.gov (Enter docket number into search field).

By mail: Dwayne C. Morris, AFS–820, 800 Independence Ave. SW, Washington, DC 20591.

By email: chris.morris@faa.gov.

FOR FURTHER INFORMATION CONTACT: Kevin Morris by email at: *kevin.morris@faa.gov;* phone: (202) 267–1078.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–XXXX.

Title: Limited Recreational Unmanned Aircraft Operation Applications.

Form Numbers: Online collection.

Type of Review: New information collection.

Background: In 2018, Congress passed the FAA Reauthorization Act of 2018 (Pub. L. 115–254). Section 44809 of Public Law 115–254 allows a person to operate a small unmanned aircraft (UA) without specific certification or operating authority from the FAA if the operation adheres to certain limitations. These limitations require the FAA to recognize community-based organizations (CBOs), develop and administer an aeronautical knowledge and safety test, establish fixed flying sites, approve standards and limitations for unmanned aircraft weighing more than 55 pounds, and designate FAA Recognized Identification Areas (FRIAs).

The information will be collected online, through the FAA's DroneZone website. The information collected will be limited to only that necessary for the FAA to complete a review of an application under the following statutory requirements:

- § 44809(c)(1), Operations at Fixed Sites
- § 44809(c)(2)(a), Standards and Limitations—UA Weighing More Than 55 Pounds
- § 44809(c)(2)(b), Operations at Fixed Sites—UA Weighing More Than 55 Pounds
- § 44809(g)(1), Aeronautical Knowledge and Safety Test
- § 44809(i), Recognition of Community-Based Organizations

Respondents: Individuals and organizations operating under the Exception for Limited Recreational Operations of Unmanned Aircraft who wish to be recognized as CBOs, administer the aeronautical knowledge and safety test, establish fixed flying sites, have standards and limitations for unmanned aircraft weighing more than 55 pounds approved, and establish designated FRIAs.

Frequency: On occasion.

Estimated Average Burden per Response: Varies depending on the type of stakeholder application. Fixed flying site applications (including more than 55 pound UAS and FRIA) are estimated to take 0.5 hours per applicant. CBO recognition and more than 55 pound UAS standards and limitations applications are estimated to take 1.0 hours per applicant.

Estimated Total Annual Burden: Varies depending on the type of stakeholder application. CBO recognition and more than 55 pound UAS standards and limitations applications are not recurring, resulting in a one-time annual burden of 1 hour per application. Fixed flying site applications are required to be updated/renewed annually, resulting in a total annual burden of 0.5 hours per year.

The FAA estimates 25 CBO recognition/more than 55 pound UAS standards and limitations applications in the first year, totaling 25 hours. Fixed flying site applications (including more than 55 pound UAS and FRIA) are expected to number around 200 applications per year, totaling 100 hours.

Issued in Washington, DC, on March 10, 2020.

Dwayne C. Morris,

Project Manager, Flight Standards Service, General Aviation and Commercial Division.

[FR Doc. 2020–05133 Filed 3–12–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Financial Management Policies—Interest Rate Risk

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning renewal of its information collection titled, ''Financial Management Policies—Interest Rate Risk,'' which is applicable only to Federal savings associations. The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: Comments must be submitted on or before April 13, 2020.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, 1557–0299, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0299'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–0299, U.S. Office of Management and Budget, 725 17th Street NW, #10235, Washington, DC 20503 or by email to *oira_submission@omb.eop.gov.*

You may review comments and other related materials that pertain to this information collection [1] following the close of the 30-day comment period for this notice by any of the following methods:

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Click on the ''Information Collection Review'' tab. Underneath the ''Currently under Review'' section heading, from the drop-down menu select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching by OMB control number ''1557–0299'' or ''Financial Management Policies—Interest Rate Risk.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.
- *Viewing Comments Personally:* You may personally inspect comments at the OCC, 400 7th Street SW, Washington, DC. For security reasons, the OCC

[1] On December 12, 2019, the OCC published a 60-day notice for this information collection, 84 FR 68011.

requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect comments.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from OMB for each collection of information that they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The OCC asks that OMB extend its approval of the collection of information in this document.

Title: Financial Management Policies—Interest Rate Risk.

OMB Control No.: 1557–0299.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Frequency of Response: On occasion.

Burden Estimate:

Estimated Number of Respondents: 304.

Estimated Annual Burden: 12,160.

Description: This information collection covers the recordkeeping burden for Federal savings associations to maintain data in accordance with OCC's regulation on interest rate risk procedures, 12 CFR 163.176. The purpose of the regulation is to ensure that Federal savings associations appropriately manage their exposure to interest rate risk. To comply with this reporting requirement, institutions need to maintain sufficient records to document how their interest rate risk exposure is monitored and managed internally.

Comments: On December 12, 2019, the OCC published a notice for 60 days of comment concerning this collection, 84 FR 68011. No comments were received. Comments continue to be invited on:

(a) Whether the collections of information are necessary for the proper performance of the OCC's functions, including whether the information has practical utility;

(b) The accuracy of the OCC's estimates of the burden of the information collections, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of information collections 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.

Dated: March 6, 2020.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2020–05099 Filed 3–12–20; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for applicable date(s).

FOR FURTHER INFORMATION CONTACT: *OFAC:* Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; or Assistant Director for Regulatory Affairs, tel.: 202–622–4855.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

Notice of OFAC Action(s)

On March 5, 2020, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

Entity

1. NICARAGUAN NATIONAL POLICE (a.k.a. POLICIA NACIONAL DE NICARAGUA; a.k.a. ''NNP''), Centro Comercial Metrocentro, 2 Cuadras al Este, Edificio Faustino Ruiz (Plaza el Sol), Managua, Nicaragua [NICARAGUA] [NICARAGUA–NHRAA].

Designated pursuant to section 1(a)(i)(A) of Executive Order 13851 of November 27, 2018, ''Blocking Property of Certain Persons Contributing to the Situation in Nicaragua,'' 83 FR 61505, 3 CFR, 2018 Comp., p. 884 (''E.O. 13851'' or the ''Order''), for being responsible for or complicit in, or has directly or indirectly engaged in, serious human rights abuse in Nicaragua.

Designated pursuant to section 5(a)(1) of Nicaragua Human Rights and Anticorruption Act of 2018 (NHRAA) for being responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, or having knowingly participated in, directly or indirectly, significant acts of violence or conduct that constitutes a serious abuse or violation of human rights against persons associated with the protests in Nicaragua that began on April 18, 2018.

Individuals

1. PEREZ OLIVAS, Luis Alberto, Chinandega, Nicaragua; DOB 08 Jan 1956; POB Leon, Nicaragua; nationality Nicaragua; Gender Male; Passport C01118568 (Nicaragua) issued 16 Nov 2011 expires 16 Nov 2021 (individual) [NICARAGUA] [NICARAGUA–NHRAA].

Designated pursuant to section 1(a)(iii) of E.O. 13851 for being an official of the Government of Nicaragua or having served as an official of the Government of Nicaragua at any time on or after January 10, 2007; and pursuant to section 1(a)(ii) of E.O. 13851 for being a leader of the Nicaraguan National Police, an entity that has, or whose members have, engaged in, serious human rights abuse in Nicaragua.

Designated pursuant to section 5(a)(2)(A) of NHRAA for being a leader of the Nicaraguan National Police, an entity that has, or whose members have, engaged in, significant acts of violence or conduct that constitutes a serious abuse or violation of human rights against persons associated with the

protests in Nicaragua that began on April 18, 2018.

2. URBINA, Justo Pastor, Nicaragua; DOB 29 Jan 1956; POB Nicaragua; nationality Nicaragua; Gender Male; Passport A0006405 (Nicaragua) (individual) [NICARAGUA] [NICARAGUA–NHRAA].

Designated pursuant to section 1(a)(iii) of E.O. 13851 for being an official of the Government of Nicaragua or having served as an official of the Government of Nicaragua at any time on or after January 10, 2007; and pursuant to section 1(a)(ii) of E.O. 13851 for being a leader of the Nicaraguan National Police, an entity that has, or whose members have, engaged in, serious human rights abuse in Nicaragua.

Designated pursuant to section 5(a)(2)(A) of NHRAA for being a leader of the Nicaraguan National Police, an entity that has, or whose members have, engaged in, significant acts of violence or conduct that constitutes a serious abuse or violation of human rights against persons associated with the protests in Nicaragua that began on April 18, 2018.

3. VALLE VALLE, Juan Antonio, Villa Progreso 1 Arr, Managua, Nicaragua; DOB 04 May 1962; POB Matagalpa, Nicaragua; nationality Nicaragua; Gender Male; Passport D113169 (Nicaragua) issued 05 Jan 2005 expires 04 Jul 2007 (individual) [NICARAGUA] [NICARAGUA–NHRAA].

Designated pursuant to section 1(a)(iii) of E.O. 13851 for being an official of the Government of Nicaragua or having served as an official of the Government of Nicaragua at any time on or after January 10, 2007; and pursuant to section 1(a)(ii) of E.O. 13851 for being a leader of the Nicaraguan National Police, an entity that has, or whose members have, engaged in, serious human rights abuse in Nicaragua.

Designated pursuant to section 5(a)(2)(A) of NHRAA for being a leader of the Nicaraguan National Police, an entity that has, or whose members have, engaged in, significant acts of violence or conduct that constitutes a serious abuse or violation of human rights against persons associated with the protests in Nicaragua that began on April 18, 2018.

Dated: March 5, 2020.

Andrea Gacki,

Director, Office of Foreign Assets Control.

[FR Doc. 2020–05147 Filed 3–12–20; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Toll-Free Phone Line Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting cancellation.

SUMMARY: Notice is hereby given of the cancellation of the open meeting of the Taxpayer Advocacy Panel Tax Special Projects Committee scheduled for Thursday, March 26, 2020 at 8:00 a.m. and Friday, March 27, 2020 at 12:00 p.m. Central Time, which was originally published in the **Federal Register** on March 9, 2020, (Volume 85, Number 46, Page 13706).

FOR FURTHER INFORMATION CONTACT: Rosalind Matherne at 1–888–912–1227 or 202–317–4115.

Dated: March 9, 2020.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2020–05116 Filed 3–12–20; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Special Projects Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting cancellation.

SUMMARY: Notice is hereby given of the cancellation of the open meeting of the Taxpayer Advocacy Panel Tax Special Projects Committee scheduled for Monday, March 23, 2020 at 1:00 p.m. and Tuesday, March 24, 2020 at 8:00 a.m. Central Time, which was originally published in the **Federal Register** on March 9, 2020, (Volume 85, Number 46, Page 13705).

DATES: The meeting will be held Monday, March 23, 2020 and Tuesday, March 24, 2020.

FOR FURTHER INFORMATION CONTACT: Antoinette Ross at 1–888–912–1227 or 202–317–4110.

Dated: March 9, 2020.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2020–05118 Filed 3–12–20; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting cancellation.

SUMMARY: Notice is hereby given of the cancellation of the open meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Project Committee scheduled for Monday, March 23, 2020 at 1:00 p.m. and Tuesday, March 24, 2020 at 8:00 a.m. Central Time, which was originally published in the **Federal Register** on March 9, 2020, (Volume 85, Number 46, Page 13706).

FOR FURTHER INFORMATION CONTACT: Matthew O'Sullivan at 1–888–912–1227 or (510) 907–5274.

Dated: March 9, 2020.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2020–05121 Filed 3–12–20; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting cancellation.

SUMMARY: Notice is hereby given of the cancellation of the open meeting of the Taxpayer Advocacy Panel Tax Notices and Correspondence Committee scheduled for Thursday, March 26, 2020 at 8:00 a.m. and Friday, March 27, 2020 at 12:00 p.m. Central Time, which was originally published in the **Federal Register** on March 9, 2020, (Volume 85, Number 46, Page 13708).

DATES: The meeting will be held Thursday, March 26, 2020 and Friday, March 27, 2020.

FOR FURTHER INFORMATION CONTACT: Robert Rosalia at 1–888–912–1227 or (718) 834–2203.

Dated: March 9, 2020.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2020–05119 Filed 3–12–20; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting cancellation.

SUMMARY: Notice is hereby given of the cancellation of the open meeting of the Taxpayer Advocacy Panel Tax Taxpayer Communications Committee scheduled for Thursday, March 26, 2020 at 8:00 a.m. and Friday, March 27, 2020 at 12:00 p.m. Central Time, which was originally published in the **Federal Register** on March 9, 2020, (Volume 85, Number 46, Page 13707).

FOR FURTHER INFORMATION CONTACT: Cedric Jeans at 1–888–912–1227 or 901–707–3935.

Dated: March 9, 2020.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2020–05120 Filed 3–12–20; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting cancellation.

SUMMARY: Notice is hereby given of the cancellation of the open meeting of the Taxpayer Advocacy Panel Tax Tax Forms and Publications Committee scheduled for Monday, March 23, 2020 at 1:00 p.m. and Tuesday, March 24, 2020 at 8:00 a.m. Central Time, which was originally published in the **Federal Register** on March 9, 2020, (Volume 85, Number 46, Page 13706).

DATES: The meeting will be held Monday, March 23, 2020 and Tuesday, March 24, 2020.

FOR FURTHER INFORMATION CONTACT: Fred Smith at 1–888–912–1227 or (202) 317–3087.

Dated: March 9, 2020.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2020–05117 Filed 3–12–20; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[2900–New]

Agency Information Collection Activity: Service Level Measurement—PREVENTS Survey

AGENCY: Veterans Experience Office, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Experience Office (VEO), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 12, 2020.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to *Evan Albert,* Veterans Experience Office, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *evan.albert@va.gov.* Please refer to ''Service Level Measurement—PREVENTS Survey'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Danny S. Green at (202) 421–1354.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VEO invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VEO's functions, including whether the information will have practical utility; (2) the accuracy of VEO's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Executive Order 12862.

Title: Service Level Measurement—PREVENTS Survey.

OMB Control Number: None.

Type of Review: New collection.

Abstract: This survey provides customer experience insights related to the experience of Veterans in accessing services and resources made possible via Executive Order 13861, known as the President's Roadmap to Empower Veterans and End a National Tragedy of Suicide (PREVENTS). Feedback on this survey from Veterans Service Organizations, Veterans, and community organizations will help ensure that the PREVENTS Office has the information it needs to implement the Roadmap and communicate its efforts to empower Veterans and prevent suicide. Survey respondents will include Veterans Service Organization Members, Veterans, and individuals affiliated with nonprofit and community organizations. This survey is a non-probability-based survey and is not intended to make inferences about any overall population. This survey will be administered to Veterans who are affiliated with Veteran Service Organizations, individuals affiliated with Veteran-focused community-based or nonprofit organizations, or individuals who are affiliated with Veteran Service Organizations (VSOs).

The survey will be publicized via an article that contains a survey link in a Blog in the Vet Resources Newsletter produced by the Department of Veterans Affairs, email communications with Veterans Service Organizations, and email, in-person, and video-message communications to community-based organizations and strategic partners. Collected data are uploaded to the VSignals survey analysis tool and raw data are made present for analysis.

Survey questions focus on current and potential mental health resources, communication channels, and outreach strategies that are currently being provided, or could be provided, to Veterans to ensure their safety and security.

Affected Public: Individuals.

Estimated Annual Burden: 4,767 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 57,200.

By direction of the Secretary.

Danny S. Green,

VA PRA Clearance Officer, Office of Quality, Performance and Risk, Department of Veterans Affairs.

[FR Doc. 2020–05143 Filed 3–12–20; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 85 Friday,

No. 50 March 13, 2020

Part II

The President

Notice of March 12, 2020—Continuation of the National Emergency With Respect to Iran

Federal Register
Vol. 85, No. 50
Friday, March 13, 2020

Presidential Documents

Title 3—

The President

Notice of March 12, 2020

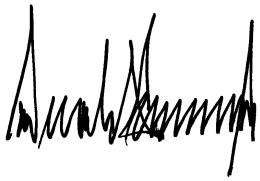
Continuation of the National Emergency With Respect to Iran

On March 15, 1995, by Executive Order 12957, the President declared a national emergency with respect to Iran to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the actions and policies of the Government of Iran. On May 6, 1995, the President issued Executive Order 12959, imposing more comprehensive sanctions on Iran to further respond to this threat. On August 19, 1997, the President issued Executive Order 13059, consolidating and clarifying those previous orders. The President took additional steps pursuant to this national emergency in Executive Order 13553 of September 28, 2010; Executive Order 13574 of May 23, 2011; Executive Order 13590 of November 20, 2011; Executive Order 13599 of February 5, 2012; Executive Order 13606 of April 22, 2012; Executive Order 13608 of May 1, 2012; Executive Order 13622 of July 30, 2012; Executive Order 13628 of October 9, 2012; Executive Order 13645 of June 3, 2013; Executive Order 13716 of January 16, 2016; Executive Order 13846 of August 6, 2018; Executive Order 13871 of May 8, 2019; Executive Order 13876 of June 24, 2019; and Executive Order 13902 of January 10, 2020.

As outlined in National Security Presidential Memorandum–11 of May 8, 2018 (Ceasing United States Participation in the Joint Comprehensive Plan of Action and Taking Additional Action to Counter Iran's Malign Influence and Deny Iran All Paths to a Nuclear Weapon), the actions and policies of the Government of Iran—including its proliferation and development of missiles and other asymmetric and conventional weapons capabilities, its network and campaign of regional aggression, its support for terrorist groups, and the malign activities of the Islamic Revolutionary Guard Corps and its surrogates—continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.

For these reasons, the national emergency declared on March 15, 1995, must continue in effect beyond March 15, 2020. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to Iran declared in Executive Order 12957. The emergency declared by Executive Order 12957 constitutes an emergency separate from that declared on November 14, 1979, by Executive Order 12170, in connection with the hostage crisis. This renewal, therefore, is distinct from the emergency renewal of November 2019.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
March 12, 2020.

[FR Doc. 2020–05466
Filed 3–12–20; 11:15 am]
Billing code 3295–F0–P

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